

OZAN SAHIN:

Good morning, good afternoon, good evening. This is the Non-Commercial Stakeholder Group policy call held on the 15th of August, 2018 at 13:30 UTC. On the call today we have Amr Elsadr, Austin Ruckstuhl, Ayden Férdeline, Claire Craig, Dajana Mulaj, Ekue Farrell Folly, Farzaneh Badii, Franco Giandana, Martin Silva Valent, Rafik Dammak, Stephanie Perrin, Tatiana Tropina, Tomslin Samme-Nlar, and from ICANN staff, myself, Ozan Sahin. We have received apologies from Arsène Tungali.

I would like to remind you all to please state your names before speaking for transcription purposes and to mute your phones when not speaking. Thank you, and over to you, Rafik.

RAFIK DAMMAK:

Thanks, everyone, for joining today's call, the NCSG policy call that's monthly one that happens before the GNSO council meeting. This time, I'd say we changed the date and time since the EPDP team is having its calls on Tuesday and Thursday, so we are trying to accommodate with that situation. So we probably find maybe a better date in order to have discussion and just go through policy matters.

So, maybe for those who are attending for first time the NCSG policy call, I said it's a monthly one that happens prior to GNSO council call, but the main purpose is to have that opportunity where we all – I mean the members – discuss policy issues and getting updates and briefing on what's going on, and in particular for the councilor, the NCSG councilor

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to consult with members and to get any feedback or guidance, in particular for voting.

As you can see, the agenda is kind of a pretty standard one, but what we have in addition this time is we'll try to get an update from the EPDP. Just want to say that we will schedule soon [a regular – the weekly] EPDP call, so we can focus on that area. But for today, we'll try to get some update since it's now almost three weeks that the EPDP team started its work and discussion.

So, what we are going to do first is to go through the council call agenda and to go through the different agenda items, and in particular, the motion to discuss about the vote and maybe to explain why we are voting in one direction or another. So let's go with GNSO council agenda. Ozan, please share that one.

Okay. So maybe let's keep all the administrative matters – we have a kind of usual start to approve the minutes of the previous calls or statement of interest and reviewing the project and [actual needs,] so it's important for the councilor, but it's not really something of direct relevance to us today. So let's move to – can I get – yeah, thanks.

Okay, so at least in the – yes, please – yeah, so at least we have in the consent agenda, which means that there is no objection, it just will be voted without discussion. And we have there the motion to adopt the GNSO council response to the GAC communique. There was already some [inaudible] here because there is a problem of timeline, is that the GNSO council tries to send its response to the GAC communique prior to

the GAC and board meeting. And that happened just before the GNSO council.

So, what usually we do is to submit a statement or a response if there is no objection from the council. And here, it's just kind of a formality to adopt what was already sent, so that's why it's in the consent agenda. I don't think there is anything in particular to comment or to discuss here, but if you have any question, I think we'll be happy to – not just me but also others – to respond to your question or inquiries. So, any comment or question here?

Okay. I don't see any, so we'll move to the item number four, and this, the first vote to adopt the final report on the protection for certain Red Cross names in all gTLD policy amendment process. Okay, so we have reconvened a working group for the Red Cross protection that had to respond to – because we – how to say – the council reconvened this working group based on an amendment process that was firstly initiated by the board and then approved by the GNSO council. We started the working group to amend its initial recommendation, and there was public comment, I think it was last month, and we responded to that public comment and the updated recommendation from the working group.

I think we raised some concern in some areas of those recommendations, I think because it seemed that they went beyond what it was asked in the scope of the reconvened working group. So here, we have this motion at the final report. I think one point is [inaudible] we are managing the process, so we focus on that. But one

point is that we need to have a chance to review the report carefully and the recommendation before voting.

So I'm not sure how many had the chance to go through, but let's see first if there's anybody in the queue. And I think Farzaneh was in the queue, but I'm not sure what happened. Yes, Farzaneh, please go ahead.

FARZANEH BADI:

Thank you, Rafik. So, I wanted to look at what sort of changes they have done to the recommendation, and then because [for me,] what they initially issued is just not acceptable. They have, I think, 190 names, this list of reserved names for Red Cross, 190 or something, and then they say it's indefinite, but then, oh, but we can of course add to it. So, I think the report has a lot of problems, and I have not looked at – I don't think with our comment, they're going to change a couple of really fundamental problems with the report which really is an overreach to generic names and people that just want to be able to register a domain name that is some acronym and it happens to be this Red Cross somewhere and they don't even use the domain name.

So, I think this reserving names is fundamental [inaudible] anyway. However, what we need to consider – and I don't think they have changed that in the report, but I'll have to go and see. So I do recommend that our council members first read our public comment, and also the new report, and probably, I suggest – I don't know if I can suggest this, but I do suggest to either abstain or say no to the adoption.

I don't know if that's possible. Process-wise, I'm not savvy, but I think that's the way to go, the recommendations are bad.

RAFIK DAMMAK:

Okay. Thanks, Farzaneh. I think you went to the substance of the recommendation. I'm not sure if we should go directly voting abstain or against, because there is usually one other [inaudible] don't feel comfortable that we didn't really go [enough] carefully through the report, and the recommendation is just to defer to the next meeting so we can have a proper discussion. I think it's always possible. Yes, please go ahead. Yes, Amr, please go ahead.

AMR ELSADR:

Thanks. Yeah, I generally agree with what Farzaneh said, because it's my understanding that there is no real legal basis to protect these names and all of the variations that they're proposing in the final report. But I do have one question that is unrelated to the actual motion and then the council vote. The scope of this policy process, which I believe was an amendment to the previous one, was pretty much limited to the names.

The final report does make mention of another issue which had also been brought up and discussed extensively, which is acronyms for the Red Cross and Red Crescent associations, and the final report also mentions that these are to be discussed elsewhere. I'm just curious where that is. That was also, I think, one of the very contentious issues in the final report of the original PDP working group that submitted this report to the GNSO council, I think as far back as 2013. So, I was just curious about that, if anyone on the call now knows where this

discussion is taking place. And if not, I'd appreciate if our councilors would bring it up during the council call tomorrow. Thanks.

RAFIK DAMMAK:

Thanks, Amr. Your question is, you said, exactly that it said it was discussed somewhere else?

