
MARYAM BAKOSHI: Thank you very much, Rafik. This is to confirm that the recording has started.

RAFIK DAMMAK: Thanks, everyone. Thank you for joining the NCSG policy call today. I know it's an unusual time, but since there is now the EPDP team call on Tuesday, I think it's difficult for us to schedule it on the usual day.

Maybe for those who are attending for the first time this call, it's a monthly one, and usually, we hold it prior to the GNSO council meeting in a way to go through the council meeting agenda and to give an update to our members and also get any input, and also try to discuss about any relevant policy topic.

So this is the kind of call we have every month to discuss and try to share updates in addition what we have in the mailing list. It's a good opportunity for anyone to ask a question or request any clarification or share any thought.

As usually, what we try to do is first we start with the GNSO council meeting agenda and we go and try to go in particular through the motions since we vote on them as the NCSG representative or the councilor, so this is an opportunity to get any voting instruction.

Then we go to more policy update and try to get any update from working group, review teams about the public comments and so on, and at the end, we finish with any other relevant topic or I would say Any Other Business.

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So we'll start first with GNSO council call agenda. [Maryam,] please upload the agenda. We can also share the link if it's more easy to check. Okay, you can have control so you can move the agenda on your side in Adobe Connect.

Usually, the agenda starts with simple admin items. We don't need to cover them, but it's important for the councilor to pay attention, in particular the minutes and the project list, which is the latest status of all the activities, working group and etc. that's managed by the GNSO council.

Okay. [inaudible] administrative matters and the review of the project list. There is also the action items, there are the follow-up items from previous calls, and we [try] usually to see the status and see what we did and what [inaudible]. So that's a tool for us and the council to monitor or track the activity too.

Okay, starting with the first substantive agenda item is the consent agenda. As its name says, it's consent, so we usually don't have any discussion, but if there is any [inaudible] that we move [there] to the usual agenda, it means that we have discussed and to have more elaborated discussion, so in the way that maybe there is any concern. But it's really rare.

In this case, we have two motions. The first one is to adopt the GNSO council response to the GAC communique. This is the practice the GNSO council has for many years, which is to try to comment on the GAC communique but only focusing on anything related to GNSO PDPs. And this is kind of feedback to the board, and we submit that or send that

prior to the call between the ICANN board and the GAC so we can give input to the board. And usually, we [speak] to the facts to remind what was done in terms of PDPs and so on.

This response from the council was prepared by a few volunteers, and here just we'll kind of adopt it, so there was no objection [inaudible] matter. The second motion is also not [inaudible] is to confirm the GNSO representative to the Empowered Community Administration. And here, usually it happens after annual general meeting with the new council, is to decide who will be the representative to the Empowered Community Administration. The choice is among the members of GNSO council leadership team which is composed of the GNSO chair and the GNSO council vice chair.

So we decided that the GNSO chair should be the GNSO representative, so there is no issue here, it's just something quite straight forward. So this is the context for the two motions. You can find more details in the links in the agenda, so you can read the motion. It's always good opportunity because you can find [inaudible] which expand really the context and the background, and then [the resolved.]

So for those who are interested, you can take some time and read them, because [it refers] a lot of background material or documents and so on and gives you really a quite fair background about the reason or the rationale behind that motion. In also the first one you can find the GNSO councilors [inaudible]. It's a short one, but you can understand what the GNSO council is sending to the board.

Any question here or comment? Yes, Mr. Please go ahead.

AMR ELSADR:

Thanks, Rafik. You briefly went over the GNSO council's project list and action items. I just wanted to flag that one of the action items is that there would be a follow-up discussion during the next council call on GDD consensus policy implementation framework. This is a framework that describes the process by which Global Domain Divisions of ICANN implements consensus policies developed by the GNSO and adopted by the ICANN board.

I had sent a note to the NCSG mailing list a couple weeks ago about that and about the role of the GNSO council in monitoring what implementation review teams do in terms of how they implement consensus policies and that the implementation review teams need to be accountable to the GNSO council in terms of they need to implement the policies in the spirit by which they were developed. So this is something that I think is not very clear in the [inaudible] and the consensus policy implementation framework. So I just wanted to flag that, and I think there's a deadline coming up soon on when the GNSO council can submit feedback on the framework, and so if it's not going to come up during the council call, which I believe it will, I would appreciate if our councilors at least take this up on the council mailing list. Thank you. I'd also be happy to clarify if there are any questions on this issue. Thanks.

RAFIK DAMMAK:

Thanks, Mr. Yes, it's planned in the agenda. It was in the beginning, but it was merged with the last agenda item about inter-registrar policy

update. I notice we have [Brian] from the GDD to give an update, so the thought was that he gives the updates on the consensus policy implementation framework and the policy update at the same time. I know that's not optimal, but we did have a chance to talk about that matter, and the deadline for submitting comments from the council is December [inaudible] so [inaudible] raise the comments when we are going to cover that agenda item. Sorry for the noise that's outside.

Okay, so the first agenda item, first is the council discretion on the [inaudible] rights protection mechanism. For some context here, we have this working group which delivered its final report and recommendation in August, so this is in the backlog for the council for a while now.

Why we didn't act quickly? It's because [we know there were] about some of the recommendation, I think the last one, so we tried to, at least at the council leadership level, to see what are the option and how we should [do] that. And also, we tried to give more background to the whole council so everyone to get better understanding with this situation.

In Barcelona meeting, for the GNSO council public meeting, we had the motion to vote on the final recommendation, but it was withdrawn prior to the meeting, and that's because we got a letter from the GAC, I think [inaudible] to the leadership team, so to the council itself. The GAC raised a concern again there, and let's say they were not happy [inaudible]. They were not happy that we didn't have a [inaudible] facilitated dialog on the matter.

So with the withdrawal of the motion, it's not even deferred, so if we want to vote again, it needs to be submitted again. So we are here in this situation at the council, to be careful in how to decide. So even if there are some concern [inaudible] they weren't happy because they thought that they give enough input to the working group regarding the recommendation.

But the one issue is that the GAC, or some of the [members] didn't really participate directly in the process. They have their own GAC working group, they send letters and so on, but I don't think they participated directly in the working group. And understanding that the working group reviewed the input and also the co-chairs of the working group tried many times to encourage the GAC members to participate and so on.

So [we are here in this situation] for the GNSO council as the manager of the policy to make a decision. And we have to be careful, that's at least from my perspective, to not set any precedent. Because even if the GAC isn't happy and we kind of give in here and we decide whatever the option, for example, [trying to really] change the recommendation, which in practice, we don't do anymore for many years, that's not really encouraged anymore, or to review the ones in the ones in group, so maybe it's not the best option, or to have this facilitated dialog even if we have – I'm not sure about the name, there is a process kind of [inaudible] agreed between the GNSO and the GAC some time ago was in some cases to have discussion about PDPs.

So it's possible to have that, but we need to be careful to not frame this as any kind of [inaudible] GNSO council, to not kind of, I think, answer

any kind of [inaudible] about the recommendation. They are the manager of the process, but we should not really try to [shape] the substance of the recommendation. So this agenda item is to have the discussion at the council level. And thanks to [inaudible] GNSO-GAC engagement.

