

ICANN

**Moderator: Maryam Bakoshi
September 18, 2017
8:00 am CT**

Coordinator: The recordings are on.

Maryam Bakoshi: Thank you very much Gerri. Good morning, good afternoon, good evening.
This is the monthly NCSG policy call on 18th, September 2017.

On the call today we have Abdul Saboor Malik, Avri Doria, Ayden Férdeline, Kathy Kleiman, Krishna Seeburn, Rafik Dammak, Raoul Plommer, Nick Shorey, Stefania Milan, Tapani Tarvainen, Tatiana Tropina, Zakir Syed.

And on the phone bridge we have Arsène Tungali and Akinremi Peter Taiwo.

From staff we have myself, Maryam Bakoshi. I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and over to Rafik.

Rafik Dammak: Thank you very much Maryam. And thanks everyone for attending today's call. I see several new members joining us for this call so I want to welcome them.

There is that we have our regular policy call. Usually all the GNSO council call which is held on a monthly basis. We usually organized it on Tuesday but this time is on Monday since the – due to holidays (unintelligible) schedule it on a Wednesday instead of Thursday. So what you should try to do is to go through the council agenda. There are several motions to be voted. This is an opportunity for the counselors representing NCSG members to discuss this motion and also other items for discussion there. And to see what kind of action we should take.

And then we go to other policy items like public comments and so on. And to see – to get kind of an update in addition to briefing from working groups.

So not waiting more so we should start with the first agenda item which is the GNSO council. Maryam can you please share the agenda in the Adobe Connect?

So the first items are kind of administrative. One which is the review of the project list and the action items on the previous call. So we move from that. There is nothing in that agenda too.

So the first important agenda discussion item here is about the (unintelligible) protection mechanism in all the gTLD data request. And this is coming from the working group covering the rights protection mechanism. And it is using for the first time the request to get data and receive it that councils that requests in addition to the summary on the working group to expand the reason behind such request.

We take advantage that Kathy and then she is here on the call. She is the co-chair of that working group. And probably she can give better explanation

than me about this request and why it is (unintelligible). And she can give us some guidance on how we should go about this.

Kathy Kleiman: Hi Rafik this is Kathy. Can you hear me?

Rafik Dammak: Yes.

Kathy Kleiman: Okay great. Good morning, good afternoon everybody. So let me give a quick background then I am happy to answer some questions about this. Quick note that there are three co-chairs to the Rights Protection Mechanism Working Group.

Phil Corwin is of course on council and J. Scott and I have both been invited to be at the meeting on Wednesday. So we are both planning to be there. So there will be a lot of people to answer questions if there are more.

Okay this is a data request. So it looks fairly long and it is because we really need some data. In the Right Protection Mechanism Working Group we are on Phase 1 and we are looking at the new gTLD mechanisms right now. And specifically we are looking at the Sunrise period and the trademark claims.

And really there is not a lot of information about that. So a good part of the data request that we go out and we ask people about how the Sunrise period went and how trademark claims went.

So a lot of this is what we call anecdotal. But we want to – we are just looking for some funding to help phrase the questions right. We have been criticized in the past for having, you know, phrasing that seemed to weight the question one way or another.

There are people who specialize in more neutral questions. And so we are looking for some funding on that. And this is really to go out and ask the registries how the process went and the registrars and the registrants and the trademark owners.

We are going to be collecting information about whether reserve names. You know can we find out information, did reserve names hurt the process? Did private mechanisms hurt the process? You know did Sunrise work? Did trademark claims work?

Trademark claims is a particular interest to us in non-commercial because a huge number of people are turning back when they hit a trademark claims notice.

So one of the questions we are asking is what is the trademark claims and is it translated to the language of your registration agreement? This was a basic commitment that frankly I fought for very hard originally.

And we don't even know the answer to this. And it is a basic question. It is not a hard question. It is not going to take us years to find but somebody has to ask it and somebody has to go out and collect it.

We are also kind of culling through the URS. The Uniform Rapid Suspension. So it is not all anecdotal. We are doing some research although ICANN staff is going to do most of the research.

We are doing some research on Uniform Rapid Suspension. There is a big push by some in the Rights Protection Mechanism Working Group to see whether, you know, to see if we can put in all sorts of variation of what they

call fat finger typos and all sorts of variations of protections of expanding the protection right now to an exact match.

And one way that – some indication about whether that was important or non-important was whether there were a lot of URS cases in Sunrise or right after Sunrise that involved typos. Involving something in the trademark clearinghouse.

So just seeking data we hope that data gathering will be added in the next version. In the next version of the new gTLD guidebook. This is probably something for subsequent procedures. But we hope that data gathering will be incorporated. But right now we have to go out after it.

And we understand there is funding for this kind of thing. And so we spent a lot of time trying to – the working group spent a lot of time trying to kind of narrow down the data that it wants. And then the co-chairs and Mary Wong are staffed, you know, senior staff has spent a lot of time kind of writing up this request. Thanks much.

Rafik Dammak: Okay thank you Kathy for this summary. I can understand that you are supporting this request. So if I can ask here when you used the let's say, the adjectives anecdotal here, so what do you mean exactly? Because I think we are trying to do some quantitative data collection here and to move on what kind of qualitative which is open to a lot of interpretation and can be, I mean it can be (unintelligible). Can you maybe clarify about this?

Kathy Kleiman: Rafik let me rephrase and see if I understand the question. The data can be subject to misinterpretation once it is gathered? Is that the question?

Rafik Dammak: Yes that is – I that always happen but I was asking about the term anecdotal...

Kathy Kleiman: Anecdotal.

Rafik Dammak: Yes. Anecdotal because if you can you explain a little bit more about it because it seems to have a particular meaning maybe in your context.

Kathy Kleiman: Sure anecdotal is just as we are using it is actually just to have people share with us their experiences. It is not absolute research per se. It is not provable statistical research. We are having a lot of discussions in the working group about statistical research.

But it is people's experiences. And in Johannesburg we actually begin the collection of anecdotal data by inviting registries and registrars to come and share their experiences with us.

And (Amodeo) who you guys probably know from dot-CAT and the ICANN board in the early days. (Amodeo) from Spain came in on behalf of (Coor) which runs a lot of registries and is back end for a number of registries.