AMR ELSADR:

Yeah, the final report mentions – the recommendations in this final report are, as Farzaneh and as you had explained that it concerns 191 variations of the names of the International Red Cross and the International Red Crescent associations, and there's a bunch of keywords also mentioned in the report that they used as well, used as whenever these keywords are mentioned, that's kind of how they got into this very long list of variations. But my question is about the acronyms. The final report mentions that the issue to deal with the acronyms for the International Red Cross and the Red Crescent are being dealt with elsewhere by some other group or some other venue.

So I was just curious as to where that is, because that was also a very contentious issue. And if no one on the call now has an answer to that, I would appreciate if our councilors would raise the question during tomorrow's council call. Thanks.

RAFIK DAMMAK:

Okay. Thanks, Amr. If we think about any other working group that may cover this issue, it would be only the curative rights, but they just submitted their recommendation, and I don't see how it's linked to this.

But I guess we can ask this question anyway, just to ask for clarification. And again, I think [inaudible] we have to be comfortable, so I'm just back again about maybe [inaudible] questions just if we need some more time to digest the report.

So, okay, we have Claire in the queue. Please go ahead.

CLAIRE CRAIG: Hello. Are you hearing me? Hello?

RAFIK DAMMAK: Yes, we can hear you. Yeah.

CLAIRE CRAIG: All right. Great. My question is I am very new to this, and I'm just trying to [inaudible] understand what is happening. And I don't know if it's okay to be asking this, can you say where the report is? And also, is there a summary of the recommendations that are being proposed that one can look at and come up to speed quickly on the proposal?

RAFIK DAMMAK: Thanks, Claire. So if I understand correctly, you' are asking where to find the summary of the recommendation, the links or something like that?

CLAIRE CRAIG: Yes. Not just the recommendations [inaudible] someone put it up, please. Thanks.

RAFIK DAMMAK: Okay.

CLAIRE CRAIG: [inaudible] the full report.

RAFIK DAMMAK: I'm sorry, I couldn't hear the last part.

CLAIRE CRAIG: I'm seeing it in the chat. Thank you very much. So I will review it. Thanks much.

RAFIK DAMMAK: Okay. Thanks, Claire. So yeah, maybe just – I think it will be really helpful for everyone. If you can see the council agenda, you will find the background, and we have also – they explain the whole process, and also, you can see the link to the motion and you can find all the links to the reports and the previous work so that maybe [inaudible] able to get kind of sense of what is the topic. So, there are a lot of links, usually, but I think it's one way to kind of understand the background of the matter to be discussed.

Okay, so I see in the chat, Tatiana is saying that we need to raise these questions. I think that's fine, we can raise all these questions, but at the end of the day, we will have to vote or not. So, I think [inaudible] discuss, we can list all those questions, and hopefully, the council will

[volunteer] to ask them. I think, if I'm not mistaken, it's possible for us to defer. I'm not sure if we have any restriction here. We just received, I think, the report by the deadline, and so we can add that there was not enough time.

Yes, if we defer – how to say – the council usually should not try amend a recommendation, it 's not our role. We should avoid to go into the substance for a comment, and that didn't happen now for a long time. [inaudible] at the end to give a time for everyone to read carefully the report, to understand the recommendation, and in particular, to check that against what it was in the scope when we reconvened this working group. But when we will vote, maybe [inaudible] defer, just we need to be sure why we are voting and giving our reason.

So just maybe another information, my understanding is that the working group reviewed our comment. They said they reviewed it carefully, and they were supposed to – understanding Thomas Rickert, the chair, was supposed to reach me, but I didn't receive any communication. So, I would like maybe to listen more from here what may be the points. It seemed that, I'd say, when the working group reviewed the comment, there's some kind of maybe misunderstanding about our comment. So I think just maybe we community with him just to try what happened. That doesn't mean we can change this recommendation since they are now on the council's table.

Okay, any other question or comment on this matter? Yes, Amr, but just one [point.] I think it's supermajority, so there is always possibility that we can't [inaudible], but I don't think that's our goal here. Yes, Farzaneh, please go ahead.

FARZANEH BADII:

I just want to vehemently disagree with Amr. I think he is right that we should have participated in the working group, but I also agree with Tatiana that the deferral and abstain or no is going to show them the reason why we are abstaining or why we don't like these recommendations, and we kind of show them NCSG values. Even if it doesn't change anything, later on when they look back at the history of NCSG, they'll see that we complained, objected to this issue. So, I think it is not [inaudible] in the sense that it will go – the recommendation will go ahead, but we stick to our values and show that we were against it. So I think an abstain, no, or a deferral would be a good approach.

RAFIK DAMMAK:

Thanks, Farzaneh. I think when we vote, we have really to explain why we're voting no in this case. So I think giving time for all of us to work on that so we know that we don't have much, but at least to give our perspective here.

So, one comment made by Amr, and I think it maybe needs some discussion is, yes, we didn't have people at the end participating in that working group, but I think this working group is like the curative rights, has one issue, is that it took so much time. And this is even a reconvened working group, so people thought that they just finished. We are asking them to come back again for curative rights that took forever, like four years. So this is, at the end, the few people who were participating, they just stopped participating or moved to something else. So, what we can do or how we can do better, I have no idea, but

[we have more working groups today than we had] for many years. It's not really a [inaudible] in terms of participation and commitment.

Okay, I think we spent enough time on this topic, so we can move to the next one, which is another vote, which is on the adoption of the final GNSO review implementation report. So here, we have – the GNSO review working group that spent time on the implementation of the GNSO review, I think if I'm not mistaking, [inaudible] 2016. So here, we are asking the council to approve that implementation report, and I think also to disband this working group, or if needed, just revise its charter and to have another call for volunteers.

I think I am one of the few people still participating in that working group, and also, I am the liaison from the GNSO council. I think it's quite straightforward. I mean, there is nothing – it's just an implementation, it's done, and to vote [inaudible] the report so it can be sent to the board for approval. So I'm not sure if anybody has any question or comment on this, but I think in terms of what [inaudible] it's quite straightforward.

Okay, I don't see any question or comment, that makes it a quite easy topic. And so that will be the last vote for the council during that meeting, so I guess we'll vote yes for this one. Okay, so we can move to the next agenda item, which is about international government organization and international nongovernment organization access to curative rights protection mechanism.

So that working group submitted its report, I think, in July as was asked by the GNSO council and which was quite unusual move. Because of

time, we had to push that working group to deliver its recommendation, and they delivered a consensus-based recommendation, however, what was made as recommendation is, I'd say, not aligned with the GAC advice. And so let's say inconsistent with the GAC advice.