So we have this discussion and we need to prepare our decision. So I don't think for example that asking or like the rights protection mechanism to cover that or send back to the working group and so on are the best option, but we need also to acknowledge that the board and I think also the CEO, they are concerned about the outcome of this and they are following this closely. So we need at least all councilors to review the document, to pay attention to this discussion [and so] we have from NCSG standpoint we need to make our position. As usual, we try to [protect the process] because it's quite critical for us, and also to defend the remit of the GNSO in terms of gTLD policymaking.

I try here to give kind of quick update about the background and why we are in this situation, so we try to compile the documents. There were some that sent in Barcelona meeting. I think by [Brian,] I forget his name, but he's from WIPO, and he is one of the persons from the GAC who was kind of their – the person following this working group.

So from the GNSO council leadership level, we will have a call on the matter this week prior to the council meeting, because this one is for us to make proposal and [inaudible]. So saying that, I'm happy to hear if there is any question or comment or any suggestion [inaudible] why this topic was in the [consideration] for a while, but I think everyone probably has some issues to get [inaudible]. Yes, Amr, please go ahead.

AMR ELSADR:

Thanks, Rafik. I just wanted to say what I believe I covered on last month's call. This is a PDP working group that's been [ongoing with its] work for a number of years now, and progress on this PDP has been on hold because of these inconsistencies between the working group recommendations and what [it] has given as advice on this topic.

But to me, the delay is not really justified, and I really think the GNSO needs to take swift action on this PDP. As Rafik mentioned, there has been facilitated discussion involved with this PDP working group. There's also been legal advice provided on the extent to which there are applicable laws that govern IGO and INGO protections, and the extent to which these protections are afforded to them on the same basis as they are for trademarks for example [and use of programs] like the UDRP.

And the working group reached its decisions and submitted their recommendations to the GNSO council. I believe although the motion to adopt a working group report and recommendations has been withdrawn, I believe the GNSO operating procedures require that notice not be delayed any further beyond one council meeting, so the council will need to deal with this eventually.

And I also want to point out that working out inconsistencies between GAC advice and GNSO recommendations is not a prerequisite to these recommendations actually being sent to the board. We've had a number of these inconsistencies over the years, and the sad fact is that the GAC doesn't get what it wants from the GNSO, more than likely will

get what it wants from the ICANN board when the ICANN board is considering these recommendations.

But the GNSO needs to do its job, I think, in this respect, and like I said, this working group's been going on for years. I think since 2013 or '14. So yeah, I think it might be a good idea for the GNSO council to stand by the working group that it chartered and adopt its recommendations as soon as possible. Thanks.

RAFIK DAMMAK:

Thanks, Amr. I think that the point is really that we have to protect the process here, the goal should not be to accommodate any group, even if it's the GAC. And they have some leverage by going directly to the board, maybe using the GAC advice. But they cannot do that for now. I think until the GNSO council approves the recommendations that goes to the board. So the board will use its own process, probably like having public comment [inaudible] and if they have a GAC advice, they have to deal with that.

So the question is, should we as a council deal with that, or just let's throw it to the board and let's let the ICANN board have some fun with the GAC? Yeah, so [now it's a] discussion item, but really, I advise everyone to check the background and the materials to have a good understanding of what we are talking about. Really, it's a matter of process and to avoid setting any precedent that will be not good for us in the future. We need really to be careful here, because if we go down this path, that will haunt us later on.

Okay, any question, comment here? Okay, I don't see any, so we'll go to the next agenda item. So it's the council update about the EPDP. For this one, we discuss about the EPDP in more detail and dedicated agenda item, so I just will say let's not go into substantive discussion about the EPDP for now. We will cover that [later] and we will have plenty of time to do so.

But just here, it's the usual update from GNSO council liaison to the EPDP. That's me. And for this time, also the chair of the EPDP team was invited. And as usual here, I give an update about the status of the work and EPDP team and only try to raise if there is any issue or concern for the GNSO council as policy manager. So it's not necessarily about the substance, but really if there is any issue with regard for example the charter or any problem faced by the EPDP team [inaudible] and integrating the question from the council [inaudible].

And it's also a good opportunity for the GNSO council to ask the question and to [inaudible] what's going on there. And to be honest, I think [inaudible] for the first time that the GNSO council is – councilors are kind of paying attention to that level of details for a PDP. Usually, we have updates from working groups and so on, but I think for this EPDP, because there are all the challenges regarding the timeline and the need to deliver by the deadline push on the council to follow closely this effort, because the success of the EPDP team is quite important for the legitimacy of the GNSO in terms of gTLD policymaking.

So just saying that [inaudible] in the council agenda for the month, and for myself, I'm preparing for that one and I'm expecting some questions. I hope that I can answer them thoroughly, but yeah, [that's it.] Okay,

any question or comments? And again, we will cover the EPDP in detail later on after we finish with this agenda.

Okay. I don't see any comment or question, we'll move to the next one. So this is another council discussion, and this is about ICANN reserve fund. So in terms of background here, this has come up I think during Barcelona meeting, in the GNSO council public meeting, [inaudible] we heard or we were informed that the board was going to approve the resolution about getting some funds, if I can say that, from the auction proceeds to replenish partly the ICANN reserve fund.

The concern here was that we have cross-community working group for the auction proceeds., working on the framework and how to disburse the auction proceeds and how to use that within the ICANN mission and maybe to find some project and so on. And I think I can understand the intent from the ICANN board because we have this issue with the reserve fund with decreasing income for the ICANN from the domain fees and so on to ensure that we have the reserve fund replenished, but some people raised a concern, and it's more here, I think the discussion is what is the role of the GNSO council in the matter.

In our situation post-IANA stewardship transition, I think GNSO and the council has much more say with regard to the ICANN budget and operating plan, so something like the reserve fund, but still, we from the council standpoint or perspective are trying to see what can be our role here or should we have anything to say and so on.

So it's more like a discussion here. I think there are some groups, they have a lot of concerns, but [inaudible] I don't think we are necessarily

aligned with them from NCSG. But I think it's a matter for discussion anyway and it's important to maybe make our position on the matter and see if we need to do anything. So, any question or comment on this one? It's not really policy per se, but it's about something related, I think, to [operation] to some extent. Okay, any question or comment? I hope that at least you can hear me.

Hearing none, I think we can move to the next agenda item. This is again a council discussion, it's about the inter-registrar transfer policy status report. Here, we have a policy that is implemented for a while now, and when we got – I think it's several policies. It was, I think, divided in several policy, A, B, something, different letters. I forget how many, but we have this IRTP.

And what happened is that the council at that time, when approved the recommendation, it asked that it needs to review the policy after implementation in order to evaluate effectiveness, and this is something new, I think, for the GNSO council, is to review the policy after the work implemented and [inaudible]. So this is will come, I think, with the other policy in near future.

And as Amr raised before, we have the consensus policy implementation [inaudible] work, and this is part of – in this agenda item, we will try to cover the two topics, the framework itself and the policy status report from the IRTP.

One information that is there is public comments on this policy status report, but [just a caveat,] it's not usual public comment, and that's why we don't have anyone working to draft comments from NCSG, because

what is happening is the ICANN Org, [so the staff,] are collecting data using a survey targeting registrars and any registrant that had experience with domain name transfer.