Talked a lot about some of the GOs and some of the issues that they had with Sunrise and also with trying to reserve certain names that would represent their provinces and some of the geographic and other types of things that they were trying to protect.

And in the process we kind of learned that there was kind of a hypothetical conflict between the trademark owner and between a natural use of a word that you might want to reserve in a GO.

The example that comes up a lot for us is Police. So Police is a rock group trademarked of course protected. But Police is also, you know, if you have

got a GO, Police.Moscow, Police.NYC, Police.Paris and Police.London might be really natural to reserve for the police forces.

Who gets priority? We would like to know if anyone had issues with that. We have heard something in the wind that there was some concerns about that. It would be good to know. And so that is the kind of data we are trying to go out with.

There is only one thing worse than making decisions with data and that is difficult enough and it is making decisions without data. And then you are only based on opinion and, you know, what people have, you know, everyone kind of sees it through their own lenses and we are trying to make sure that everyone has the data to see it through all lenses. Thanks.

Rafik Dammak: I think let me see if there is anyone who want to comment or who want to ask? For those on the call if you want to ask you can just raise your hand and to be in the queue. If you have any comments or you want clarification from Kathy.

Kathy Kleiman: Rafik this is Kathy. Maybe I can ask if anyone has any concerns about this and if we can discuss it?

Rafik Dammak: I don't see anyone in the queue. So I don't have a specific concern here but just maybe – I went through the summary and the request and the (unintelligible).

So just kind of I understand even if we – the council approves it is still up to the ICANN organization to secure the budget for hiring contractors and some vendors for professional to design the survey.

So if I understand correctly you have kind of – you are not aiming for those within the community but really trying to go beyond. So does the group have – has the group already an idea how to do that? Or you are sort of going to count on the vendor who will design the survey in the professional manner?

Kathy Kleiman: That is a good question. Let me just make sure I am off mute. That is a good question. We will certainly take their opinions but we have been talking about that and how we can reach out beyond.

First it is getting answers back. Frankly, you know, in other working groups I understand they are seeing the same thing. That this kind of a tiredness about that process, about answering requests for information from working groups and from other groups.

And so part of it is just kind of putting all the questions in one place and sending them out. And we do need them from the community as well as outside the community.

So are trying to get, you know, almost all the questions that we have for the registries and registrars. In one place, phrased well so that they can, you know, they can concentrate on the answers once and get them back to us and kind of cover a lot of ground. Rather than being hit by four or five requests on different topics.

In terms of reaching out to the community, you know, chances are we may come back to us, to you guys. And see how we better reach, you know, a wider non-commercial community.

Chances our stuff is going to go through the international trademark association for trademark owners. They will use that for one of their distribution methods.

So we have been talking about it. Certainly be happy to add anything that you would want us to reach out to. I just don't think it is going to take that long for a survey designer to do the survey. But we are thinking of kind of distributing it through traditional ICANN mechanisms.

Both the ones that reach out to the community, the ICANN community and those that reach out more broadly to the internet community. But suggestions welcome.

Rafik Dammak: Thank you Kathy. Still trying to illicit any comments or questions on the call. But I can assume that there is an agreement and support for this request. I don't see any problem on the data and I encourage everyone to read the short summary I just shared a few minutes ago in the Adobe Connect chat.

So I guess we should vote yes and then Wednesday (unintelligible) for this motion. Okay so just checking if there are any comments before moving to the next agenda item.

I don't see any so let's move to the ICANN Number 5 which is a vote on the cross committee working group (unintelligible).

So here we are going to vote on some of the recommendations from that working group. So we have – we try to adopt Recommendation Number 1, 2 and 4. So let me (unintelligible).

Maryam can we share the motion because I think it is quite long and there are some details on the recommendation.

So we had discussion in the council about this working group for it being the last two or three calls and now it is time to make a decision and how to move on with that recommendation from the working group.

And it is in relation also I think we have had discussion about (unintelligible) at the subsequent (unintelligible) working group with working strike Number 5. So is it possible to share that motion in Adobe Connect?

Maryam Bakoshi: Yes Rafik I am going to share it in a minute.

Rafik Dammak: Can you give me the scroll because I think it is at the end of this page? Okay.

Maryam Bakoshi: Hi Rafik you have scroll control. Thank you.

Rafik Dammak: Okay so as you can – trying here to (unintelligible) highlight which is the most important part of the motion which is in relation to approving the (unintelligible) of the recommendation.

So the first one is to close this (unintelligible) working group in (unintelligible) in the charter. We recommend that the ICANN community consolidate on Policy 4 relating to geographic names. The term has traditionally very broadly defined in the ICANN environment to respond.

To enable in depth analysis and discussions on all aspects related to all geographic related names. This is the only way, in our view, to determine whether (unintelligible) is truly achievable.

And recommend that future policies developments facilitates an all-inclusive (unintelligible) ensure that all members of the community have to other opportunities to participate. Again we believe this is the only way to determine whether (unintelligible) truly achievable.

And I think those in particular recommendations Number 2 and 4 are related to discussion we have in (geo-names) and trying to have that cross community discussion and allow for the subsequent procedure working group.

And so you can also see in the Item Number 5 the supporting (unintelligible) future work should take place with authority policy development process and ICANN bylaws with a clearly drafted charter. (Unintelligible) how inclusion recommendation will (unintelligible) policy development process (unintelligible) key efficiency of this GWG as it has not made clear how the group work and are we being incorporated in the policy making (unintelligible) by ICANN bylaws.

So also you can see in the results as you can see that we are going to try to adopt Recommendation Number 1 and also adopt objectives of Recommendation Number 3.

And also to instruct the leadership of the subsequent procedure. Working group to consider the final report on the cross community working group framework for the (unintelligible).

And so we are making here the link between that work and the discussion that we have about (unintelligible). So I am trying to kind of go quickly with the motion and to explain what this is about.

Also came here to hear from other counselor thoughts on this motion.
(Unintelligible) since (unintelligible) the good share of subsequent procedure
working group (unintelligible).

Any comments? Any questions? I just don't want to put anyone
(unintelligible) about this.

Avri Doria: Yes this is Avri. And I apologize that I am getting off the meeting in about
five minutes because I have got another meeting I have to go to. But on this
this basically matches the expectations within the new subsequent procedures
group.

