

**ICANN**

**Moderator: Maryam Bakoshi  
December 4, 2015  
8:00 am CT**

Coordinator: Recordings have started.

Maryam Bakoshi: Thank you very much, (Kristin). Marilia, you may continue, please. Thank you.

Marilia Maciel: Thank you very much, Maryam. So this is the first meeting of our subgroup that is dedicated to see how we can include human rights concerns on the current ongoing discussion. And the focus will be maybe the policy development process that will start maybe soon in the GNSO. But there are other parallel processes that are ongoing from reviewing the new gTLD program that we should probably look into because the documents being produced will probably feed into the work of the PDP and the GNSO.

But before we go to that, so as you can see on screen, there is a proposed agenda for today. The first point will be to discuss the terms of reference for this subgroup. (Niels) proposed, and I think it's a good idea, that the different groups have terms of reference so we can have a better understanding of exactly what are goals are.

So I have drafted something simply, short and sweet, just raising some points for our work. I don't know if you had the time to take a look at it. If you look at the agenda that I sent on our mailing list, you can find it there. So I don't know if I have it open on screen or not.

But the mandate very simply would be to provide input to ICANN's gTLD program from a human rights perspective. The output would be to produce a mapping of new gTLD related policy development processes, reports, assessments, metrics, et cetera that are relevant from a human rights standpoint, items for public comment periods and other similar processes, raising awareness and fostering cooperation with ICANN communities so that human rights concerns are taken into account in the gTLD program.

So basically this is the most substantive part of the terms of reference of the group. I suggested that this is really up to us, that the calls are held initially monthly or whenever we feel necessary. If there is an upcoming deadline, if we feel we need to discuss something, we can schedule a call in a shorter period of course.

And I just listed some potential topics that may be issues of interest for us right now, but this is not exclusive. There are maybe other processes maybe and topics that we should look into. But that's very basic, short and sweet. I don't know if you have any comments. So the floor is open with regards to this first point.

Hello, (Maureen), welcome to the call. Anyone? I don't see any hands up about this point.

Rafik Dammak: Hi, Marilia.

Marilia Maciel: Yes, Rafik?

Rafik Dammak: Yes so what you're asking is you want to start with the first item or...?

Marilia Maciel: Yes the first item, the terms of reference for the working group. I just did a quick overview of the draft proposal that I sent to the list. It's very short. I think the purpose of this document is not to be something very formal. It's just for us to be able to communicate to others, either others or the external ICANN community what we are doing here. So it is supposed to be simple.

I don't know if you have any comments. Of course, I can give people a little bit more time, like till Monday to take a look at the terms of reference. I was just wondering if you have any comments right now that you would like to make with regards to the draft that was sent to the list. And welcome, (Pranish).

Rafik Dammak: Thanks, Marilia. What I am thinking I do this subgroup work, it's more like kind of more medium to long term, I mean depending as you said and how the timeline is set for the kind of review for the new gTLD program. And I think depending on the experience of the members of our subgroup, we need kind of time to digest the documentation.

So I guess maybe just saying kind of firstly, I mean give a little bit of time anyway to be sure that we are pretty sure about the term of reference. I guess we may change it later anyway. I mean we can amend it. But I do think for the time being its quite simple and it will give us some guidance on what to do. But just maybe I need to clarify what we mean by policy that, okay, PDP I understand but what we mean exactly by report, adjustments, metrics, and so on, so just to be sure what - if we all we have the same understanding here.

Marilia Maciel: Okay. Thanks very much, Rafik. (Pranish) if you're asking to face the text, I'm trying to do this but let's see if I can do it. It blew up here kind of scrambled here maybe, but I just pasted it on the chat so if you can take a look and have any comments.

I completely agree with you, Rafik. It's not something that we need kind of to formally approve so we can change it at any time. And yes, this is a different list from other groups that have kind of fixed schedules and that make time to deliver their outputs. This group is going to be spending a little time because the PDP on the subject previously probably lasted a long time when it started, so we don't have a like a fixed schedule. It's a work in progress. But it's also good because it gives us the opportunity to read the documents that have been produced before and get up to speed.

So any further comments on the first point on the agenda, the terms of reference, or are we okay on that? I see no hands up. So the point two that we have in the agenda today is kind of a potential prior activation of issues that we have in front of us.

Of course when we talk about the new gTLD program, it's the world. It's pretty much related to many other things that ICANN is doing and kind of the bible of what we do with the applicant guidebook. There are a lot of things that have been defined that that we will probably need to come back and read, and it's a mass document.