So here we have a situation for the council to handle that. There are several possibilities, because we can [inaudible] the report in terms of process, there is no problem. The working group delivered its report. There were several minority statements, including the two co-chairs, and so we have said we don't discuss with the substance, we are not supposed in the council to amend or make any change, but knowing there is inconsistency with the GAC advice and the board is already informed about that, [inaudible] situation, what will happen if we vote yes. So the board may kind of send us back the report.

So we will have a discussion in the council to see what are the options and how we can find a solution to this issue, what are the different paths we can follow. I think one of the ideas is to have something similar like for the Red Cross, kind of a facilitated discussion including some members of the board, some from the GAC, and to be defined from the GNSO side, maybe the working group, the council, and to see what is possible to be done.

What I can give as update is that the council leadership is just working on this, and we have several calls, but still not clear what are the options. So probably, what you will get during the council meeting is kind of decision or flowchart of the different options in terms of process or procedure that we can follow. So I want really to highlight this

[inaudible] that we need to pay attention, even if it's just discussion, but it's something that will take time, and we have to follow up.

So Farzaneh, I'm not sure what is the best option. We can just vote, approve the report and just send that to the board to figure out what to do, but I think as we are, the council is the manager of the PDP process, we have to be careful and to ensure that we are still owning that. We should not kind of just delegate to other parties.

So I'm trying here to kind of set the scene and just to brief everyone about this issue to pay attention during the discussion. In particular, the different flowchart, I mean the flowchart of the different parts, there is not so many options, but at least we need to choose the least worst option out there that keeps the council in charge of the process and to see how we can end up with the better [outcome.]

Okay, so I hope there is some question or comment, because I see that a few people are discussing about the Red Cross. I thought we moved already. But let's see. Amr, please go ahead.

AMR ELSADR:

Thanks, Rafik. Yeah, this is somewhat kind of related to the previous topic of the reserving Red Cross and Red Crescent names, although this one applies more broadly to IGOs and INGOs in general. And this one, as opposed to having these names reserved, they're seeking access to curative rights like the UDRP and the URS. Again, this PDP's been going on for a very long time, and it actually concluded its work a very long time ago, I think almost two years ago, but they've also been kind of

stalled on what to do with this, just because, [you know,] the GAC is vehemently disagreeing with what the working group has come up with.

Stephanie, to answer the – yeah, okay, Phil and Petter. That’s right, Phil Corwin and Petter Rindforth, they’re co-chairing this PDP. And like I said, they delayed the delivery of the report for a very long time – the working group has effectively finished its work a long time ago – to try to resolve some of the issues the GAC has been raising. They even brought in independent legal counsel to advise the PDP working group, and again, they found no legal basis to allow IGOs and INGOs access to curative rights at all. But again, you have this situation where the GAC and the GNSO are not exactly headed in the same direction in terms of getting what they want.

In my view, I believe the GNSO, the PDP working group did its job. It sought input from everyone, checked the legal basis on which it provides recommendations. It did its job very well and extremely patiently for a very long time. And now they’ve delivered their final report, so I think if the GNSO council just goes ahead and votes on it and sends it to the board, that will be the path of least resistance. It’ll effectively be doing its job, providing policy recommendations to the ICANN board.

Now it’s the board’s job to try to reconcile the differences between what the GNSO is recommending and what the GAC is advising. I think they’ve already been very well entangled in this topic, so they know what they’re getting themselves into, but yeah, I think in this case, the GNSO did its job and it did it well, so I don’t see any reason not to vote

on it. I don't see a reason why the GNSO should try to accommodate the GAC any more than it already has. Thanks.

RAFIK DAMMAK:

Okay. Thanks, Amr. Yes, there was [inaudible] that legal counsel, and it kind of made the group take – not sure that I can say a one-year break, but they took time. But I think what happened also is that a few people remained in that working group, active and participating, and there was some issue that one working group member used an appeal against the co-chairs, and that kind of put the working group on hold for a month. And that was one of the reasons we had to ask the liaison to get more involved and we pushed the working group to deliver the recommendation.

I do believe the board is really aware about this. At the end, we can vote, yeah, of course, and we can approve, but it's not an issue for tomorrow's call. There is no motion here. But really, even if we vote, what will happen? The board can do like for the Red Cross, they just can initiate that process to amend the recommendation so and so.

We are trying here to see what are the options and to work on something [inaudible] just more headaches. I can say that those who are leading the council, we just maybe [inaudible] to the next council, but at the end, the whole discussion is just to see what the different options – yeah, you can approve and the board just will send us back to work. And my understanding from discussion with Cherine and Göran, the board is keen on this facilitated discussion, like what they did for the Red Cross.

I'm not that, myself, enthusiastic about that, because [inaudible] kind of constraints and the expectation, because we should note, as a council, [inaudible] in terms of substance about the recommendations. Not our role, and we should not do that, in particular because something coming from the GAC. But at the end, I'm trying here to see what we should do and try to hear from other councilors what they think we should, and also that they get familiar with this problem. Okay, any question, inquiry on this?

Okay, so let's go to the next one, which is another council discussion, and the consideration of the CCWG Accountability Work Stream 2 final report. So this is just we as a chartering organization for the cross-community working group, we have to vote on the final report, and so this is just kind of – my understanding is we try to see how the different stakeholder groups and constituencies [will work] on this report, if there is a concern, just to avoid a situation when we put the final report on motion for [inaudible]. So this is just kind of, let's say, to get everyone familiar with the final report from the CCWG and see how the GNSO will act at the end.

Okay, any question or comment on this one? Yes, Farzaneh, please go ahead.

FARZANEH BADII:

I just want to – I agree with Tatiana that the council should just stamp this, [inaudible] accountability. Most of the recommendations are very good, but [inaudible] objected to the ombuds recommendation [inaudible] Robin as our representative did that, but that doesn't

change anything, really. I think if you want to say yes, you have to say yes to the whole report, but I just wanted to flag this.

RAFIK DAMMAK:

I think there's some recommendation we're not that happy so much with, but I guess we can [leave one with] them. Again, it's just a matter for discussion, we are not voting now. I think we are scheduling to vote in September meeting, and it's important to know that we are all just going to vote yes on this report and to hold any surprise like what happened for the IANA stewardship transition report. Yes, Farzaneh.