So it's not really – they're not looking for comments from stakeholder groups and constituencies, but from people who have experience with this policy in practice, so for those who at any time to do some domain name transfer, that's a good opportunity to share your experience in the survey. First that report will be updated, and then it will be for GNSO council consideration. So what we will get here is some update from GDD.

Also, we discussed about consensus policy implementation from framework, and as Amr raised, one issue is really about the Implementation Review Team. As you may know, the PDP has several phases [inaudible]. From our perspective, we usually really focus about the policymaking, so when we have the chartering for the PDP and [so] starting the process itself and then the working group and when we try to cover the public comment and so on, but then there is implementation phase, and there are many things that can happen there, but I don't think we did a good job on that front, because it's not easy, and I think after enough time [for many people to spend] in the working group, it's not that easy just to continue in an Implementation Review Team.

So I think it's one area at least for us to look, but in general for the GNSO council. So we have maybe to do better in terms of IRT [as the way] to ensure that the policy is implemented. Implemented review [inaudible] what the recommendations say, and there was a situation

that when there are any issue, they try to rewrite the policy and [arguing that's] an implementation method. So this is one area we have to [inaudible] what we'll try to ask during the council meeting.

Any question or comment on this one? I see in the chat [you're kind of] discussing about the EPDP [inaudible] but I hope that you have any question or comment on this one about the IRTP policy status report and consensus policy implementation framework. [inaudible]

I think in general, for this year and since the strategic meeting, we are really stressing the role of all liaisons [inaudible] working group, but I think also to the IRT and that we have to pay more attention there and to empower our liaison to do better in terms of reporting to the council and to see how we can improve their role and their work there. So this is something we have to push to do better in future. [inaudible]

KATHY KLEIMAN:

Rafik, can you hear me? Can everybody hear me? I'm going to go with yes. Okay, thanks. So I just wanted to echo what you were saying about implementation review teams and the danger. I don't know about this particular one, but we are increasingly seeing implementation review teams engaged in policy rewrites. In the review of all rights protection mechanisms, we actually see consensus policy rewritten by the implementation review team, changed 180 degrees where it shouldn't be.

Proxy privacy, the same thing was about to happen before it went dark. The plug's been pulled on the proxy privacy implementation review team for a while until the EPDP finishes its work. So I don't know how

the council can oversee this more closely, but it's a real problem, and in fact, it's so flagrant that the Subsequent Procedures Working Group is actually writing it in that their standing implementation review team will actually write policy for the future, the upcoming applicant guidebook.

If there are policy problems, if there are policy gaps, the implementation review team's going to write it rather than coming back to us. So ICANN's in a slide on this one, and if there's a way to stop slide and say, "No, implementation review team is a technical concept. When you implement something, as a lawyer you can change it, but as a technologist, you can't. You have to implement what you've been given, the guidelines, the policy you've been given." And I flag this. This is a huge problem, guys, and it's about to get worse.

RAFIK DAMMAK:

Thanks, Kathy. I think one tool we have I think the council need to use more, better, is [inaudible] proxy and privacy accreditation service. In fact, we heard a lot from the liaison, who is [Darcy, she writes at the same time concerns and issues] about what's going on there and her issues with – it's not easy for her to work with sometimes the GDD representatives.

So [inaudible] we need to pay attention and we need to review that the consensus policy implementation framework, and in particular, the language. I know that the contracted parties submitted several comments on that one, and also, I think BC and IPC. And not all of their comments were considered, so we have maybe to keep pushing on that

front. And I think the council [need, in terms of] managing the effort, [why even we] are tracking all the PDPs [if the policy is] implemented enough , we have to review the policy. That's what we are saying.

But still, I don't think we are doing a good job in terms of oversight after we finish when we approve the recommendation. I think [inaudible] we delivered policy recommendation and our job is done, but the implementation's just another round when a lot of things can happen. So we have to find a better way of how to do things. The liaison is one step, but I think also how we populate this IRT is one thing. It's usually the IRT that are supposed to be composed of those who were in the working group, and with the PDP effort that's now taking many years, I think it's even becoming more harder to keep having people to join IRT and to continue that work. So we need to find a holistic solution. It cannot be just this is here or there or some workaround [inaudible] need to think on the whole thing.

Okay. Any comments or question here? Seeing none, [inaudible] – oh, Kathy? Is this an old or new hand?

KATHY KLEIMAN:

Yeah, Rafik, new hand. I was going to type, but I can talk faster than I type. To what Amr said – and I agree – it would be nice if we could have people in the implementation review teams, but we're spread pretty thin on the policy side, so part of my fear is that because we're not there in the implementation review teams, that absence is being taken advantage of. But if an implementation review teams actually did what it's supposed to do, which is merely implement on a technical level the

policy that's already been negotiated over months, years, then we wouldn't have to be there, we'd just have to be supervising, the council would get to supervise.

So it's a problem because I don't think we're ever going to have the resources to be on all the implementation review teams actively. But again, we shouldn't have to be there if they stuck very narrowly to what their job was. So I'm not sure what to do with that catch 22, but I thought I'd share it. Thanks.

RAFIK DAMMAK:

[inaudible] happy to see there is some interaction in the Adobe Connect chat about this. There are several questions, so we need to figure out how we can improve at least our presence as NCSG, but also from the GNSO itself. It's a different [inaudible] so I think it's kind of how we are managing the whole process from the beginning to end and not just focusing on the policy recommendations.

So yeah, this is maybe one task for the policy [inaudible] we should at least ensure that we have representation all IRT [in the same way we have] to improve our presence in the working group. And maybe we focus a little bit more on public comments [exactly] but we have to ensure that we have a presence during the whole PDP process from – even start with the issue report, [it's the] charter team, it's the implementation.

Okay. I think [we covered] this topic, and we got some comments that we should share during the council call. We covered all the substantive agenda items. What is remaining here are just [Any Other Business,] it's

mostly some not policy matters or [inaudible] update of the council strategy planning session that will happen in L.A. So this is the second time we have this meeting, and the council leadership team is working on the agenda and preparing the discussion for the three days meeting in L.A.

The second one that we have to make an appointment from the GNSO to the fellowship selection committee on permanent basis. For now, we have an interim or temporary representative to that fellowship selection committee, and [Heather Forrest] was the GNSO chair. So this is just a topic we need to decide. Probably, this will go to the selection standing committee to make an appointment or other option [just so we] can ask Heather to continue for the rest of the year, and after that, we can figure out the process how we can get the representation from the GNSO and this selection committee.

Okay, so let's move to our agenda, NCSG call agenda. [Maryam,] can you please move back to the first agenda? Okay, so we covered the council agenda, and we can move now to the main part of our call, which is the policy update, and we will start first with the EPDP discussion. So first, we got that update from NCSG representative to the EPDP, and we can see here the e-mail. And to the list [so that everyone had a chance to read] that update and to make sense what's going on there.

And also, we have the public comment for the initial report from the EPDP team. I think it was a huge challenge to get initial report in less than four months. I don't think that happened before ,so probably we broke some record here. But this is just the first [inaudible] what's even

more challenging is to get the final report after – the EPDP teams did have to deliberate in some outstanding items that we didn't finalize yet, and then how to – when we get the public comment input, how to get that included in the final report and to finalize the recommendation and get consensus around that.