But just kind map where we are in terms of growth of this, in a week the new gTLD program is actually being discussed. One of the points that we have in front of us that is kind of more urgent in terms of deadline is the implementation review. The implementation review is the process started by

ICANN staff, so it is a document that has been produced by staff in order to make an ICANN staff assessment of the new gTLD program.

This document has been publicized and it's under public comments until Monday, next Monday, and I will come back to that. In parallel for this review that is being conducted by ICANN staff, there is a process that is a review conducted by the whole ICANN community on consumer - on competition, consumer trust, and consumer choice with relation to new gTLDs.

There is a commission that is being created inside ICANN. There was a call for nominations. People have self-nominated to be part of this review team, and this is one of the reviews that is required if we go back to the affirmation of commitments. This document requires ICANN to do several reviews, and the review of the new gTLD program is one of the reviews that is mandatory. So this is what will take place now.

And of course this document that I just mentioned before, the one produced by ICANN staff will be one of the inputs to the review. So although the document that was produced by staff it's not a policy document, it does not create policies at ICANN, it is relevant to the extent that it will probably be one of the documents taken into account in policy development processes and by the review team that will be created in a short while.

And then the third process that it is not - it is not ongoing yet is the GNSO policy development process that will look into the new gTLD subsequent procedures and try to identify points for improvement. This PDP has not started yet. There was a discussion group on subsequent procedures that produced report, kind of identifying what are the points in which the new gTLD program should be kind of enhanced.

This report from the discussion group has generated initial documents, initial issue scoping documents produced by ICANN staff that has been put in public comments, and now they are in the phase consolidating the comments received and producing a final issue report. And if this issue report - it will be sent to the GNSO and if the GNSO then approves the report and decides to initiate a policy development process, so that's what's going to happen in the next year.

But of course these different tracks they will correlate and the documents produced in each of them will kind of guide the other processes. So we should not see them as three separate processes, the one that is being held and conducted by ICANN staff, the one that will be conducted by the review team, and the one that will take place in the GNSO further down the road they will communicate and the documents that they produce will be important to the other work too.

So that's more or less the issue that we have in front of us. So I would say that are two prioritizations to be made. I would say one of them is to - which are the processes that we are going to maybe put some weight on more heavily, and inside the processes of discussion and as I said I think a little bit, the last topic that is the new gTLD program implementation review maybe.

But if we look at the topics that are being reviewed, we have several topics that could be important for us, such as application processing, evaluation, and of our evaluation is related to important topics to us, such as community applications. We have applicant support that touches upon economic rights and development.

So there are several topics that are encompassing this discussion that could be important from a human rights standpoint. So we are going to prioritize

systematically as well. So that's what I call - when I mention prioritization, that's what I meant.

And I see that we have people in the queue. So that's kind of the background. So we can start a discussion. And I will pass the mic to Rafik. Please go ahead, Rafik.

Rafik Dammak: Thanks, Marilia. Okay I understand you mentioned about the subsequent round document that's more creating work, and then about the implementation review. But you talked about the consumer and competition review team. I'm not sure what - why it's relevant here. Maybe I'm not - I'm kind of confused here.

The rules of public comment about assessment of competitive effect, as you said, to the new gTLD program, are you talking about this or about the - I mean the competition and consumer review team with this? So maybe just to clarify here. So, yes.

Regarding the process itself, I think it's not clear because there was several times discussion about if it will have a new, how to say, new a round or not and so on. So I think that the shape, the kind of format of a round for a new gTLD program is there still something open, and maybe the board will be involved somehow. I - maybe you have more information than me because you on the GNSO Council. And did the GNSO Council discuss about this and set a kind of timeline or just still at the level of discussion and no commitment yet?

Marilia Maciel: Thanks, Rafik. Just to clarify this point, on the first one, there are several documents that have been produced on consumer choice, consumer choice and competition. One of them I think was (unintelligible) that evaluates the

acceptance of new gTLD for instance, but there are others on that list. And all this is, as far as I understand, will be fed into the group that is being created on consumer choice that people have volunteered for.

So I was talking about the group itself, the group that is formed, but there are documents already produced on the same topic and they're going to be directed to there.

The second question about information in the GNSO, we do not have a clear timeline. There is no deadline to start a new round, but there are a significant policy decision side of GNSO that this happens as soon as possible. And it is a possibility that it will happen before the whole process of evaluation is concluded.