FARZANEH BADI:

Sorry to annoy you, I just wanted to say that with regard to this specific ombuds recommendation, we objected to the whole report. It is not going to fix anything. We are going to have the same – but it doesn't matter, I'm not going to argue over this. The other recommendations, yes, of course, we compromise, but this one, there was resistance in the working group that worked on it to consider [to include] anything that was out of the evaluation report of this company that they had hired. So yeah, I just wanted to [say that,] but I think councilors can just decide and adopt the recommendations. Thank you.

RAFIK DAMMAK:

Thanks, Farzaneh. So I know [it won't be an] issue, just vote yes, but it's important maybe to make all those points and the concerns. At the end, this discussion for the council was not really important in the cross-community working group discussion per se, so we can share all those

concerns, and maybe as a matter for discussion, how the comments should be addressed really if we want to keep that process and to keep faith from everyone participating that if I spend time and I comment and submit it, it should influence in one way or another the work or the outcome from the working group.

But again, even for the cross-community working group, we have lots of participation from NCSG. It was not always easy, so we just have to think for the whole process. But we can make all those points and just to see what's the best approach for future. Okay, any question or comment?

Okay, I see none. So, the next agenda item is about the GNSO policy development process 3.0. I think, and I can get the [inaudible] the opportunity to make an NCSG comment on the draft report and to get our thoughts for this paper. But the matter here is really, okay, so we get some input, few of them, in fact [lots] from the stakeholder groups or constituencies how we can use that and maybe making some amendments on that paper.

So just maybe to explain – I'm sorry for those who are not necessarily following this issue – is that GNSO council had a discussion in its meeting in January about all the issues faced by PDP working group, and we tried to kind of be more proactive and to think about the different solution and what maybe we need to change, what we need to improve.

So it's kind of a continues improvement process, and so we had before a paper from the staff sharing their perspective on what they are seeing as problems. But the GNSO council kind of took the [meeting] and

organized a session, kind of brainstorming session to get input in San Juan meeting. And so based on that, we had the paper made by the council leadership and the staff just to summarize the different proposals and ideas and so on, and that was put for input from the stakeholder groups and constituency, and so now we will think about the next steps.

So, okay, we can get [released] paper, we can make some amendments. We need to think what is the next, how we'd follow up, in particular since that we have – the council will be [renewed,] so we need to think how we can get the community to be familiar with the ideas from that paper and also ensure that those ideas be implemented.

And for some areas, they are already tested, like in EPDP team, so we have to continue and to see how we can implement those recommendations for improvement. Okay, any question or comment on this one? Okay, I don't see any. I hope you are still with me, guys. I'm making an effort for you for this call.

Okay, the next agenda item, I think there is some irony here because this one, the next steps related to the ICANN procedure of handling WHOIS conflicts with privacy law, was kind of agenda item that – recurring agenda item for a long time, and we thought that we are done with it, but it's back again. Since we thought that we should have a call for volunteers for you, implementation advisory group, but since we have now all the things related to GDPR, and currently the EPDP, it was put on hold. But we need to make a decision and discuss the timing and the next steps for [inaudible].

I know that some of us had strong positions regarding this, and I see that Stephanie is already in the queue, but I guess maybe the whole thing is just to link that [inaudible] going on, in particular for GDPR. And it's not just about GDPR and EPDP, it's [a resource] of the future of the RDS, which is likely the proposal to terminate it. But that's another discussion, so we have to think all those different moving components or moving pieces. Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks, Rafik. This whole business of striking another IAG, I don't know what you've been saying in the leadership group. I understand that this proposal was put forward by Keith Drazek, and it was prior to the temporary spec being crafted. And I think it was a precautionary move just in case all hell broke loose, we didn't have a temp spec that the registrars could live with and they needed to opt out of whatever policy ICANN came up with. At least – I won't say that anybody told me this, but that was what logically I worked out.

However, we do have a temp spec that actually works right now. The [WHOIS conflicts] with law is a dreadful policy, and I really would hate, hate – okay, one more time, hate – to have us waste volunteers on another process that isn't going anywhere, that is in fact a dead relic of a bad time. So, how can we kill this thing? Thanks.

RAFIK DAMMAK:

Thanks, Stephanie. Just want to make a clarification. I can say that the council leadership has no position on this one ,but just we needed to get it back on agenda is because when we had the motion, I [forgot] the

date, and to kind of having this process starting and so on, we have a call [inaudible] as an action item, and at some level, we are now kind of delaying it. But we need to make a decision. And the whole thing is if it's not needed, let's say it and decide what can be done later on.

But we have to make a decision, this cannot just – it's not up to the leadership to make that, it's really a council decision. And I think you explain all the concerns that is related to how the IAG again, but yeah, so we need to make it and just stop it somehow and move to something else. Okay, yes, Tatiana.

TATIANA TROPINA:

Hi, everyone. I think that the main rationale behind this procedure working group or whatever was that some people believe that the GDPR compliance [inaudible] of all the possible WHOIS conflicts that might pop up under the national law. But to be honest, I think the main argument should be that it would be impossible to find volunteers for this group right now, and secondly is that until we know the result of EPDP, it would be really hard to define the scope of this group. In which context are they going to operate? It is totally unclear.

So I believe that we might raise these issues. First of all, volunteers, and secondly, the fact that without the EPDP result, it is completely unclear what kind of conflict this group was going to analyze. And unless we get clear answers, I believe that Keith is behind this entire working group idea, so unless we get clear answers from Keith what kind of scope this group is going to have and how they're going to define it, no one is

going to actually issue the call for volunteers. This would be my suggestion. Thank you.

RAFIK DAMMAK:

Thanks, Tatiana. Yes, I think we can ask Keith all those questions, but we need to be also mindful that we have the charter for that supposed group. So I guess one more action is to review that charter to see what was proposed in that time. Yeah. So, okay, I see there is no motion tomorrow, Stephanie. This is just a discussion. So we have to be here. So this is why it's put for discussion, just to figure out as a council how to deal with this. So all questions are welcome, and let's see how things will go, and then probably, maybe we'll make a decision that needs votes or not.

Okay, so yeah. The limit is just we have the [call] supposed to start in June, and it was postponed several times but cannot be done endlessly. So that's why it was put here, we need to make a decision and to fix this. We thought that we fixed it, but just we put it under the carpet and it's haunting us now again. Okay, so I guess we have this list of questions and we'll try to get clarification on tomorrow's call.