And that should be done in in just, I think, two months. It's even more challenging two months that we have in the middle of the winter holiday, so there are more [work] to be done here. For the public comment, I think our public comment – guys, let's go to the EPDP, please. I know that fellowship committee is important, but we can follow up later on that one.

So we held a public comment, and I know that our NCSG representatives, they are starting to draft the [inaudible] or there is possibility to have volunteers to join the effort and help them on drafting NCSG comment, [inaudible] quickly because there won't be any extension for the public comment, at least for now.

Okay, so I think that's it from my side, but I think it's better to hear from the representatives if they want to share any update or comment or anything that's relevant or they need an input from the members. and you can scroll down or up in the document. And I think one useful part is the table with the recommendation and what is proposed [as the] NCSG position. [inaudible] select the representative that you think we should support or not with regard to the recommendation.

Okay, so anyone want to volunteer to give update on this? Okay. [Maryam,] can you give everyone the ability to scroll so they can go through the document?

AMR ELSADR:

I don't really want to give a complete briefing or update on the EPDP team's work. I think Ayden did that very well in his briefing that she sent to the NCSG mailing list last Thursday [inaudible]. And by the way, for those of you who don't know, documents that are being displayed in the Adobe Connect room can be downloaded directly from the room using the dropdown menu at the top right corner of the window where the document's being displayed. So if you haven't seen Ayden's e-mail in your inbox, you can download it directly right now.

I was going to raise one point, but before I get to that, I see that Kathy put a question in the chat, so I'll try to address that as well. Kathy's asking about the status of the discussion regarding the distinction between individual registrants and legal registrants.

This is an ongoing issue. For those of you who are not aware of the work of the EPDP or the Expedited Policy Development Process, this is basically a policy development process that is meant to bring domain name registration data policies in line with the EU's General Data Protection Regulation which came into effect in May of this year. So the EPDP team is reviewing a ton of processing activities and what their legal basis is, who the data processors and data controllers are for each one of those and what are the rights of the data subjects in terms of

GDPR and in some instances the topic of other privacy and data protection laws also comes up.

But one of the things with GDPR is that it protects personal information of natural persons, which Kathy referred to as individual registrants in the ICANN context, but does not cover protection for the personal information of legal persons which Kathy referred to here as legal registrants.

The EPDP team's been engaged on this issue for a couple months now, and I know that doesn't sound like a lot, but the EPDP began just at the beginning of August this year, and although it's only been doing its work for a few months, it feels like a lot longer.

But the distinction between natural persons and legal persons and how their personal data is handled or processed is something that has been an ongoing and very hot debate in the EPDP. Right now, there are some recommendations. There is a recommendation in the report to deal with this, but there is still no consensus on the EPDP team in terms of what the EPDP will recommend in its final reports [inaudible] divisions between different groups like the Noncommercial Stakeholder Group, the contracted parties and the Internet service providers and [inaudible] providers constituency of the Commercial Stakeholder Group on one side, and on the other, you have the At-Large Advisory Committee, the Governmental Advisory Committee, the Intellectual Property Constituency and Business Constituency as well as the Security and Stability Advisory Committee.

And basically, those parties are seeking to have policy recommendations where a distinction would be made in terms of how the personal information of legal persons and natural persons are treated while we and the groups who are aligned with us on this are arguing that the distinction not be made, for many reasons.

First, that it's very difficult to hold an individual registrant accountable for what kind of information they place in the registration data. It might not be very clear to them what the meaning of a distinction between a legal person and a natural person is. It's very easy for mistakes to be made. Also from an implementation perspective, it's basically technically and financially not feasible to make this distinction on a large scale when dealing with all the gTLD registry operators, the ICANN-accredited registrars and all their resellers which, if I'm not mistaken, number in the millions around the globe.

And the implementation measures from a technical perspective, like I said, are extremely difficult, but what is even more difficult would probably be the financial burden in terms of implementing a recommendation to that effect that makes the distinction. And these financial costs would ultimately be borne by domain name registrants who would need to pay for those, even if indirectly.

So the discussion is ongoing. It's clear that there is a legal basis to make the distinction, but just because that legal basis exists does not mean that we are required to make it. What we are required to do as an ICANN community developing a policy is to make sure that domain name registration data policies are compliant with GDPR, and so this distinction isn't required to achieve that compliance.

So this is basically where we stand right now, this argument. It's a bit of a stalemate. This is one of the very contentious battlefield in terms of the trench warfare going on on the EPDP team. There are a couple of other ones, but this is one of the big ones, and surely, if there are any changes or updates to this topic, we'd be happy to update the NCSG membership, especially those who are interested. But in the meantime, please do look at the initial report, it's really long, but there's an overview of the recommendations at the beginning of the report that you can go through, and if you find any of those interesting or if you want to know more about any one of those, you can skip further down in the report where the individual arguments for or against any of the given recommendations are clarified.

I'll try to [segue] into another topic that I wanted to point out very quickly as well in the report that might be of interest to some of our members is that there are three recommendations in report, I believe they are 15, 16 and 17 that deal with trademark issues and RPMs specifically. Mainly the UDRP and URS, the Uniform Domain Name Dispute Resolution Process and the – I don't recall what the URS stands for right now.

But yeah, so there are three recommendations there that deal with those, so those who are involved in the RPMs review PDP working group should probably take a look at those, and we plan on starting to draft our own comments on this issue and on all of these recommendations, so it would be great if folks can weigh in. I'm happy to answer any questions. There are a few other CNSG representatives on the EPDP team who are also on this call, and please weigh in as well if you feel like you need to or would like to. Thanks.

RAFIK DAMMAK: Okay. Thanks, Amr, for this brief update. I see Kathy is in the queue. I think she wants to ask a question here. Yes, Kathy, please go ahead.

KATHY KLEIMAN: Actually, I'm happy to wait for the invitation Amr just gave if any of the EPDP members want to follow up to his excellent explanation discussion. I'm happy to wait on my question.

RAFIK DAMMAK: Okay. Thanks, Kathy. I'm checking. I don't know who is in our team attending the call. I don't want to put anyone on the spot, so anyone want to jump in here? It's a good opportunity to – okay, so we have Ayden, but I think that he's happy to hear from you first, Kathy. So please go ahead.

KATHY KLEIMAN: Okay. Great. Thanks, Rafik. Just checking I'm off mute. So first, thank you to Amr. And what happened in Barcelona was that the meetings of the EPDP were also in conflict with the meetings of some of the PDPs. So I'm trying to make sure different things are covered so that we could, as a stakeholder group, be in different places at once. So I really appreciate the discussion and background.

What I wanted to do is lay out a complicating factor of the GDPR and then see if our EPDP members, or anyone, would like more data about it. And that's that it's not as simple as personal data versus legal data,

and I can't tell you the amount of time I spent with Peter Kimpian on this. He's the Council of Europe Data Protection Unit representative who comes to many ICANN meetings and helps to set up our high-level meeting with the data protection commissioners in Copenhagen.

First, this is not – natural persons itself is not a definition that's intuitively obvious to American intellectual property attorneys, and here's why. It's anything that identifies the person, and that could be their corporate address. So if their name and their corporate address are on a domain name registration for a legal entity, it's still personally identifiable information, so personal data.