So I think that the earlier that we have suggestions for improvement, the more chances we have to shape the upcoming process. So the first new gTLD phase has not yet completely finished. To look at the timeline, there are some steps, kind of the dispute resolution that are still taking place. Even though the first round is still going on, we have started to discuss the next one.

So although there is a not a clear deadline, depending on the policy constraint of the actors inside the GNSO and their connection with the board, because the board, as you correctly mentioned, will be heavily involved in that. We may have another round not very far down the road. That's my feeling but I don't have a clear timeline.

(Pranish), please?

Pranesh Prakash: Can you hear me? Hello, can you hear me?



Marilia Maciel: Yes we can hear you. Just speak a little louder because it's a bit low. Yes we can hear you.

Pranesh Prakash: Excellent. For the record this is Pranesh Prakash from CIS. I had two questions. One was about whether in the last part of the TOR we could identify more concretely the different processes towards which we'd be contributing as part of the subgroup. For instance what Rafik has been pasting in the chat. Can we make a finite list saying that these are what we will start off with and then apply a priority the way that Marilia suggested to those?

And second I had one other question, which is how do those who are part of this subgroup see the work of subgroup two, which is to produce cases and case studies and examples of human rights concerns, working with that subgroup given that there are - actually I think almost all the people that I can at least see right now on the call are common. So in that case there wouldn't be much of an issue.

But one proposal is that this particular subgroup be more concerned with producing outputs for delivery to the different processes. Whereas that subgroup be more around - more focused on an introduction to the issue of human rights in ICANN along with the subgroup dealing with the, not animation but the charts and the pictures that Marilia is leading. I'm sorry I'm forgetting the right term that is used for that.

But essentially that will be looked upon as introduction to the topic rather than this which is actually driving input into processes. Would that be a reasonable division of labor?

Marilia Maciel: Thanks, (Pranish). (Unintelligible) again. Would anyone like to comment? Rafik, I see your hand up. Is this an old hand or a new one?

Rafik Dammak: It was an old hand but let me maybe ask something because I'm not sure I understand the proposal from (Pranish). So if you can maybe just in a few words explain what is the suggestion exactly.

Marilia Maciel: Yes please go ahead, (Pranish).

Pranesh Prakash: This is (Pranish) for the record. My one suggestion was that in part three of the TOR there right now it says some potential topics, new gTLD subsequent round, community-based TLD, sensitive strings, application fees, auctions, new gTLD program implementation review, if we could add a bit more detail.

The way, Rafik, you have provided links I see in the chat and have provided some, you know, concrete processes that require public comment that we can feed into. So whether you could, you know, make the TOR slightly more focused, at least for the time being. And of course giving ourselves some leeway.

But in order to do a prioritization, you need a finite list of topics, right? And that is - that was my suggestion that we actually come up with a finite list of topics.

Marilia Maciel: Thank you very much, (Pranish). I don't see any hands up. I think it's a very good suggestion. What I tried to do kind of linked up I think processes and topics. So I think that your suggestion is more clear. So instead of mapping the issue study, we could do what we have been doing in the call, trying to identify what are the different processes that we want to intervene, maybe on consumer trust and choice, and the GNSO upcoming PDP.

And of course it's not limited, so if new processes come up, we could add them to the list and amend our terms of reference. No problem with that. So I think it's a great suggestion. I don't know if other agree, but I will make the change. And when I send the report of this meeting to the list, it will be changed already according to your suggestion.

And I don't see any hands up. I think it's a - yes, let's move forward in that way. And your second comment on the interrelation between the different groups, I completely agree with you, and I think that maybe the importance of this other case study group is not only related to introducing people to the topic but also making sure that the documents that we produce in this particular group during the public comment period, they will be stronger documents because we will be able to base our suggestions on concrete examples.

So if we can come up with that, I think that that would make our contributions much stronger. So I said there is a complete correlation and complementarity with the work that we're going to conduct there. That's my feeling. Any further comments?

I don't see any hands up. (Maureen Ashcartly)? If there are no other comments, then maybe we can move to the next topic, which is upcoming deadlines.

As I mentioned, the GNSO policy development process has not started yet. And what we are waiting for in this particular track is the report, the final issue report from ICANN staff. So as soon as we have that, I believe that Rafik can confirm that this final report will be put in public comment and then sent to the GNSO. And in the GNSO it may decline a policy development process. It probably will.

But what we have open in front of us right now that we have a chance to intervene, we can choose to do it or not, is an upcoming deadline on Monday 7 to make comments on the report on implementation review that has been produced by ICANN staff, as I mentioned. So the report -- I'm going to paste it for you right now, the link in the chat. Just a second. So there it is. I think that Rafik pasted it before me.