Okay, any other question or comment? Okay, I don't see any. Okay, the next agenda item is report from funded leaders and the PDP leadership travel support pilot. So this is just to get report from those who get travel support from the PDP leadership pilot project, which is the idea to support the travel of those in the leadership of a working group – that can be the chair, co-chair, vice chair, and I think the rapporteur,

different subgroup so they can attend the meetings since the PDP working group has their face-to-face meeting.

I think we have up to four slots for every ICANN meeting, and we make the selection. So, for Panama, we give the support to Robin and Christa Taylor, and so they will just give some reports. It's not really a matter for discussion, but this is just for the council since we have this travel support that is coming from the additional budget request and we are trying here just to oversee and to ensure that those slots were used for good purpose.

Okay. Yeah, it's just a report from them. Okay, so moving to Any Other Business, to council liaison update on the EPDP, on the temporary specification. It would be me giving some updates from the EPDP team, and I think to raise or ask the question coming from the EPDP team that was made yesterday, and other just to give update about the ICANN 63 planning or ICANN meeting in Barcelona, so above the block schedule, and in particular, the [inaudible] or exciting issue of high interest topic and cross-community session. So, okay, any question or comment from this one? To items, and there Any Other Business. Okay, I see Amr and Stephanie. Yes, Amr, please go ahead.

AMR ELSADR:

Thanks, Rafik. Just something I was curious about. It's been almost a week now since the council has been notified that there will indeed be financial support as needed for the EPDP team. There are a lot of nuances to that, obviously, but I'm just curious why this wasn't sort of officially conveyed to the EPDP team. The discussions kind of [stayed]

on the GNSO council, and there hadn't, to my knowledge, been any discussion following the notification. So I'm just wondering where the council stands on this and whether there is going to be some sort of notification to the EPDP team. I'm sure everybody is aware of it, but I don't know, just something [inaudible] discussion point. Thanks.

RAFIK DAMMAK:

Thanks, Amr. I think that's a fair question. The communication is public since it's correspondence from Göran – from Cherine [and] Göran. So, I think one point maybe to have in mind is that you were asking the council leadership to have a call with David Olive and Xavier with regarding about this budget, and there are some kind of how it will be managed. I think it will be kind of a project support team that will help to manage the budget allocated. So we are going to give details.

You have that letter with all the information of what the board budgeted for the EPDP team. We are going to get more updates on how it will be managed exactly and what we are supposed to do. So I'm not sure why it was not shared with EPDP. I guess it was just overlooked because maybe someone was supposed to do it. I'm not sure if it's me as council liaison or not, but I think we can clarify that. And hopefully, when we get more details in terms of how we are supposed to manage this budget, I think we can give all the details. Okay. Amr, did that kind of respond to your question? Okay. Stephanie, please go ahead.

STEPHANIE PERRIN:

Yes. I just wanted to thank Farzaneh for fighting on our behalf, my behalf, to get some time on the agenda for a cross-community session

on standards for third-party access to data. And I'm very happy to share the background document that I sent to the GNSO secretary. I gather this may be up for discussion when we get to the matter of these cross-community sessions at the council meeting.

I probably haven't addressed my need to find a room in the proper way, but it doesn't seem to be too easy at ICANN to get time on the agenda if you're us. It seems to be real easy if you're the IPC or the BC. Anyway, I had a number of interested folks who want to come and discuss how standards would help promote reliable access to third parties. When I say reliable, I mean reliable in a data protection stance to third parties' access to WHOIS data that is protected now under the GDPR.

And while I have talked to numerous folks and they have expressed an interest and a willingness to come to such a workshop, they haven't necessarily been clamoring for that, partly because it's more difficult than just continuing WHOIS the way it is. But there are standards that are relevant to this kind of data transfer, and it's routine in other areas of life under data protection law, and it's time ICANN woke up and smelled the coffee.

So I don't know how we're doing on that. I sent some stuff [very] early this morning. I hope I've made it on time. Thank you, Farzaneh, for fighting for me.

FARZANEH BADI:

Thank you. I just wanted to [inaudible] what Stephanie said, because I did not coordinate with you, and I have [to give you] an explanation. So basically, what happened was that I also – so the sessions that we asked

[inaudible] to schedule are not cross-community sessions, they're going to be NCSG sessions, but then we invite other people. And it's like the timing is a bit bad, it conflicts with the GNSO sessions, a special GNSO meeting with GAC, and one of your working sessions.

But I did that because in my [inaudible] for cross-community session, and the high-interest session that we wanted to hold, we had to merge these proposals, and I doubted that our HIT session is going to get accepted as a standalone session. And you know what happens when we do cross-community sessions, our opinion gets diluted, it gets dominated, our position gets dominated by like 1000 business, government, security interests, and we are just one among very few that have a privacy perspective.

So, this is the reason I thought it would be just as a backup, it would be good to have our own session. And I'm sure that if we invite people, they will come and they will attend. But we have to – I doubt that our discussion will get accepted, but if our HIT session gets accepted, then we can just say that we can take the HIT session and one of these sessions that we submitted the request for. [inaudible]

Another thing that I wanted to point out is basically, what I have seen on the block schedule of GNSO which worries me is the DNA session, and the domain name association session, they have five sessions of 90 minutes each. And if you look at the transcripts of 2016 meeting of theirs in Morocco, they say that they're not a part of ICANN community. They are the DNS industry, so they can exclude participation of others there. And they do pretty hefty stuff that is not within the mandate of ICANN, so why are we giving these guys like how many sessions they

have in like really limited schedule that has so many – and we are under resource scarcity, and then give DNA five sessions?

I'm going to object to that. I don't know how this scheduling is done. I know that the request might have been from the registries, but I am going to – I'm just letting you know that I am concerned. They talk about content regulation at ICANN meetings, they still say they are not a part of ICANN process, but they still use our resources. So I'm just saying that I'm going to object to that. Now, I don't know who I'm going to complain to. Maybe I'm going to talk to the chair of the registry, but I'm just going to [inaudible]. Thank you.

RAFIK DAMMAK:

Okay. Thanks, Farzaneh. I guess the next ICANN 63 planning call will be quite interesting, that's my guessing. So, okay, cross-community session high interest topic, I think at some level, they should just stop being organized, because we have all the same problem, and I don't see how they can be fixed anytime soon. But that's my personal thought. Okay, so any other comment, or [are we set, let's] move back to the main agenda? We have like 20 minutes left in the call.