So in the United States, we think of the legal contact as being Kathy Kleiman, Human Relations Representative for XYZ company. That is personal data under the GDPR. Now, to make it more complicated, it's not just personal data that is protected by the GDPR, it's sensitive data. And this is a different part of the GDPR that no one refers to, and again, I'm happy to provide materials. That's one of the reasons I'm raising it on this call.

But sensitive data involves data that's involved with things involving religion, ethnicity, gender and sexuality, so think about the contact of an LGBTQ organization, a legal organization, say it's incorporated because it needs insurance for a building. The contact for that organization is probably revealing their gender, and in a way, that could be very dangerous in certain countries.

That information is protected under the GDPR. So it's called sensitive data. So again, it's not just personal data, it's sensitive data. Similar to

representatives of mosques, synagogues and churches, religious data is protected. So it goes far beyond personal data. It makes the choice that Amr was talking about, that distinction between legal entities and what's not protected under GDPR and personal entities and what is protected, very complicated, much more complicated than it was before, because lots and lots of legal entities and their representatives are now protected. But I wanted to know whether this is something that's been discussed by the EPDP, and if not, whether you'd like more information on it. Because it is one of the areas people are just beginning to learn about under GDPR. Thank you so much.

RAFIK DAMMAK:

Okay. Thanks, Kathy. So we have Amr and [inaudible] in the queue. Amr, please go ahead.

AMR ELSADR:

Thanks, Rafik. And thanks for that, Kathy. And just to note real quick that in the course of the discussions on legal versus natural persons on the EPDP, the issue of at-risk groups in general has [inaudible] a number of times. Maybe not so much in the context of what sensitive data is and how that should be treated under GDPR. I guess technically speaking, sensitive data as it is defined in the GDPR and as Kathy has rightly pointed out includes things like ethnicity, the religion and a number of different other issues, including for example health information, sensitive data per se is not data that is included domain name registration data. But that does not take away from the fact that there are at-risk groups that could be harmed potentially because their

registration data is not redacted in the WHOIS simply because the domain name was registered by a legal person instead of a natural person.

But what I believe is a more feasible way of dealing with this issue is really making the distinction, because again, GDPR doesn't distinguish between legal persons and natural persons. What it does distinguish between is personal information of legal persons versus personal information of natural persons. So if you're a legal entity that is registering the domain name, that doesn't mean that that personal information of a natural person is not included in the domain name registration data.

If you're a legal person so the registered name holder is listed as a legal person, but then the contact information for that legal person is an individual's e-mail address that might either identify the natural person involved or make the natural person more identifiable, and that's really the angle we've been trying to take, because again, let's remember here the purpose of this EPDP is not to rehash all registration data service policy issues, it's really just to make sure that the existing policies become compliant with GDPR.

So there's a whole ton of stuff that for example the RDS PDP was meant to address. That isn't going to be addressed by this EPDP, that needs to be deferred to another policy process. So in terms of the distinction we're talking about between legal and natural person, again, the focus is on the personal information of natural persons and how those might still be present and publicly published in the RDS or in the WHOIS even though the registry name holder is a legal person. So working that out is

a difficult and tricky thing to do, especially from an implementation perspective. And of course, we have our own special interest involved. Every stakeholder group has their own special interest. Ours is privacy, not just for individuals but also for organizations, especially the types of organizations Kathy was referring to. But again, we need to really make sure that our arguments on the EPDP are very targeted towards how to make RDS policy compliant with GDPR. And unfortunately, [inaudible] making these sorts of distinctions sometimes go beyond that scope, even if just slightly. But we do believe that we have proper legal standing in terms of making sure we get what we need on this issue. Thanks.

RAFIK DAMMAK:

Thanks, Amr. We have [inaudible] and then Kathy. Ayden?

AYDEN FÉRDELINE:

Thanks, Rafik. [Hi, everyone.] Amr [inaudible] a very comprehensive response, so I will try not to touch upon anything that he just mentioned. But I did want to [inaudible] Kathy's point, which his a good one [inaudible] identifiability is something that we have as the NCSG [advised] the EPDP to – we have highlighted how the information of a legal person can also be [inaudible] personal information of a natural person, particularly [inaudible] talking about a small [inaudible] business or something of a similar nature.

Unfortunately, while there has been [inaudible] put forward and that the contracted parties have put forward, it is not necessarily instruction that has been taken forward by the working group as a whole. The

working group does not have, in my opinion at least, the strongest leadership. And sometimes, arguments can be raised and the chair is not able to summarize them or he's not able to address competing arguments. Everything is treated the same, he cannot put forward any kind of value judgment to determine whether something is supported by evidence versus [inaudible] He definitely has attempted to get us a legal coach or some external legal advice, but nothing has come of that.

So while the NCSG [inaudible] noted that within the GDPR and indeed within the 1995 directive that the European Union had, that there is a focus on not just what is personal information but information that can lead to the identifiability of the natural person. Sadly, we haven't gotten too far with that.

And even [inaudible] within which it actually advises that when information about the legal person is also considered as relating to a natural person [inaudible] personal data and the data protection rules should apply. But again, we have extremely weak leadership in this working group, and it doesn't matter how much credibility a thought has if it doesn't – unless every single member of the working group is putting forward the same perspective, it's not taken forward.

We've also noted that the GDPR doesn't require you to distinguish between a natural and legal person, that is simply the [inaudible] and some NCSG members have certainly noted that laws and regulations other than the GDPR in other jurisdictions guarantee the rights of individuals associated with entities, particularly in the national constitutions [inaudible] European Union which protect legal entities such as religious groups as well as individuals to protection. But I

encourage you to listen into a recording of one of the calls one day, and I think if you hear how the chair moderates the working group, you'll realize why we haven't made much progress.

We have had some very good progress when we brought in external facilitators, but I suspect they are quite expensive, so we haven't been able to use their services as much anymore as we could in [inaudible]. Thank you.

RAFIK DAMMAK:

Thanks, Ayden. I don't see anyone in the queue, but I'm not sure if there are any other questions or comments on this. So yeah, we got this update and we have also the update on the list, so if people want to [inaudible] continue the discussion there, but if you have any question or comment, we can [inaudible] during this call.

[inaudible] we covered [inaudible] this topic for now, but [inaudible] anyway in the discussion [list,] and hopefully when the draft comment is ready, that will be shared in the mailing list and then you all can [inaudible] issues and comments.

Okay, so the next agenda item is – Maryam, can you come back to the first slide, please? Thank you. So we had this EPDP discussion. The next one, as usual, the PDP and review teams update. I think in terms of review teams, what we have now is the WHOIS review team, we got that initial report a few weeks ago, and we could submit our comment [inaudible]

The other review team is the SSR2, and [inaudible] Consumer Choice and Competition [inaudible] they already finished their work and the final report is public comment initiated by the board, so not so much to say there. The ATRT3 is supposed to start in January, and in fact, the GNSO council is doing a [inaudible] vote [inaudible] nominated representative from the GNSO to ATRT and [inaudible].