It is part of the reason that we are putting together this Work Team 5 where
we are still trying to get it started. And I know this isn't being asked for now
but just in case anybody is here. We are still getting started. We still don't
have the GNSO representative for the chair nor several of the others.

So we are start of – in a very slow start. But that is the reason for that group.
So going with this and, you know, basically which is thank you. We will take
the input and we will work on it in the pdp, subsequent procedures pdp. It all
matches my understanding. Thanks.

Rafik Dammak: Thank you Avri. So it seems okay from the subsequent procedure working
group side. I mean just to – you are asking to take this as an input.

I see that Nick in the queue. So please go ahead.

Nick Shorey: Hi Rafik it is Nick here. Can you hear me okay?

Rafik Dammak: Can you speak?

Nick Shorey: Yes hi Rafik can you hear me?

Rafik Dammak: Yes I can hear you.

Nick Shorey: Okay right great thank you. Sorry I have been having a few problems with my microphone and audio. I may have missed a couple of points that either yourself or Avri made, just going back to the piece on use of country, territory names of that. In terms of the recommendation that we close this all down and move forward with a sort of a consolidated piece if the recommendation for a cross community working group or is the recommendation for a GNSO led PDP?

My personal view is that this has got to be a cross community piece of work in order to resolve this. I think as soon as we try to keep everything bundled up in a GNSO PDP we're going to get sort of isolated areas and problems further down the track with between GAC and GNSO and all of that kind of thing. So is - has that been determined? Welcome your guidance.

Rafik Dammak: Thank you Nick for this question. I think my understanding from the motion in particular the, whereas part the expectation that the work would be done within a GNSO PDP framework here and so that's why to the Subsequent Procedure Working Group as well. And while that's my understanding and as may - as you may know we had also the discussion in Johannesburg within the Subsequent Procedure Working Group about having agenda items discussion between separate Work Track Number 5 with the kind of cross community setting but not necessarily cross community working group. So I know that maybe that not what GAC and maybe other parts want but oh I see that Avri would like to repeat here maybe she wants to talk about. Yes Avri, please go ahead.

Avri Doria

Yes, this is Avri again. Sorry for putting my hand up again. And just before I leave yes I mean that whole conflict and that may come up within the council meeting of, you know, whenever they talk about subsequent procedures is are they (become) a cross community working group? And the answer to that is no. Now I have as of yet unproven hypothesis because I haven't done the work that most of the things that the other parts of the community are asking for the, you know, the ALAC and the GAC and specifically already the ccNSO while we can't use a cross community working group of getting formal approval of the other SO because of the mechanisms in the working group guidelines and in the PDP guidelines in terms of porting out comment requests to the other ACs and SOs and needing to basically sit and talk about any differences that they have in those when they return answers and the fact that people are participating in all the various, you know, full meetings, et cetera, that we can essentially map most of the functions and behaviors of a cross community working group into the tools provided in the GNSO guidelines.

As I say I haven't done the specific work. And the first part of this process will be sitting down with the four, you know, cochairs either, you know, I mean it either be (Jeff) and his cochair depending on when it happens. It'll be me or whoever is picked to take my role and basically work out that mapping with them. And since I'm the one with the idea of a mapping in hand I'll certainly be around to help do that. So it will not be a cross community working subgroup but it will be a proper PDP subgroup but it will contain many of those elements I believe, thanks. And sorry I've got to leave I could only do the half hour.

Rafik Dammak: Thank you Avri for the explanation. And I just (here) also the ccNSO letter to the GNSO also they highlight about having kind of it's not cross community

working group but have like of the ability I think about option and so on in terms of the work from that - in that working track (unintelligible). Yes Kathy, please go ahead.

Kathy Kleiman: Hi. I'm – this is Kathy. And I just wanted to point out something Avri has actually said many times which is that we need people from noncommercial and subsequent procedures especially if we create another subgroup and subsequent procedures. But across all the subgroups there's a lot of registries, there's a lot of registrars, there's a lot of trademark owners but there's not a lot of noncommercial. And in some cases I'm not seeing any other noncommercial.

I occasionally go in because rights protection mechanism actually, you know, works closely with subsequent procedures. So I kind of go in from time to time. But there's a lot of room for our views and people representing our views. And if someone wants to go in and wants support from, you know, a group of us we could do that too. But especially if we're going to create another part of subsequent procedures I just wanted to flag that we need some more noncommercial voices. Thanks.

Rafik Dammak: Thank you Kathy for the comment. And this we need to have more participation in different working group. We have really (unintelligible) performance process going on and we need more participation to follow what's going on and to (unintelligible) the process. Okay, so with regard of this motion so personally I don't see any problem with voting yes on this. Then the working group tried to do it's and deliver those recommendations. So I think we can access them.

And anyway I think the discussion moved on already to the subsequent procedure working group on the matter and what's the best setting to have a

cross community discussion on the matter. And I see that Nick shared some concerns in the chat. I think you have to continue that discussion anyway and see how we can find acceptable solution for everyone. I mean I can observe that for example the ccNSO appointed someone as a coleader for Working Track Number 5 why the GNSO itself didn't do that yet. And I'm not aware what's the kind of conclusion the ALAC for that. But still kind of something still going on and we'll see how it will evolve in coming days.

Okay, I would like to ask fellow counselor about their thought on this motion? I don't see any. Okay so we maybe we can move to the next agenda item. Maryam, can you please go back to the GNSO agenda? Okay, thank you. So the next agenda item which is about vote on the GNSO members from the - for the ICANN Accountability and Transparency Review Team Number 3.

So as Standing Selection Committee the SSC did a selection (unintelligible) of the possible representative from the GNSO to the ATRT3. And yes I think it would be nice to maybe to also share the motion here again. So being myself the representative of NCSG to the - to that standing committee. One problem was that we had kind of a small pool of candidates to do selection from.

So we get like three seats that will guarantee to be selected as then also we had ranking of seven representatives. So each SO and AC is insurant or guaranteed to have at least three representatives in the review teams. And each SO or AC can go up to seven representatives. But then from number four to number seven that's kind of (unintelligible) discussion and negotiation between the SO and the AC leaders. So Maryam can you please share again the motion so it seems there's the list of representative there?