Okay, so we are moving to the policy update, and this is just to first get kind of status about the public comments, and then any other updates. Yes, any policy topic updates like from working group, review team and so on, and EPDP. Sorry, [inaudible] just kind of somehow decided that today, we should just have 90 minutes. It's already quite late for me personally, so we can extend over that, but yeah, just I think sometimes it's just 90 minutes to be more effective.

So, in terms of public comment, we have several going on. We got volunteers for most of them. The first one that is really, I think, the most important and urgent is the initial report on the new gTLD subsequent procedures. I think we had last week a webinar from Robin on that report. She gave [inaudible] on the main issue and the different recommendation and question on that report, so we got a sense which area we should cover, and I think [inaudible] working using on that input. So everyone can listen to that webinar that gives really a good briefing and explanation what a report of 320, I think, page is about.

Okay. So yeah, the queue, [inaudible] I just saw it. I'm trying to give an update about all those public comment, and then I will come back. Okay, the second, I think, was – there are several related to IDN, recommendation for managing IDN variant top-level domains. I think we have [Farzaneh] leading for that one. And we have the study on technical [views] of rootzone label generation rules. And also, we get a team of volunteers to work on that.

The other one is the draft ICANN Africa strategic plan for 2016 and 2020, and we have, I think, several people volunteering for this one. So we are covering those. There are other public comments, but they are related to rootzone label generation rules, and [we] do not really respond to them because they are quite specific, and we need people familiar with those scripts to comment. So I will check if anybody wants to volunteer, but this is kind of the quick kind of status update about the comments, so how we are covering, if we need anyone to volunteer. [inaudible] the importance about the subsequent procedure, and that's quite critical to respond to it.

Okay, so I'm sharing the link for where you can find the public comment, and you can see also on the Adobe Connect bridge. Collin, please go ahead.

COLLIN KURRE: Can you hear me? Yes, no?

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

COLLIN KURRE: Okay. Thank you. And I apologies if this is not the space to make this little announcement, but I just wanted to let everybody know in case they hadn't seen already that our IGF workshop proposal was accepted, so there will be work kicking off shortly in the cross-community working party on ICANN [inaudible]. I'm trying to get better about kind of circulating news and keeping everybody in the loop on what we're doing over there.

So there will be work kicking off shortly to continue progressing on this multi-stakeholder model for due diligence and human rights impacts ahead of the Work Stream 2 recommendations coming to pass, and ahead of us making our big debut and debuting progress on this model at the IGF in November. So just a quick update, and if anybody has any questions, then they can get in touch with me via e-mail. Thanks.

RAFIK DAMMAK: Okay. Thanks, Collin. Okay, any question or comment? Yes, Farzaneh, please go ahead.

FARZANEH BADII: Thank you, Rafik. I just wanted to mention that the group Collin is running – I call it HR group – also has a meeting in ICANN Barcelona. I can't quite remember when it's been scheduled, but I think it's a good time, it's not conflicting with too many things, so [inaudible] attend that session.

RAFIK DAMMAK: Thanks, Farzaneh. Okay, so if there are any – just thinking, just let's go to the EPDP update or briefing, and then we can go back to any other working group, [if there's] any updates that need to be shared. Okay, we have, I think, most of our representatives to the EPDP team if they want to share an update. There was some shared in the NCSG mailing list, in particular, I think, the survey, but I think someone maybe can give a snapshot of what's going on or any issue that we should pay attention. Yes, Stephanie. Please go ahead.

STEPHANI PERRIN: Thanks very much. Barring very unforeseen events, I expect that I'm going to be taking on a new role as NCSG chair sometime soon. As such, I really feel that I have to step down from the auction proceeds group. I haven't been active lately, and there have been conflicts with the calls for the RDS review. The RDS review unfortunately is a bit of a priority. So I'm looking for someone to take over the auction proceeds for me. I

know Julf is on that as well, but I think I am the named rep, and so – yeah, I realize that, Rafik, but since nobody is running against me, unless the other option, abstain, wins, it looks like I might be doing this.

Anyway, I really need to find a substitute for the auction proceeds. So, volunteers, please. I think a lot of the circling of the drain is over now. We seemed to go for months and months with nothing happening. So I think we're actually making some progress now, but I wouldn't know. Julf's been probably attending more than I have. We did set up a shadow group that was keen on this, but nobody's done anything, so I think we need to find a worthy subject who is willing to take over and do this. There's a lot of money here, but if people think that they're going to get it for projects that are not related to the DNS, I think they're sadly mistaken.

Anyway, that's my piece on that one. And just to brief you all on the RDS review, we are finalizing the draft of the first report on the RDS review. I was complaining noisily in the chat a while ago on what we're doing, and there was a bid by the CEO to shut this particular review down. It was resisted, mostly because we've already spent a whole year and a pile of money. These things are well-resourced, these review teams.

But it's not clear to me that we're doing anything at all useful. We are reviewing the recommendations of the last review team, which are all kind of moot now that we're trying to comply with GDPR. You can judge once you see the report, but I would encourage us to make [inaudible] some comments and be ready to receive it.

To tell you the honest truth, I can't remember when we're releasing it, but the comment period, we're going to have another high-interest session on this during the Barcelona meeting – not that anybody is interested – and then we're going to review the comments after that, have a December in-person meeting likely in Brussels.

So there you have it, I can – maybe the thing to do would be to, one the report is released, to go over it with you so that it makes at least some kind of sense. Thanks.

RAFIK DAMMAK:

Okay. Thanks. So, with regard to the auction proceeds, my understanding is that the initial report will be ready by Barcelona meeting, which means that the working group has already done most of its work. But yes, we can replace, if you want, and make a call for volunteers and appoint someone else, so we can start that for sure. And thanks for volunteering on that cross-community working group. [inaudible]

Okay. So, coming back to EPDP, any comment or any update on that one? Anyone want to volunteer to give that update? Okay, seeing nobody want to do that, I will volunteer. And Amr, can you give us some update on what's going on there or anything that we should pay attention for NCSG in the coming days?

AMR ELSADR:

Oh, I thought you said you're volunteering.

RAFIK DAMMAK: No, I'm volunteering people, and you were the first in the [scope of the...]