So there are some topics that are covered by this implementation review. As I mentioned, this is not a policy development document. So if we decide by, for instance, not to comment on this, it doesn't mean that we are losing the chance of contributing to policy development. But I believe that this document is important to the extent that it's going to be one of the most relevant documents that are going to orient the policy development process in the GNSO as well as the review team on consumer choice and consumer trust.

And it touches upon topics such as application processing, application evaluation, objection procedures, complaints and resolution, transition to delegation, applicant support, continued operation instrument, and program management. So maybe by taking a look at this point -- and I will try to paste them in the chat for you right now (unintelligible). So there they are. It's kind of hard to read because they are all together.

But these are the points. And maybe if we can identify. Of course we won't be able to produce any comments until Monday about all these topics, and maybe there are some of them that are more operational and not very relevant for us in this group. But maybe there is one or two topics that we identify that we could make some comments on for Monday, at least kind of to raise the issues that are important to us from a human rights perspective.

So I don't know. I would like to hear from you if you think this is feasible or should we just start working later? Or can we produce something until Monday? And if so, which are the topics from the report that you believe would be more important for us to chime in that we have the knowledge and the resources to continue to at this stage chime in.

So I see Rafik's hand is up. Rafik, please go ahead.

Rafik Dammak: Thanks, Marilia. So with regard to the public comments, I guess it would be challenging about why not if it's possible just to - I mean if people want to submit something working on the weekend (unintelligible). There is two things. Some of them are in the issues for the staff like the last one and it's more I mean ICANN and the staff and this is - the description said it's for - to be used for the review team as input.

So it's not necessarily going to lead to policy per se, it's more depends on the review team will use that and what kind of recommendation it would have. And that the recommendation would be implemented maybe by the ICANN, so this is kind of not the policy. And the other one subsequent from that, initiated by the GNSO, I think that's a preliminary issue report, something like that. So that can really lead to a policy process.

So yes, if we want we can do that. So I'm not sure. Maybe just to summarize your points, I think it would be challenging and I mean we can do it as a subgroup and, yes. But just as a clarification to see which one has kind of more impact in terms of policy. So the one that ended already a few months ago that's a preliminary issue report so we will wait for another kind of the summary from the staff about public comments received. And the other one is more for the review team, so we are not necessarily able to influence that later. So.

Marilia Maciel: Thanks, Rafik. Anyone else would like to share views on that? Should we try to prepare something or possibly save our strength for the policy development process? How do you feel about that? Are there any particular topics that you feel that you have a burning desire to comment, that you already have ideas about? It doesn't need to be very elaborated.

I say the important thing is to show that we are following the process that we raise human rights concerns there, that we show that we've seen the connection that they're following. But it depends on how we feel. Myself, I will try to draft something for - with regards to applicant support, especially with focus on developing country applications. We'll want to work on that. Are there other topics that you'd still like work on?

Rafik?

Rafik Dammak: Sorry. That's an old hand.

Marilia Maciel: It was an old hand. Okay. So no reaction, no views, no nothing.

Rafik Dammak: I think we are just digesting, Marilia. No worry. I mean we are kind of here kicking off the process and...

Marilia Maciel: Yes I know.

Rafik Dammak: ...it's (unintelligible). So don't worry. Don't worry.

Marilia Maciel: Okay perfect. So I'm going to write something on applicant support anyway and I'm going to send to the list. So maybe by Sunday night and if you have

any suggestions to make, I can try to incorporate them and send it by Monday. That's all I can cover for now.

But just to make sure that we are aware that this is going on. It's probably a good start, I think.

And the last point would be the sharing of tasks of this group. I don't think that after this deadline on Monday, there is not much we can do. There's not much to do in terms of contributing to processes. So we need to wait for the report that is going to be released by ICANN staff that is already overview.

But I think that one thing that maybe we could try to do is to think about the topics that are important from a human rights perspective in the new gTLD program. And maybe we can share tasks between us in terms of what do we really want to follow or contribute to.

Because when public comments are open, it will be like this is implementation review document. There will be several topics, and I think that none of us will be able to cover them all. So if we are able to specifically share tasks, like someone is interested on auctions and you want to contribute to auctions, then auctions is your thing.

So every time a report comes out and mentions auctions, you will write the three or four paragraphs about auctions that will be incorporated in a larger contribution to the public comment. Like my main interest now is application support in developing countries, so for me this is one of the topics that I would always try to contribute with something to the public comments.