Okay, so we are - the GNSO is nominating and ranking in order Brian Cute from the Registry Stakeholder Group, Wolfgang Kleinwächter from NCSG

and Stéphane Van Gelder from the Registry Stakeholder Group as the primary three candidates for ATRT3. And then ranked we have Tatiana Tropina, Michael Karanicolas, (Ditola Sobettin) and (Erika Volle). So those are the names that will be sent to the SO and AC chairs. And I already see item in the queue. Yes (unintelligible).

Ayden Férdeline: Hi Rafik. Thank you very much for that. This is Ayden Férdeline. I presume you can hear me at the moment. Can you hear me? I'm going to...

((Crosstalk))

Ayden Férdeline: Okay great, I see in the chat that I - perfect thanks. I just wanted to pick up on something that you just said Rafik. You said there's a very small pool of candidates. So I was wondering was it considered the possibility of readvertising the call for candidates because from what I understand there were nine applications for potentially seven seats and it did appear to be a lack of gender balance in those who applied. So I was wondering if the consideration was made that okay perhaps we think we did not advertise this position in the first place. Maybe we need to (bring) this for two weeks to get some more candidates in?

And the second question that I had was of the ranking itself, I was wondering when the SSC and forgive my ignorance because I'm not entirely familiar with how the SSC goes about their process of - or ranking candidates but I was wondering from what I understand however you complete an online survey that is not anonymous. So I was wondering if there's a discrepancy between the ranking that our three representatives on the SSC provided in the poll and the ranking that other stakeholder groups provided? I was just wondering how they mesh together. Thanks very much.

Rafik Dammak: For the call I think it was extended already before maybe once or twice I'm not sure, but at least it was extended before. And so the call is for all how say candidate from the different SO and AC then after those who are asking for a GNSO endorsement they go to the GNSO. So it was extended before. So the issue was I'm not sure would be fixed by just extending endlessly the call maybe it's symptoms of another issue.

With regard to the polling I'm not sure that it's not anonymous. So I don't recall seeing other member's selection. I was not on the call unfortunately because it was like in the human I'd say not human time for me it was in the middle of the night. So - but I did the polling and also checked the notes and the minutes of the call.

Basically the ranking is just translating what was done in the polling. So I cannot speak for other representative from the NCSG to SSC on that regard. So what are their thoughts? So we had the discussion about the result. We expressed some concern about that I mean there is an issue of diversity and how we could maybe do better to get more NCSG representative. But however I would like to highlight that we have already one representative from NCSG that is wanted to be selected. And I see also that we have number four and five from NCSG so probably yes we always can do better but how that's always maybe the question that's hard to answer. So I see that we have Tatiana and Kathy in the queue. But I'm not sure it's an old or new hand? Yes Tatiana, go ahead.

Tatiana Tropina: Hello, hi everyone, Tatiana Tropina speaking for the record. I would like to add to something Rafik said as an answer to Ayden's question about the pool. As far as I understand also someone who actually applied for this – to be a (unintelligible) with your team the call was issued in January but I think I applied in late May or even June during the extension. And I believe there

were really kind of our people were trying to mobilize the community to apply.

I saw several emails for example come in through the accountability working group the CCWG accountability. I saw enough on the other list and I believe that the call was extended exactly for this reason that there was no diversity, there was not enough volunteers. But I also think that with all the working groups especially with accountability working group there might be a general question of how to say volunteer burnout.

And in my opinion ICANN and AC and SO did everything to really try to encourage people to apply. I personally applied not only because I was interested in this particular review team but also because I saw that we didn't have enough diversity of the candidates. And we didn't have like kind of I see that enough qualified candidates from NCSG. And Wolfgang is in the list of recommended candidate who will get the place guaranteed. But I also thought that there might be a lack of gender diversity and we need more qualified candidates. But otherwise I do think that the calls were just (unintelligible) everywhere. And I don't think there was really a lack of effort to recruit people except that maybe we didn't run around and beg them to apply.
Thanks.

Rafik Dammak: Thank you Tatiana. You are giving a candidate perspective and the answer is it's interesting that you're on the call the first call was in January and see how long it took and still we didn't get enough candidates. Yes Kathy, please go ahead.

Kathy Kleiman: Great, this is Kathy. And always wonder - I don't quite understand how we get to a final decision on the picks. And on the final picks we've only, you know, review teams have certainly been more than seven to nine. We've got

great candidates with Wolfgang, Tatiana, and Michael Karanicolas and that covers a lot of noncommercial issues. Like Michael with the Center for Law and Democracy in Canada and so he works on, you know, transparency, and free expression and things like that and Tatiana and her background and Wolfgang all different areas of expertise.

So could somebody tell me how, why we – why everyone didn't get on because it seems like we've got qualified candidates and we've got the slots for qualified candidates? Why were only three picked? And who – how does the next round go – how do we fill out the rest of the panel? And is it those three picking their friends? I don't get it. Why aren't all these people on the review team and letting it go forward? I'm confused, thanks.

Rafik Dammak: Yes, thanks Kathy. Maybe first thing we need to try and find the process of selection is different from previous review team. Those are coming after the, you know, the work done in accountability and so on and now the selection it's up to the SO AC leader. So each SO and AC is guaranteed to have at least three I mean it's a guarantee to have the three representative. So it goes to the first three are I'd say insure the warranty to be and the review team.

But each SO and ACs can have up to seven. But for - from the number let's say four to seven that's kind of it will be a result of the initiation and discussion between the SO and AC leaders to have – to see if there are some maybe missing skills, or experience and so on. So this is kind of - but that's for example what happened in the Whois Review team there the last one that we send the three names but there was we thought that we should have a representative from the registrar. And so we proposed the fourth representative to be from the registrar then asked the GNSO chair to push for that and we good - we could get that. But it's not clear that we can have that every time.

Another maybe thing to have in mind about the reaction the process as it was drafted and approved by the council we have kind of provision that to ensure if for example a stakeholder group could then get to a review team it will be insured to get a representative in the next round for other review teams. So yes so I'm – it's hard here - I mean I'm not sure I can really discuss the merits of the candidates but it's somehow for I think at least for the five the first five it's a hard choice.