AMR ELSADR: Alright. Okay. Yeah, the EPDP team has had its – I think its third or fourth call yesterday. We're currently working on finalizing our thirds survey. Yeah, thanks, Ayden, four calls. So tomorrow will be the fifth call, and like I said, we're currently finalizing our third survey response, which is due in another four hours.

So, if you recall, we had sent an update number one to the NCSG mailing list. We haven't discussed this amongst ourselves, but I presume that you know these updates don't need to keep coming in after every call, because very little actually gets done between one call and the next. We have two calls a week, so I think maybe if we spaced those out, it might make a little more sense.

But generally, so far, what the EPDP team has been doing is basically filling out these surveys on provisions in the temporary specification, and sort of reviewing the responses. Or actually, more accurately, reviewing the leadership team's summary of responses and issues with each one of those. The objective here is to try to identify which provisions in the temporary specification has consensus amongst all of ICANN's SOs and ACs as well as GNSO stakeholder groups and constituencies, and then [inaudible] like a triage exercise.

Generally, this has covered issues pertaining to both data processing as well as access to data in different contexts, like in bulk access or access to data when certain processes kick off, like UDRPs or URSes. There's

several of them in there. I think there is a lot of issues concerning access to data that has been sort of revealing itself in the language of the temporary specification even though the EPDP team is not meant to address this issue until after the second preliminary report, I think the second initial report of the EPDP team is going to be submitted, or the final one, actually, and then the council sort of decides on what to do with that. But generally, I think you should be looking out for a second update.

Our team, as well as [inaudible] some other stakeholder groups have been consistently pushing to defer any topic or any discussion on the topic on the access to registration data to a later time when more – when some sort of other issues that need to precede the question of access had to take place. So these include what data will be gated, [inaudible] also the question of access has to be answered in a very specific context, what is in scope of ICANN’s mission, and then based on that, what purposes it has for processing data. And based on both of these, what permissible and legal purposes would there be for third parties to access data, whoever these parties may be, such as maybe trademark interests, security researchers, or even in a case that came up recently on UDPR and URS providers.

So, I'll take a minute to take advantage of this, because the agenda item for this call includes updated from working groups and review teams as well, and it would be a good idea for us or for the EPDP team in general to sort of figure out what the review of all RPMs and all gTLD PDP working group is doing in terms of reviewing the URS, because I think that’s happening now. So I don't know if it'll be helpful or not, but it might not be a bad idea for us to just generally be aware of what

direction it's taking. Like I said, we need to come up with a specification to replace the temporary specification on how to handle data processing and access to this data by parties involved in a process like a UDRP or a URS.

So I think that's it from me now. I think it might not be a bad idea to send a second update to the NCSG list after tomorrow's EPDP team call with these updates, maybe presented in a more coherent manner, and to answer any questions on this. But of course, please, if you have questions now, you can bring them up as well. Thanks.

RAFIK DAMMAK:

Thanks, Amr. That was quite exhaustive. And I think when we have now this opportunity with NCSG call to give all the updates, and that's why we pulled the EPDP one. But EPDP will have its own call, I hope, by next week, so we can really just focus on that. And we will wait for the update to be sent to the mailing list this week.

I just have one maybe kind of question or reminder. We still have that early input, and I think the deadline is the 21st of August, which is like a few days away. I know that we had kind of a draft, but the question was kind of changed a little bit. So maybe we should just go back to that draft and do some [inaudible] work. But just to get that done. I don't think it's the most critical one, but I think at least to get [that] as early input from NCSG.

Okay, yes, that's [why I'm] here, just to remind you guys. Okay, so as I said, we could have EPDP call [inaudible] and with the question I think you asked about the RPM and [inaudible]. I'm not sure if there is any

update from that working group. I only saw some updates about data collection, they are still working on that, but in terms of substance, I'm not sure. Maybe for someone who is involved in that working group, he can share more details or information.

AMR ELSADR:

Rafik, if I may, maybe defer the update to another time. I wouldn't mind if it's even done on list as opposed to on this call. But I think it would be helpful for us to get a rather detailed update on what's been happening with the RPMs review PDP in terms of what's being done with the data, the review of the trademark clearinghouse issues, [the summarized registrations] and the 90-day notice period. And also maybe an update on progress being done on the URS review as well, because I believe that's taking place right now. So I don't think we need one right now on this call, but an exhaustive update to the NCSG list would be appreciated as far as I'm concerned. Thanks.

RAFIK DAMMAK:

Thanks, Amr. Just some administrative point, I think we can – I said 90 minutes for this call, but we have two hours. We can extend [inaudible] if there are topics for discussion or updates, we just wanted to keep quite more short so we can focus, but we have [inaudible] more time to discuss. So, thanks again, Amr, for the update, and we'll follow up with those questions. Hopefully, we can get that shared in the mailing list.

Okay, Stephanie, just for one point of order, we have to appoint the person with regard to the auction proceeds as representative from NCSG. In particular, the policy committee. So we can do that, and just

we can confirm if Julf is keen to be the representative just to make things in order, I think.

Okay, any other update from working group, review team, or question? Okay, I see none, so I think if we have no more issue and [inaudible] an update for the policy, for Any Other Business, any topic that anybody wants to raise or wants to discuss?

Yes, Stephanie, please go ahead.

STEPHANIE PERRIN:

Yes. I just wanted to check in that we had provided enough feedback on that capacity building session that we had in Panama, because we got the money for it, there was a lot of effort put in. Personally, I thought it was useful. I think – we do so many darn Doodle polls and feedback things that I honestly forgot. I think I responded right off the bat and gave them my comments, but it seems like they were scratching, looking for more comments towards the end. And I'm just wondering if we fully responded. Do we need to make more efforts? Because I would hate to kind of fizzle out. I think that that was a useful session, but I'd like to hear what other people thought. And we hadn't really discussed the policy meeting.

RAFIK DAMMAK:

Thanks, Stephanie. My understanding is the question was for the participants of that capacity building in Panama. So there was, I think, the survey first, and then that question, and Farzaneh and [inaudible] were managing to collect the response that was sent by the

participants. But I don't think there was an expectation to have kind of a consolidated comment from NCSG per se. But since we have Farzaneh here, I think maybe she can clarify what that follow-up for the NCSG capacity building.