So my suggestion is not like to answer now but if - I'm going to continuously update the document that I have started in Google Docs, so if you want to take

a look and if you want to identify the topics that maybe would interest you more, you can give us feedback later to the list. And maybe in a later moment, we can actually share the tasks, like thematic areas that we are more interested on. So I think everybody would work less and it becomes more feasible to us. Because we are always working in several things at the same time.

How does that sound to you guys? (Pranish), please go ahead.

Pranesh Prakash: Hi this is Pranesh Prakash. That sounds good, Marilia. I had one question, which is I don't know the ICANN processes all that well, so how far in advance can we see which PDP will be coming up and flag potential issues? Because I do remember seeing a slide with, I don't remember the session, but in Dublin, which contained all the PDP processes that will be launched over the next year and the timelines for those.

So how far in advance can we see that these are the processes that will be launched on, you know, doing such and such month, et cetera, and plan accordingly?

Marilia Maciel: Thanks, (Pranish). That's a very good question. I think that will regards to the GNSO, of course the GNSO Council can flag the issues that are being raised there. It usually takes some time before activity starts because we need to discuss the motion that we started and ask staff to develop an initial issue report. So those are procedural.

You have the initial issue report that's put on the public comment. ICANN staff rights the final report and sends to the GNSO, and then the GNSO, based on the issue report, decides to create a PDP or not. So GNSO councilors usually have the knowledge with a lot of time in advance that this is coming down pike.



So one way, and the easiest one, is that I can inform you guys, being in the GNSO. Other than that, the GNSO has a very useful document that I'm going to paste for you. That is the project list of the GNSO. So right there you will find the different policies and their stage of discussion. So what is in the stage of the issue report and scoping, what is in actually a policy development, plus the discussion that are known PDPs, and discussions that are not related to policy development but that maybe someone important, such as the discussion group that existed before on new gTLD subsequent procedures.

So we can keep track on that based on this page that I just pasted on the chat. This is one of the references that I'm going to add to the Google Doc. But other than that, I'm more than happy to flag issues that are related to the GNSO. But just bear in mind that there are things that are not GNSO-directed processes, such as the consumer, competition, consumer trust and consumer choice review. This is larger than the GNSO. It will involve the whole community. But this is usually well announced in advance too.

I don't know if that your answer your question. So I don't see any hands up. Okay thanks. Perfect, (Pranish). So I don't see any hands up for now and I don't have any other points in the agenda.

So my takeaway is that this was a meeting that we had announced the (unintelligible) discussion group. We have approved our agenda of reference. I'm going to send the revised version to you to the list so you can take a look at the final part, incorporating (Pranish)'s suggestion. We have kind of discussed maybe an overview of the different tracks and ways the new gTLD program are being discussed. And we - and I'm going to keep updated the Google Doc that I have started, and please feel free to add information there too.

And I think that our homework is to start to take a look at the different thematic issues that are encompassed inside this gTLD program and try to find out which would be our main interest to be involved and to study more in the future and contribute when the time of public comments come.

How does that sound? I (unintelligible) has a question. Yes. I'm sorry. "Would this include searchable Whois? I've noticed multiple comment periods open for this issue. So just wondering whether that will be covered in the PDP."

The Whois issues that are being discussed in private GNSO, yes they are part of the project list. So when, for instance, the Whois issue PDP starts, it will be one of the projects on the project list. We have just approved a motion for the working group for this PDP to be created, for instance. But we - is this related to the GNSO?

Yes, I would think it would be mapped on the project list. If it is kind of a side discussion such as the consumer choice and consumer choice, it won't be there but we of course can flag. And there are other GNSO councilors following privacy more closely than me, such as Stephanie Perrin. And she (unintelligible).

I don't see any hands up. I see that people are typing. I'm going to wait just a little bit. Okay thanks. (Greg)'s typing. "Marilia, I agree with the approach that we can decide which document is read and commented by some of us."

Okay, so let's proceed that way. And this is our basic homework I would say, to identify our main interest and the things that we want to contribute to and follow more closely inside the new gTLD program.

So with that, I think that if there are no other issues, we can close this call. At least I propose we have call every month, so I think that we can, based on the upcoming holidays and everything, we can meet again in the beginning of January. And Maryam will probably circulate the doodle poll for us to decide a specific date, if that is okay.

So I see no hands up. So thank you very much guys for coming today, and yes, fruitful work to us all in this subgroup and the others too. Thanks so much guys. Have a good day to you all.

((Crosstalk))

Maryam Bakoshi: You can now stop the recording. Thank you very much.

END