For example Brian Cute if he was a chair of I think the previous review team I mean the ITRT so it's kind of obvious choice here. And then we have also Wolfgang as a representative - I mean yes as a former board member and so on and also someone from our stakeholder group that's a clear choice. Stéphane Van Gelder as I think he was a GNSO a – he was a former GNSO chair also a former NomCom chair. So this kind of - they have experience. So yes I mean this is kind of candidate but the thing is maybe we can ask and this is kind of the after discussion maybe in the council if we can push our leadership the GNSO leadership to push to get more representative from the GNSO - the expertise they can bring in term of transparency and so on. So we can try to do that. So okay is there any question or comment here?

Okay, I don't see any. Okay, so we don't see other SSC representative on the call. So it's really hard to only to carry all their thoughts here but please on the council we can raise this issue again and see if what can be done. So - but I mean yes so we'll see what can be done.

Okay, so let's move to the next agenda (unintelligible) and back to GNSO agenda. So Maryam can you go back to the GNSO agenda, GNSO Council agenda please?

So we went through the three motions tabled for vote for the council call. Now we are moving to kind of discussion items. So the first one is about the revised operating procedure and ICANN bylaws. There was a (unintelligible) maybe going even backward to expand the context. So after the adoption of the new ICANN bylaws, the GNSO established a drafting team to work in updating the operating procedure for the GNSO to take in consideration the rights and responsibility of the GNSO under this - the revised bylaws.

And that draft team report was under - to, how to say, to - was under public comment, and we submitted a comment from NCUC to support that work and the changes done in that operating procedure for GNSO. So the ICANN staff collected the response and the major report and now it's kind of I think here about what are the next steps to be taken in regard to the comment that we had.

So I would like here to maybe to see if any councilor or those who worked on the drafting team if they have any thoughts on how we should proceed with regard to the proposed changes. Okay, nobody. Okay so I mean it's no vote here but it's kind of discussion on how we should proceed. So let me find maybe the e-mail from the, how to say, from the GNSO staff because the project is for some reason the different option are not indicated in the - under the agenda items.

It would be helpful really if other councilor speak on this issue, if they have any thoughts or any suggestion on this matter. Information from the staff. Okay so once NCUC is to adopt the revised GNSO operating procedure so - and just maybe making some minor update, as suggested in the analysis of the comment, or just maybe a further consideration of the comments submitted or the consultation with the bylaws drafting team.

So maybe we go to consultation with the drafting team, and I see that Farzaneh is here and she's one of our representatives to the drafting team. If she has any thoughts on this issue and if she thinks that we should go back to the drafting team, if needed.

Okay so yes. Regarding the host, yes, we lost Maryam. She has some issue. No worry about that. It will be handled. So the call is still going on so it will be fixed quickly. So any comments on the revised operating procedure? Okay. At least can you hear me? Because I'm not sure now that you are hearing me. I'm not seeing any comments or - okay. It seems there are some problems.

Yes, Kathy, please go ahead.

Kathy Kleiman: Hi, Rafik. This is Kathy. Let me ask people a question, since I haven't followed this issue. Is there anything for us to worry about in a revised GNSO operating procedures? Is this pretty smooth sailing or is there something difficult here? Thanks.

Rafik Dammak: Thanks, Kathy. I don't - there is no concern and our comments supported the changes. And I see Farzaneh was probably much more knowledgeable than me about the changes since she was on the drafting team. Farzaneh, please go ahead.

Farzaneh Badii: Thank you, Rafik. So with the operating procedures, what we did was during the work of the drafting team, we tried to - we managed to keep everything - all the decisions that should be made with regard to the empowered communities within the house structure because we think this will be in the best interest of us and the whole CSG. We stuck to doing that and that's great.

For the public comment, there were not many important or substantive issues that we wanted to flag but I suggested that we also add - we support the changes but also add that in the other circumstances that these operating procedures are not - that these (unintelligible), I kind of like wanted to make sure that they followed our procedures in implementation of the suggestion of participation in empowered communities.

So I came up with a language to - for our public comments to reinforce that recommendation that the (unintelligible) should be followed when we want to participate in empowered communities so that if later on they want to play the card that oh now we don't want to be within the house structure or something like that, we have actually a tool to use against them. I don't know if they will accept that public comment or if they even consider it, but that's what we said. And other things on the list, we just supported it. Thanks.

Rafik Dammak: Thanks, Farzaneh, for the brief. And I think the only risk we might see here that I'm not sure if the CSG or just the business constituency will try to open the discussion again about the role of the GNSO, the empowered community and questioning its role of maybe that's the only the risk, that they try to reopen the discussion again over again. But we can probably - we should be just cautious about that and try to push that to go with the revised operating procedure and not open the discussion again. So that's I guess the only risk we may see. But. Okay.

Any comment on this or any question? Okay. So I guess we can move to the next agenda item, the last one for the council call, which is about community gTLD change request process. And this is coming, as you may see in the background explanation, this is coming from the I think financial TLD group. They're asking how to amend the specification 12 of their registry agreement. So they made the request and it was denied by the ICANN.

And so from there they were kind of - they tried - not tried, they discussed it with the GDD and legal staff on how to handle this and they worked on a proposal on how to work on the process from a community gTLD change request. So we just get like a few days ago that proposal coming from that ad hoc working group.

It's not an ICANN working, just to be clear here. This is a group of registry operators and community-based constituents. They worked on this proposal, and they will give a briefing to the GNSO Council. And so - and also I see that one, because they were advised by the GDD here, and one suggestion is to use the GNSO guidance process as a way to work on this.

So this is kind of a new process. I think that never had been used before. It was added I think a few years ago as a way maybe to ask for the items on the - on policy. So I mean we don't have that much information about this proposal, just like kind of a short background that you can see under the agenda and also if I try to find the proposal itself, if you want to read. So it's more kind of really an explanation for us in the council and see if there is any concern from our side to move with that.

We were not involved in the process. It was done outside ICANN and so we will see how we should kind of deal with that. So if you can bear with me, I'm trying to find that proposal. Okay it's here. Okay so the question here is a community-based TLD is asking to change with regard to one, I think the most important requirement, this is requirement 12 in the registry agreement, and what kind of reason can we - the community TLD to change that. So this maybe a question from our side basically at this level.