FARZANEH BADI:

Oh, sure. So, well, the thing is that [the ABR] that we drafted kind of was interpreted differently, and the course was implemented as like a negotiation consensus [inaudible] that gives you skills and tools. So it's not really about how the policy process is at ICANN, but about how not to get intimidated when you go to a group, how to reframe your sentences so that you come to a consensus, how you can get people to listen to you, and stuff like that. So that is now the major aim and goal of the process.

Now, I'm trying to see, if I get the time until the end of the term, to come up with like a brief course on how the PDPs work, but we are going to have two more webinars for this NCSG capacity building, and they allocated, I think, \$10,000. Yeah, \$10,000 in [ABR.] I'll have to check for this year as well. So we only have webinars.

And what we did was that the survey, the result was people were mostly satisfied. The problem was that they wanted more policy, they wanted to know how to get involved with policy. But to be very honest, I think that was – that is something that we should work on and make sure whoever is NCSG chair should kind of build on that, write an [ABR] that focuses on policy and NCSG.

But this year, we want to work on the tools, the skills, what you need for negotiation, what you need for consensus, how you work with a group, which I think is very much needed at the moment, because we need to be able to reframe our phrases, we need to be able to work with other people, we need to know what we do in situations of conflict, and [inaudible] just be more productive.

So, this was – but then when we asked the members what sorts of tools do you want and skills, we didn't really get feedback, but I have submitted – [Bruno] and I and Claudio kindly compiled all the comments, and we submitted it to the [trainer.] But these two webinars are going to be about consensus building and negotiations, and the tools and the skills you need to be in these groups.

And I hope that it will have some measures of NCSG, it will have more NCSG elements in it so it won't be as general. I will try my best to ask them to design it like that, but it won't be as general as the face-to-face. So it will have elements of NCSG, and I hope this time, it is more custom-made, because I have been provided feedback – sorry, I'm going on and on, but that's it. That's the gist of it.

RAFIK DAMMAK:

Thanks, Farzaneh. I see Stephanie wants to comment. But yeah, I understand the importance of this issue, but I'm not sure that we can fix it today. But thanks, Farzaneh, for those updates. So Stephanie, please go ahead.

STEPHANIE PERRIN:

Thanks very much. I can see that that last one kind of went in a direction that was unanticipated, perhaps. I'll tell you what I'm concerned about. We're looking at, okay, what are the barriers to people getting involved in policy? I have to say I think one of the barriers is that a lot of the new people who join us do not understand fully the scope of ICANN. I recall at a recent meeting – and don't ask me whether it was Panama or San Juan, but a bunch of fellows went up to the mic, and I think the first half dozen made statements that indicated they did not have a good grip on what ICANN's scope was.

We're not here to bring bandwidth, we're not here to save the children from toxic stuff on the Internet. There's a list of misapprehensions about what ICANN has any scope on, it's quite long. And James Gannon in fact disabused a newcomer about – we were doing in terms of security. It's a pretty limited role. So we need to bring people up to speed on what our scope is prior to helping them get engaged on policy work, in my view.

I think, to me, facts come first, and then skills and intervention possibilities. And the other thing is we all make jokes about ICANN, at least I certainly make a lot. It's black humor, it's possibly British humor, maybe, but we need to be realistic about what ICANN is as a multi-stakeholder organization. We need to work with other groups, but we also cannot be naïve enough to think that anybody actually wants us to be here.

That's why the creation of NCSG was a fairly – it was as hostile takeover, more or less. Milton is not on the call to contradict me, but we're here at the sufferance of everybody. They did not invite us. So people need

to understand and not be naïve about how difficult participating is in this environment. And as much as I bellyache about it all the time, I'm certainly aware of it.

Anyway, those are just my thoughts on this. So that's kind of the direction I'm heading for next year to build on this great work that Farzaneh and Bruno have started this year. Comments, thoughts would be more welcome. Thanks.

RAFIK DAMMAK:

Thanks. I think also concision is one of the most important skills, and I think we reached the end. Unless anyone wants to raise another topic or issue under Any Other Business, I'd like to suggest that we adjourn the call. So I'm just waiting to see anyone want to raise another point. Okay, Farzaneh, I guess you want to respond here, so please be concise.

FARZANEH BADI:

Yeah. I will be. Sorry. So, I just wanted to make – I can see a couple of new members on this call, and I'm very glad that they're attending. And this is the way to go. You attend our policy calls, you reach out to people. We are always here to respond to your inquiries, to your questions. However, it takes time, and we need to be patient in order to kind of get up to speed.

And if you do not gain that knowledge – and I don't want to discourage anyone, but if we do not have the knowledge of the governance of this structure, like the basic knowledge, then when you get appointed to the

positions or elected, then a lot of the things don't make sense to you, and it will take even a longer time to get a hang of it.

So it takes some time to warm up and to understand NCSG. We tried to reduce that time by training, by talking, by mentoring, but it takes time, you need to study, you need to read. A lot of it is self-study, but also, mentorship is there as well. And there's no magic pill to this problem. All the leaders in the past have been dealing with it, and in the future, we are going to be dealing with it as well. It's just a matter of working together to get NCSG more active. And we are on that path anyway. Thank you.

RAFIK DAMMAK:

Okay. Thanks, Farzaneh. I guess if I have some kind of magical pills, I am happy to find any buyers. Anyway, I'm not sure, Stephanie, is this an old or a new hand?

STEPHANIE PERRIN:

Old hand, sorry.

RAFIK DAMMAK:

Okay. So, I think we covered this topic, and there were several points made. It's important to follow up and to continue, but [inaudible] made it clear before we started working on this, there are several efforts going on and so on, so there is always area for continuous improvement and to see how we can do better.

And as it was also shared in the chat, any newcomers should feel free to ask any question and any inquiries. And I think it's already going on, so we just need to encourage more to happen. And for [those] calls, I am also happy to hear any comment how we can make things better. I understand that sometimes, we go into quite an obscure topic or it's not clear what we are talking about, so any suggestion how we can make things more easy, more digestible, [I'd] personally welcome that.

Okay. Yeah, and I think that's it. But yes, concision is quite important skill, again, so I make that point many times. Okay, if there is no – nothing else, we'll adjourn the call for today. And thanks, everyone, for attending and joining. So we will continue also this discussion on the NCSG list and on the next call. So thanks again, and see you.

OZAN SAHIN: This call is adjourned. Thanks all for joining.

[END OF TRANSCRIPTION]