That's a quick update as far as I know about the review team. So if anyone heard anything relevant that they want to share, please do so. Otherwise, we can go to the PDP working group. So we have the first one, the new gTLD subsequent procedures. Then we had initial report in September, we submitted our comment, and our understanding is that the working group is working on doing the comment and so on, so this is something that we have to pay attention. But they also [inaudible] report on some overreaching area they're asking input for, and we have already a drafting team working on the NCSG comment to cover that. But if there is anyone in the subsequent procedures working group who want to give an update, share anything, please [inaudible].

Okay, so I think Farzaneh is saying she cannot raise her hand in Adobe Connect, but can you confirm [inaudible] Farzaneh or not? In the meantime, I see Kathy is in the queue. Kathy, please go ahead.

KATHY KLEIMAN:

Hi. Yeah, so first, great thanks to Amr and Ayden, it's a really valuable discussion and I've got some materials to follow up with EPDP. But switching to rights protection mechanism working group, quick update,

and I invite Martin and anyone else who's participating to add, but we are now rolling back the clock one year, which is very unusual.

We took a break from the trademark clearinghouse issues, the sunrise period, trademark claims, trademark clearinghouse provider and the rules for running the trademark clearinghouse database, so all the rules for kind of the new gTLDs. We took a break to look at the uniform rapid suspension while we were gathering data, which the council gave us a grant to do. So we appreciate that.

So we gathered the data on the trademark clearinghouse, we went out to registries, registrars, trademark owners and registrants and potential registrants and gathered a bunch of data, and we have that back now. So we finished our uniform rapid suspension review and we're rolling back the clock a year to look at where we were on the trademark clearinghouse, and that's really hard. It's really hard to go back to what you were doing a year ago in a large PDP working group. But that's where we are, and if anyone has any questions about that, give me a yell because we're putting together long timelines and massive document lists. But that's about it. And if anyone wants to join the RPM working group, now is a good time to do it.

RAFIK DAMMAK:

Thanks, Kathy. I think you covered rights protection mechanism, [inaudible] anyone wanted to give any update on subsequent procedures, but it's not the case. [inaudible] for work track 5 regarding geo names. So we have Amr in the queue. Amr, please go ahead.

AMR ELSADR:

Yeah. Thanks, Rafik. I just had sort of a question or possibly just a comment to Kathy and Martin and anyone else involved with the RPMs review PDP. I'd mentioned that here were a few recommendations coming out of the EPDP on RPMs, and one of them concerns how registrants' data is processed within the course of a UDRP or URS taking place.

So the way the current policies are worded, disclosure of a registered name holder registration data is not actually required until a UDRP or URS is officially underway. This has been something we've been trying to deal with and we've been trying to make sure that that remains the case in terms of what the EPDP team is doing.

But of course, there are stakeholders who are frequent users of these processes would like to have access to registration data prior to a process like the UDRP or URS being officially initiated. And their reason for doing this is, one, so that they could include this information in the complaint that they submit, and two, because this is what they've been used to. They've had access to this publicly published information in the past, although now this doesn't seem to be a legal way to do this right now.

One of the concerns, apart from being complaint with GDPR in terms of making sure this data's redacted and not disclosed and that there is a legitimate reason for doing so that is grounded in some sort of lawful basis, one of the concerns that we've had and expressed on EPDP is if the UDRP or the URS processes allow for disclosure of name holder registration data prior to the process being officially initiated, it provides for a phishing sort of expedition for anyone to sort of say, "Oh,

I need access to this data because I'm thinking about submitting a UDRP complaint or a URS complaint, and I haven't really decided yet, but I'm thinking about it, but I need to check the registration data before I do so.”

And we're obviously very opposed to this. This is something that is coming out of the EPDP team and its recommendations. It's in the initial report. We need to work it out before we get to the final report. But my question to Kathy and Martin is, have you guys in the RPMs review taken these issues in consideration or not? And if not, why not? And do you plan on tackling these issues in the coming months while you're reviewing the UDRP and URS? Thank you.

RAFIK DAMMAK:

Thanks, Amr. Kathy is in the queue. Please go ahead.

KATHY KLEIMAN:

Okay. The answer is no and yes. No, we are not coming up with – we've finished our URS review and we're done with that, in part because we're waiting for you and the revisions to – the working group feels very deferential to the EPDP. We can't respond to rules we don't know, and that's your [inaudible] work on the EPDP, is to create the new rules for the UDRP and URS.

That said, I'm really glad personally that you're thinking so much about it. I'm happy to help. What we did do was recognize that even though the rules of the UDRP and the URs – and of course, the rules of the UDRP were written 20 years ago, but they say that the complainant has

to file a UDRP and URS action with the name of the registrant and with as much contact information data as they have about the registrant.

And with the redacted data, there is not much there. So what we did was as an RPM working group, we've created tentative recommendations to go out in our initial report in the spring that allow for something that we call a Jon Doe complaint, which is when you're filing against someone who you don't know who they are, so somebody who you believe [inaudible] a chat room or now in this case a domain name registrant who you believe is engaged in trademark infringement of the domain name.

And you don't know who they are, they file a Jon Doe complaint, and say, "I don't know who they are, but here's the rest of the complaint, here's the allegation that I have against them. Please fill in the information." And so you're going to WIPO or the forum, previously called [NAF,] or the other groups that handle these disputes and you're saying, "You guys find out who the registrant is."

And in this case, what we found in our investigation of the RPM working group is that the registrars will turn over the data about the registrant to WIPO or the forum for a specific complaint. And from my perspective – and I'm happy to talk about it, but this seems to make sense, because here and now you have the balance of interest, because you want the registrant to know that there's something, that there's a complaint pending against their domain name, so they have the opportunity to respond.

So let's say they think that the allegation that there isn't a trademark infringement, they have every right to use this generic word, plus it's all their websites and [listserves] and e-mails are hanging off this domain name, so they want to be able to defend it.

So we want the complainant to know about the pending domain name dispute. So the balance seems to be fair in that case. What worries me is what Amr mentions, this ability that the intellectual property owners, some of them say they want, which is just to go digging in the WHOIS and kind of find out before they file a complaint to find out the other 100 domain names the registrant might have or that they don't have 100 domain names. Kind of these broad, general searches ahead of time that they've gotten so used to and that they don't have now.

But in terms of a specific complaint, we are finding that the registrars are turning over the data to WIPO and NAF and that the registrants are being notified. So the only thing involved is a little tweak to some of the timeframes to make sure the registrant has enough time to respond. We're working on time frames a little bit so that the short period of time to respond isn't cut off for some of this disclosure timing.

I don't know if any of that makes sense. I'll be happy to provide more in writing if it's useful. But Amr, yeah, we're trying to do some of this, but we're also being very deferential to the EPDP because you guys are making the overall rules which we'll have to respond to. Thanks.

RAFIK DAMMAK:

Okay. Thanks, Kathy, and it's good to have this to sync up with what's going on with EPDP and [inaudible] impact the RPM work to some

extent. I think [inaudible] RPM and also for subsequent procedure in the chat. So encouraging more people to join the working group with regard to the review of the comment and still there is a lot of work to be done there [inaudible] final report.

So with regard to working group, I think that's it. We don't have anymore the RDS, that was terminated. So we can go to - [inaudible] give some quick update on the review teams, but just really in terms of process. So with regard to substance of the work and review teams, if anyone has an update, please feel free to share.