So if you have any question or inquiries so we can carry that through to the council call and try to find out more about this issue and maybe to think about how we can handle that. So the concern is maybe that some discussion or process is being done outside the usual mechanisms and we were not involved with it and just maybe we are informed at a later stage. So.

Yes thanks, Nick. So a quick answer to (Artem), we are not saying oh yes to this process, it's just a discussion item and we are going to get kind of explanation and briefing about it. So we will find more details on the council call. And from there, we will see what we should think and how we should follow-up on this. But there is no action for now, just trying to understand more about this process, as proposed from this ad hoc group.

Okay. So if there is no question or comment on this, we can go back to the main agenda for our call. So Mary? Okay thanks. And now we will try to go more on the kind of policy update and first let's start with the public comment.

From (unintelligible) I think we have three important that we should submit a comment. There is another one about .museum. I think it's about a change in their - so their change about the .museum, if there is anyone interested. But for now, so we have this statistical analysis of DNS issues in gTLD report, and we have a draft that was made by (Farly). And while the deadline is tomorrow, but as a stakeholder group we may ask for extra few days to submit a comment.

So (Farly), can you share link to your Google Doc, so. We are asking people, I mean the members of NCSG, to review and to comment on that draft. And (Farly), if you want to give quick really briefing about the status just to explain maybe the background and why it matters to cover it. (Farly), can you speak or?

Okay so I think this is quite critical, more just itself but it's because it will be an input for the Consumer Competition and Trust Review Team and it's in relation to kind of talking that we have a lot of - we had a lot of discussion within NCSG about it, which is about the whole thing about the DNS abuse and what it means within the ICANN context and remit.

So this is a study made by an external group and so these are the comments made by (Farly) really went through the kind of I think the study details but also the conclusion. So there are several kind of comments about the conclusion made on that study. So we will share that to the NCSG list and looking for the comments.

So I think maybe to a quick answer to Nick here, I think as soon as possible. So we are aiming to submit by Friday. So if we can - if you can get that by Thursday, it will be possible for them to resolve the comment and question. So. Okay. It seems we are in agreement by Thursday.

Okay. Any comment on this? And (Farly), please send e-mail to the list with the material you prepared and the link to the Google Doc. Okay.

So the next public comment it's about the proposal dates for ICANN public meetings in 2021 and 2023. And my understanding is that Ayden volunteered for this and he already asked for comment in the suggestion. So maybe asking him here about the status of the draft, by when he can share it with the rest of the group.

Ayden Férdeline: Hi everyone. This is Ayden Férdeline. Thank you for that reminder, Rafik. I'll send an e-mail out to the mailing list over the coming days just to collect some additional feedback. I had heard from a few members of our constituency -

sorry, a few members of our stakeholder group as to some conflicting dates that they have flagged for national holidays in their countries. But if there are further comments or further conflicts that others observed, please let me know. So, yes, I will send out an e-mail to the list.

And while I'm here I suppose I should just go on to the next bullet point because I'm also the pen holder for that comment, the proposed changes to the NCUC charter. I will also send out an e-mail to the list updating everyone on that. That is really a very short comment thanking the leadership of the NCUC for all of the efforts coordinating this process and reviewing the charter. Thanks.

Rafik Dammak: It's a kind of a reminder and please share as soon as possible. And just if - I wanted to respond to Nick here. Unfortunately it's just selecting - I mean it's about the dates. Unfortunately it's not about the place, but maybe that also should be a matter for the community input to select better and more warmer place.

The only other public comment in that we need someone maybe if he want to or she want to take the lead and draft something, which is about the .museum renewal one. Previously we made some comments on the renewal when we, for example, we find out that there was kind of a push from the staff to add a new requirement to a legal ccTLD like using QRS and so on. But - so I didn't go through that. So if anyone is interested to review and to draft something, please do so and let me know.

Okay. That's for the public comments. Moving to updates from working groups. So is there anything important from the different working groups and those participating there that they want to share with us or they want to kind of flag something that we should care about in the coming weeks? Is there, for

example, a call for input or something on that matter? But it's not just about working groups but can be also about - from the review teams like the Whois Review Team and so on. So. If anyone has - anyone who is participating in a working group wants to share something, it's a good time to do so.

Yes, Stephanie, please go ahead.

Stephanie Perrin: Thanks, Rafik. Stephanie Perrin for the record. I apologize for missing the earlier part of the call, so perhaps we've already discussed this, but the last minute call for a representative to go to a GDPR meeting in Brussels, did you discuss that? No?

Rafik Dammak: Stephanie, we didn't discuss that. So, yes. Can you hear me? Yes. We didn't discuss that. And I think it's scheduled for any other business and we still didn't reach that yet. Maybe we will do in a few minutes. But.

Stephanie Perrin: Well I'll leave that aside and just say that in my opinion, there's a bit of a meltdown happening with respect to the Whois groups. In other words, everybody's touching some aspect of what's going on in Whois. I think that the Privacy Proxy Implementation Review Team, which I haven't been able to follow closely enough, the registrars were following it of course, so they are reaching an impasse over a few issues that they don't think are following the policy. That was predictable if you recall.

We had a little bit of meltdown when there was a kind of a compromise made that any policy issues the GAC weren't happy with would be resolved in the Implementation Review Team.

And quite frankly I should have been following this more closely but there's so much Whois going, there's just so many hours in the day. So I think we

need to get a close look at that and find out what's going on, which I think we can get from the registrars.

Secondly, the Whois - the RDS we haven't got the legal opinion that has been circling the drain since August released yet. This is extremely important in the face of the upcoming GDPR and a threatened showdown between the registrars and ICANN as a body.

I don't really care how soon ICANN gets itself compliant because we've been nagging them for in my case four years, in many other cases more like 15 to get a privacy policy.

But with respect to the Whois, if the registrars have to just alter all of their Whois settings themselves, then much of the work we're doing on both the review team, which I'm on, and the RDS that we've been painfully slogging through every week is irrelevant.

So if (David) is on the call and he can push these guys to get the stupid opinion out, then maybe we can have a more enlightened discussion. So I'm just sort of flagging that.

Now we get a last minute request for a records additive to GDPR meeting presumably because somebody has read the legal opinion and that's really important but it also sort of messes up all the other activities.

So that's what I wanted to say. And if anybody knows anything, the meeting that they are planning to hold in Brussels they don't have a date for yet. And I had just very reluctantly declined to go to Brussels for the Whois Review Team meeting because it's the same month as Abu Dhabi and I just can't be away three weeks in a month, you know.

So I had declined that but I presumably could reactivate that funding to go to Brussels and attend that meeting if they could -- I'm trying to be polite -- if they could figure out what day they want to have it on. Thanks.

Rafik Dammak: Thanks Stephanie. I think you mentioned many things. With regard to the GDPR meeting, my understanding it's with Data Protection Authorities in Brussels.

I think probably nobody knows what's going on and discover that the last two days. And I suspect that maybe ICANN organization because they have those kind of discussion and (I'd like to say) they thought okay we should include the other part of the community to kind of to avoid, you know, ranting and complaints.

I think for this it seems kind of (pattern) in ICANN that the same mistake happen again over again. And I'm just wondering as soon as we have this GDPR Task Force, how you were not informed about this. And how it's going on there. So it's kind of strange situation here that there are several things in parallel (ones) it's about the same issue.

And I see it's a long queue here. Stephanie, I'm not sure if it's old or new hand but we go with Nick, Kathy, Ayden and then go back to you later. Yes, Nick, please go ahead.

Nick Shorey: Hi there. I will help Stephanie out on the privacy/proxy stuff. As the person who in a previous life was representing the GAC, the Implementation Review Team to sort out some of the outstanding problems, we were - we sorted everything - pretty much everything out.

And I think it was making some pretty good progress and in a good constructive manner. The outstanding issues that the GAC was having with the - with other sections of the review team was around timeframe for responding to government requests; reviewing those requests and sending some kind of a response. So that was the outstanding issue.

I don't think it - I don't think it's probably like a major headache that we need to worry about here but it was just (this year) an impasse between I think mostly the registrars or those types of folks - and the law enforcement folks whereby those law enforcement felt that they all needed the same information within a certain timeframe and certain circumstances.

And that's on the registrar side that kind of balanced against their ability to provide such a service of the reviewing requests (favor a) weekend or bank holiday incurs costs. And so there was a bit of an impasse there. But I think largely that whole thing has moved forward fairly well. So that's that. And actually that's all I got.

Rafik Dammak: Thanks Nick. Kathy, (you there)?

Kathy Kleiman: Yes. I just wanted to comment on the timing -- this is Kathy of course -- and offer to share something. So this is insane that this is happening less than two weeks and there's no date.

It's not fair. It's absolutely not fair to parents, to grandparents. And, you know, ICANN just conducted a gender survey and I don't know how many people on the call filled it out.

But when I filled it out, I'm like this has nothing to do - I mean gender is an issue. But I said that a lot of this has to do with parents and grandparents.

And we need a long lead-time before we leave for things because we can't just pick up at the drop of a hat.

And if they want people participating when their kids are younger or the grandchildren are younger, you can't do this. This is worth even filing, you know, a complaint with the ombudsman. You can't do it like this or a lot of key people drop out. Thanks.

Rafik Dammak: Thank you Kathy. And I think it's affecting many people and all this. The way how meetings are organized and then either so many meetings it definitely kind of excludes it and doesn't have to get more participation in particular from the non-commercial side, so. Yes. Ayden, please go ahead.

Ayden Ferdeline: Thank you for that Rafik. Hi everyone. This is Ayden Ferdeline. I just wanted to provide a very brief update on the GDPR internal passport, as Rafik just asked for one.

I am one of our three representatives on it. But I can tell you very little about what is happening there. There is (dated information) (unintelligible). Some stakeholders are kept very well informed. Other people like myself (conveniently) receive no updates whatsoever.

We do not use a proper archived mailing list. So we are dependent upon making sure that we are cc'd into the emails. The (unintelligible) email I count how many people are cc'd and sometimes 25 people are cc'd in. Sometimes 18 people are cc'd in. Sometimes 28 people are cc'd in.

So I understand who gets the communications and who doesn't. But I know that I do not receive all the communications. And I think it's - I think that is by design I have to say.

I noticed earlier this week that there were going to be blog posts on the ICANN Web site about GDPR. So I literally emailed Theresa Swinehart and Diana Middleton who is I believe our contact for the internal passport just to check in.

And I tried to be as diplomatic as I could just to say that there was some information in that blog post that had not been communicated to us. So what is happening at the passport? Have we been disbanded? Do we still exist? What is happening there?

She did reply the next day. She did not answer a single question that I had. She did begin the email by saying hi Ayden to sort of acknowledge that I had sent one. But again, did not answer a single question that I had. I've since followed up. Have not heard back.

So that's where this internal task force is. We have not been told or at least I was not told about this GDPR meeting in two weeks time by any ICANN staff but only that someone from a different stakeholder group mentioned it to me.

I don't know what's happening. I don't think it is a very well run internal task force. I don't think it is very transparent and I don't think it's very particularly accountable. But I see there are many issues here. But it is what it is. Thanks Rafik.

Rafik Dammak: Okay. Thank you Ayden. And I see a lot of comment here. So I'm thinking of how we should as a stakeholder group respond to this. I mean we have you guys as representatives but if you are kind of not receiving updates or informed, that's a big issue and we have to escalate here and probably sending letters to (Yuran) and also to Steve Crocker.

I think it's not any more (kind of) issue sending emails but we have to escalate because this raise a lot of question about how this task force is working. And if we - if they are really inclusive and so the whole process really seems dysfunctional, not transparent and I'm not sure what the ICANN as organization again is trying to achieve by this where they want to deal with the (DBA) alone without having all the stakeholder groups informed.

So if people support this, we can work on a kind of letter. I mean to be sent by email but letter than can be say (guided) to (Yuran) and asking for clarification about all those issues. So if people want to volunteer for this. And yes, Stephanie, please go ahead.

Stephanie Perrin: It's an old hand.

Rafik Dammak: So just (unintelligible) about - in general about the internal passport. But since we are talking about the meeting in process and we have the discussion and who we should appoint from our side to be representative there.

While there was kind of - they are promising there will be (pretty much) participation but that's not (guaranteed). They also said that people who can make it, they can attend - mean we be in all public meetings. So we should encourage those who can make it to attend.