So let's go to the public comment status. And I think some of them were covered, but let me summarize quickly the status. So we have the EPDP comment that was just open a few days ago, and we have our representative to work on that, and hopefully they can share a draft as soon as possible.

We have another one that's also for a short period that's the proposed consensus policy regarding the red cross names, so this is from the board, we have [inaudible] for the volunteers that we follow up with them, and I think we'll include also Farzaneh on this because she drafted the previous comment. So if you can help them on this.

We have, I think, already given some update about the supplemental initial report new gTLD procedure for overarching issues. We have already drafting team [that should] start working on it. They have a short time to deliver, deadline is the 21st of December.

So we have also the public comment on the SSAC final report. The draft was already shared by Tomlin, and deadline is the 3rd of December, so

that's just next week. I think we don't have much to say there, because my understanding from [inaudible] that several of our comments were already included and there is nothing really controversial there. So that should be fairly simple comment.

So what we have really [inaudible] and I left that at the end so we can have some time to discuss about. It's the initial report on [inaudible] and Competition, Consumer Trust and Consumer Choice Review Team final report.

So we have the two draft comments, they were shared a while ago for input, and we need to finalize them. There are still some thing in question [in the] comment. We have to by the 27th of November, so it's tomorrow. So it's really the final chance to make any comment or to share a thought. So I am volunteering here as the chair of the policy committee to work on any comment with help from the [team] next hour so we can finalize, but I think Ayden wanted to [inaudible] some points and looking for some input. Yes, Ayden, please go ahead.

AYDEN FÉRDELIN:

Hi, everyone, and thank you for that, Rafik. So I [wanted to] go back to the comment on the new gTLD auction proceeds, and this is the initial report of that cross-community working group. The comment is due tomorrow and the comment is not yet ready to be submitted. And I was hoping that we might have a few more members of the policy committee on this call so that we could discuss the content of it.

So the comment that was prepared by [Austin] is great, he's done a very good job at analyzing the report and putting it together, but I think

there are a few areas where we don't actually have an NCSG position, so I was hoping that we might be able to discuss them. So roughly a week, maybe a week and a half ago, I sent an e-mail to the NCSG discuss list hoping to get some feedback on three questions. Unfortunately, we didn't get as much input as I had hoped.

Maybe I should just rewind a little bit to give a bit of background as to what this working group was doing and what this report is asking about. This public comment was seeking input on the initial report of that working group. That working group had been developing a framework [inaudible] the funds that have been generated from auctions of last resort in the initial round of new gTLDs, and [inaudible] roughly \$220 million, I believe. Maybe we have to take away \$30 million because that has been allocated to pay for the transition, but it still is a quite a lot of money.

And while this cross-community working group is not looking to allocate the funds itself, what it is doing is it's trying to develop that framework so that [inaudible]. And one of the areas where I think we don't have an NCSG position is on what would be the desired mechanism for giving away the money. And broadly, there were four proposals that were put forward in the initial report.

One was that there could be a new department. It could be, I think [inaudible] the Auction Proceeds Allocation Department, and it would be dedicated to [inaudible] implementation and evaluation.

In the NCSG comment that is being put forward, this would be put forward as the preferred approach, and [that the] synergies could be achieved by ICANN doing this internally.

I don't share that view myself, but that's something that we can discuss. Another mechanism would be that an internal ICANN department can be created, however, it would work in cooperation with [inaudible] charitable organization to allow for disbursing the funds.

Another option would be a new independent foundation with its own board of directors, its own independent accountability structure. I happen to think that would be a better approach. And then there is a fourth mechanism. I can't quite remember what that was termed. It seemed that the working group was only recommending these first [three] options. There's some fourth mechanism that the working group has kind of discounted already. So I can't tell you what that is. So I was hoping that we might be able to discuss what would be the best mechanism for distributing and disbursing the funds.

Another question which [becomes – ties to that] is what is the ultimate goal? Is the ultimate goal to create a sustainable foundation – that would be option C – [inaudible] or is the goal here just to give away the money over the next ten years, or maybe five years. And [inaudible] So the option C being [inaudible] dominant and it might be distributing [inaudible] but it could be investing that and [inaudible] the interest is being returned for charitable purposes, whereas option A and B would be [just] trying to disburse the funds as soon as possible in a reasonable day, but not necessarily [inaudible] capital.

I think we need to discuss that because I think there could be some benefit to having an organization that would set up in perpetuity to advance the activities that support ICANN's mission.

And then there is also the question about, should part of the ICANN community be eligible to receive funding? In our comment, [inaudible] saying no, because they would want there to be – the funds should be [going] equally across the community, but I don't share that view myself, and I want to discuss that.

And the reason I don't share that is not every part of the ICANN community needs funding. I think that there are parts of the community that are already very well-resourced and this could be an opportunity to level the playing field slightly and to provide [inaudible] and advancing that goals that support ICANN's mission.

[inaudible] danger of that and how that would be [inaudible]. And I suppose a fourth question is also about in terms of identifying the accountability structure for disbursing the funds and the selection committees that would be disbursing funds, who would serve on those, who would be the desired profile of individual who would be putting themselves forward to do this?

So [inaudible] also had done a lot of work there and done a very good job, but we do need to really hash out that position. There's been very little feedback from [inaudible] community on the mailing list. [inaudible] drafted the comment [eight weeks ago,] so it's really not cool that we've left it this late. But sadly, not just the policy community [inaudible] can't even work it out now.

RAFIK DAMMAK:

Okay. Thanks, Ayden. So we'll send a reminder. Last one, I thought, was last week, but see if we can get any further input. [But I myself already] going through the comment. I think for the option, [not necessary] I think to take one position. I think all the options have their own merits, and it's good if maybe the group continue to investigate what's the best.

So [inaudible] in terms of expertise or resources within ICANN [inaudible] overhead, but the option to have [and to the external structure I think] [inaudible] foundation, that has its own merit, but it also [brings other issues] and how to be implemented and so on.

So I think here [it's to maybe explore it] how the funds can be used the way that means not just to try to spend it all but maybe how to make it more – not sure if it's the correct word to say, but [inaudible] the way it can be invested or something like that. But I'm not sure. I'm not expert on this matter, and this is maybe why we couldn't get enough input.

In such situation, I think it's better to take more [opulent] position and just try to [inaudible]. For the rest, I think in terms of accountability mechanism or asking for reporting and so on, I think [inaudible] it's fine. [inaudible] concern is – and I think this is something usual in management environment is if they have a lot of requirement for reporting and so on, what happens is kind of really [side effect that we] spend much more time on this administrative matter than [inaudible] what they got the funding for in the first place. So we need to find a balance, not just to put more reporting [inaudible] and so on just to

have the thing that we [inaudible] spending the funding. But in practice, it's just [inaudible] the real work. So we need to find a balance.

Other than that, I think other issues [inaudible] should the community benefit from the funding? Myself, I'm quite ambivalent on this, because I have a concern, is that the community needs never end, and as the French say, [inaudible] so it will expand, and we need to be careful.

But anyway, we have this draft comment, and we share it again, and if people want to weigh in, it's the last opportunity to do so. We work with Austin who did really good job in trying to cover the report and recommendation, [see how we can resolve this.]

The other comment is the consumer choice. I'm not worried really about that one except we are trying to repeat our concern on the previous recommendation. And this is on the matter of the board approval and they are looking for an input. So just we want to clarify what were our concern, and I think [Farzaneh] did some comparison here between the previous comment submitted by NCSG and the final report.

Anyway, if people want to share a comment for input, they should do so. Yes, Farzaneh. Please go ahead.

FARZANEH BADI:

Hi, Rafik. Hi, everyone. For the consumer review report, I think the deadline is coming up soon. It's just that as you said, we need to mention the improvements that have been made after our comments

were filed, because the review team actually considered our comments, which is good of them.

So I [believe that] in our comment – I have briefly reviewed the comments a couple of days ago I believe. However, we submit that we need to kind of tone it down a little bit and just to express that these are the changes that have been made and these are good changes.

And the board knows our concern about generally content regulation and all sorts of things, so I think this is not like a [inaudible] issue to comment on or make very strong points about. We've been repeating them. We just tone it down a little bit and also tell the board what we think generally about the dangers of such reviews [inaudible] on ICANN mission. Thank you.

RAFIK DAMMAK:

Thanks, Farzaneh. Okay, I don't want to voluntell you here, but can you go into the draft and propose any changes [inaudible] what you suggested here? It should be just a small [inaudible] not substantial changes. But if you can do it, please do so. And I'm not just pushing you here. No pressure.

Any further comments of question here? Okay. So as [inaudible] please do so to share input or comments. It's really the last change and we need to submit in time, no [inaudible] extension here. So we will work [at least at the] policy committee to finalize [inaudible] still opportunity to give input, so the two drafts are not long and I think that they can be reviewed fairly quickly.

Okay. Yeah, I think that's it for the public comment, so if you want to volunteer for the other that's still open, please feel free to reach me anytime and I can add you to the drafting team. So there are two, just maybe four inputs. There are two public comments.

One I mentioned previously, that's about the IRTP policy status. As I said, the survey is for people who experienced the domain process. It's not the usual public comment. And there is another one which is not really something we need to cover in particular, because it's about some comment from [the new UDRP] service provider, so it's not really policy issue, but if someone feels that we need to cover, he or she or they are welcome to do so.

Okay. So that's it. Let's go to the next agenda item, and that's the last one. So we have ten minutes left in the call. If there's Any Other Business, and I think it's about the additional budget request. So this is a process we have every year to make any additional requests to fund some of our activities like capacity building and so on, and I think you may recall that we had one for example regarding the policy writing. [inaudible] was one, facilitation and administration skills.

So usually, we submit this request, and this request has already started for this year. It's more [here about to] try to get any suggestion or feedback or proposal for requests, and this will be managed by the financial committee and I think also by Stephanie, the NCSG chair. So if you want to share any idea or proposal, please do so. Anyone?

Okay, so that was [inaudible]. I think that probably in follow-up [inaudible] get input and proposals [inaudible] but you can propose

[inaudible] many things before, so we have some history of any kind of request and [we submitted many] kinds of requests for them. So we can build on that, but also, we can try new things. [inaudible] I think the amount that is allocated is not going to be that big. [inaudible] But anyway, you can make proposal [inaudible].

Okay, that is the last agenda item, and I see that Collin wants some Any Other Business. Yes, Collin, please go ahead.

COLLIN KURRE:

Okay. If you can't hear me, then say something. So we, Bruna, [Elise] and I organized a session at the IGF in Paris about human right impact assessment, and we actually got a lot of positive responses from community members that were in attendance. There were about 45 people from all across the community. And the suggestion was put forth that we look into doing a high-interest cross-community session in Kobe on human rights, but not just human rights impact assessments but the different ways that rights come into play in the ICANN community. So this could look at children's rights or the [public policy] working group. And Jorge Cancio from the International Human Rights Working Group was quite interested in taking this forward.

So I'm not really exactly sure what [needs –] or how you make a high-interest cross-community session, so I wanted to kind of throw that out there and see if any of you had any advice about how to proceed or if this is something that we could take up within the NCSG or what would be next steps if we wanted to continue exploring making this a reality. Thanks.

RAFIK DAMMAK:

Thanks, Collin, for the update. So just to clarify here about the Kobe meeting. So we are suggesting some high-interest cross-community session. So my understanding, I didn't attend the planning call, but understanding [inaudible] is only three slots and there are already some suggestions about the topics. But I'm not [inaudible] so Stephanie probably has more information than I do, and I'm not sure if there'll be opportunity or not to submit a proposal. But yeah, as Farzaneh said, it's better to liaise there.

I think one concern was [inaudible] high-interest session or consultation [that] how to deal with all the proposal and at the end how we'll finalize the list of topics for the meeting. Yes, Stephanie, please go ahead. [inaudible].

STEPHANIE PERRIN:

Yes. Hi. I have a terrible feeling that we might have missed the deadline for proposing a new HIT session, but I'll check it out. I really don't know, I haven't been on any of the planning calls, and I'll see if I can find the e-mail. Other than that, I think the idea of a cross-community session might be easier, and we'll see what we have to do.

Do you have other folks from other stakeholder groups who support this idea? Because that would probably be easier than us hammering away at it. Two or three others, that would be great.

RAFIK DAMMAK: Stephanie, I guess you can follow up [with them] if you want. I thought I saw Farzaneh in the queue and she disappeared. I hope she's not a ghost yet, but let's check. Farzaneh, wanted to be in the queue?

FARZANEH BADII: Yes. So Rafik, I just wanted to say about the high-interest session or the cross-community session. It's important to know the difference. High-interest session can be on behalf of one group, one stakeholder group or advisory committee or whatever. the cross-community session has to be, I think, in principle it has to be like in collaboration with other groups. So if for example I call in saying [GAC] wants to co-organize.

And I have to say that cross-community sessions are very normally politically charged, and it's very difficult to get [a word in] or it sometimes gets hijacked in the middle and another group just puts like five representatives on the panel to talk about various things they want to talk about.

So because we don't have criteria for – we really don't have set criteria, restrictive criteria for them and during being chair, I never managed to win this battle. So I think Tatiana suggested that they have the session as a CCWP session, and I think Collin's session went pretty well last time. So [I suggest that if the deadline] is considering this and discussing with Stephanie and the mailing list, if the deadline is passed or you see that there are difficulties [of] space and time, it's better to be just a CCWP session which is not really that different from HIT or cross-community, unless you don't want it to be conflicting with other sessions. Thank you.

RAFIK DAMMAK:

Okay. Thanks, Farzaneh. Okay, I guess that there is some action item here and [we need to] follow up to see how we can deal with this proposal, how we can organize the session for the high-interest or cross-communities. Not that easy. Personally, I organized before, I have reservation regarding this session, and all the burden and issue with that. But [inaudible]

Anyway, any other further comments or questions? We have two minutes left on the call and [inaudible] finish on time, so [inaudible] everyone to do something during the day, and [for those in Asia Pacific,] go to bed. Any question, comment?

I don't see any. So thanks, everyone, for joining the call and participating. See you soon, and we will continue, as usual, discussion in the mailing list. Bye.

MARYAM BAKOSHI:

Thank you, everyone, for attending the call. Good bye.

[END OF TRANSCRIPTION]