Also we need to push for more participation. But we still need to have an idea who should be kind of the official representative from NCSG and (we) will have to figure out how deal with that with the other side since they are talking about one representative (by house) means non-contracted house here, so. Tapani, please go ahead.

Tapani Tarvainen: Simply said that this is impossible. We can't do that or try to start talking with them and finding some kind of solution. Maybe just touch a cord in who gets the first (slot) or whatever. But if they really give only one supported position for NCPH, we have to start talking with CSG now or give up and say that it is impossible.

And I'm not sure what would be the best but my gut feeling at the moment is that this can't be done. Come on. You can't be serious. And protest as hard as we can. But ultimately we can try to start talking with the CSG. We might talk to them in any case because I think they feel exactly the same at this point but I don't know that. My guess that's my point at this point. Okay.

Rafik Dammak: Thanks Tapani. I think there are too many aspects on this. So (gems) and in the GNSO Chair talking about pushing to have a full representative, which means one by stakeholder group. So in such case we can get - we can get someone to have travel support and go.

So we - and in any way we should think about name to send. If it's not the case, we have - then we have to deal with the CSG. I mean it's clear we cannot give up the seats that we have and maybe to make (clearer stand) because we have (unintelligible). I mean totally different point of view on that matter, so.

So we should have to push. I think we can raise this at least at the Council level and to push for having for seats. But regardless of that, at least from our side, we should have in mind one representative that we can send.

And so when we clarify this - we clarify the situation, we can suggest the name quickly. So we should not leave that open till we figure out how many

slots will be available. So that's my kind of thinking. Okay. So can we agree on this (to frame like this)?

And I mean to those who can really be sure that they can make it for the first week of October whatever it means in this context. Yes Tapani.

Tapani Tarvainen: Well I propose that we - Stephanie is our first choice assuming she is willing and able to go. But then we'll have to - if we end up we can't guarantee that the negotiation will be (had), we should basically appoint someone to talk with the CSG or some - one or two people. Maybe you want to do it or maybe we can do it together or whatever. But let's anyway make a list of names and I'm formally proposing Stephanie as the first choice at this point.

Rafik Dammak: I guess we can make it. Yes. Both of us we can discuss with NCPH and start that as soon as possible this week. On other side. So we have - okay. We have Stephanie as let's say official representative. But we think we can encourage other NCSG members to have - can make it to the meeting to attend.

So if we have also other names that they can serve, support - I mean (support) themselves to go; easy for them to go to Brussels, that would be really helpful too. So it should be in public meeting.

So I saw that (Stephania), also Ayden can make it. So anyone else who can make it by him or herself? Okay. Yes Tapani.

Tapani Tarvainen: I'm not sure. We still don't know the dates exactly. So if it's in the beginning of the week, I could make it but if it's the end of the week I can't for example. And I'm sure there are others that's their position. But in any case, (Stephania) is making (unintelligible) expense because it's cheap.

So but we might - we need to have a negotiation position with CSG in case it turns that the NCPH only gets one. And what could that be? Well how can we negotiate when them when there is no sensible way of deciding it? We have some bargaining position? I go for them about some future favors or (unintelligible) or something. Any ideas?

Rafik Dammak: So we (have) no idea for now. I think the problem when we talk about (CAG) it's not just one group but three groups and they cannot even agree among themselves. So I think first step or maybe our first run to (gems) is really to push for a seat.

But with regard (one they) present this for NCPH, it just kind of - I don't see any working solution I mean or bargaining because here what we can bargain and what we can get as - in such situation what we can get alternative, I don't see any, so. I don't see any win-win solution in such a case. Yes Tapani.

Tapani Tarvainen: Yes. The problem is for some - our turn next time or their turn next time or something like that and we will have discussions with NCPH and then maybe with the CSG in the Chair selection and Vice Chair selection issue for example.

So we might think that kind of in terms. But in general discuss about how we're going to do this, let's (touch a cord) now and agree that they let us have next one or the loser gets next one or something like that if we want to try to find a compromise solution. Because what else are we going to do?

If we are forced in a situation either we or CSG gets it, how do we decide? It has to be decided one way or the other. So it would be better to have some kind of idea that can we agree on that we (touch a cord) in this kind of

situation and alternate or something? Or it's difficult to organize when it's unknown when this can happen.

But still I think it would be useful to at least try to talk with them. Maybe they have ideas rather than - there's no win-win situation as you say. That's clear enough.

But some solutions may be worse than others. And that we should, you know, let's now decide on who will talk with them maybe. Maybe you and I. Let's come back to CSG and ask what they like. If you don't want to do it along, I'm happy to do that as well. Or if you prefer to leave it to me, I can try but I think we - I think two would be better. Anyway, that's some thoughts.

Rafik Dammak: Thanks Tapani. Anyway, I think we have to start discussing with NCSG side and try to see their initial reaction and from there we can figure out how we can move on, so.

So let's reach them as first step. And before (lose) on the Council we can also have the discussion there about the - increasing the representation and push for the GNSO leadership to press for that.

And so okay. Back to the GDPR Task Force and still have that as (unintelligible) so that we have an official communication with (Yuran), ask about that situation and clarification no matter how about what's going on in term of information. So we are getting several kind of (still) here to follow up with this call.

Okay. So guys, we have several tasks that policy committee to follow up so I really count on you to act quickly and to respond quickly to that, so. So maybe also we can extend - I mean ask and initiate - see if there is any

thought on this matter to see if those who are familiar with the GDPR and who can make it to Brussels by themselves. And see if there is any way to - so maybe other way to support that, so.

Any other comment on this? Question? Okay. See none. So moving to already any other business. I put like last planning for Abu Dhabi meeting but at this level I think we still don't have the blog schedule, why we have the schedule from - for the GNSO. And we will try to share that as soon as possible.

So but in term of planning, any other suggestion or any update about the meeting we have on Abu Dhabi from NCSG? I see no comment here or question. Maybe I sense that people are starting to leave and was already a long call, over 90 minutes.

So if there is no question or further comment, I would like to adjourn the call for today. So waiting. Okay. So I see that no comment. And okay, let's end the call for today. Thanks everyone for attending. And we got several actions to follow up. So see you soon and bye bye.

Coordinator: ...lines. Thank you for your time today.

END