**ICANN Transcription - Marrakech
NCSG CCWP HR Meeting
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(Niels):   Very good. So I would like to welcome everyone to the Working Session of ICANN's Corporate and Social Responsibility to Respect Human Rights Working Session of this Cross Community Working Party on this Wednesday after many things have already been happening here at ICANN.

We had our public session. We had questions asked about human rights with the Board. We had a joint session together with the GAC Working Group on Human Rights and International Law and quite a lot of interesting discussions happening - have been going forward.

And I think this is partly due to because of the great work that has been happening in the five subgroups. But because the five subgroups and the calls and in which way we structured the work have been relatively recent -- we only set those up in the last meeting -- I'd like to first start off with evaluate the work that we have been doing.

Then evaluate working methods and see how those discussions can lead us to make a work plan for the coming period and then divide the work and

make a planning of the calls. Does that sound like a good way forward? (Faducci), go ahead.

(Faducci Mona): (Niels), can we talk about what we - like the kind of work we want to do ahead of this first? And the only reason I say that is because if we have a good understanding of whether the same groups are going to continue working or whether we're going to do (structure) and stuff like that, we'll have a better idea of, you know, how to structure our talk. Do you think that would be more productive? I mean it's just open to the floor.

(Niels): That sounds good even though I would like to also know from people without looking forward how their experiences were. So perhaps we could - perhaps we could do that point first. So were the calls and the subgroups an efficient way to work? Does - do people have feedback on that?

Tatiana Tropina: Tatiana Tropina for the record. I believe that Stefania Milan sent an email around and she does have some feedback. Your first point maybe you can just sight her because she was asking for your consideration I think.

(Niels): As requested by Tatiana Tropina, I will read the first paragraph. Stefania Milan writes I believe we need to evaluate and perhaps restructure revisit the rationale for the subgroups we established in Dublin. Why? We want to staff the various PDPs and other processes that are going on within ICANN and have potentially human rights implications. We are not covering them all. See (Milton)'s comment in a recent meeting here in Marrakech.

I guess mapping what other things would need to be covered, thick Whois, RDAP, et cetera, and whether we feel the need to do so would be a great exercise.

Tatiana Tropina: Yes. I just wanted it to be read because (sorry) it was right onto your question.

(Niels): And this brings us also a bit to the structure of the working group because we had - I think we had three different kinds of working - of subgroups even though we had five and I think the first two - Subgroup 1 was creating a mapping and visualization.

The second subgroup was mapping cases so they were really concretely focused on things that are already going on. Then there was Subgroup 3 that was very much focused on the CCWG on Accountability and showing a way forward. And there were Subgroups 4 and 5 that were respectively focused on the gTLDs and Whois RDS process. So there was much more a tracking of ongoing things.

So I think whereas now it seems that like all constituencies except for the ccNSO have accepted the CCWG proposal.

((Crosstalk))

(Niels): Excellent. So the CCWG proposal has been accepted, which is quite interesting news. And that means that soon we'll be - we will be starting with Work Stream 2 and especially Recommendation 6 will be of relevance for this working group. So I think the preparation of Work Stream 2 will definitely - should be part of this group.

Then for the other two - for the other two subgroups namely following ongoing processes and the other - and the other part namely mapping ongoing impacts on human rights. What do you people think? Should this be ongoing? Should we continue this work? Should we restructure this work? What is your - what are your thoughts and experiences?

(Monica): So I just - (Monica) for the record. I just got totally confused. What is the question? Like how we proceed. We keep somebody doing case studies. What are the current impacts? And then other people participate in the groups. That's the idea or I just going confused, sorry.

(Niels): We right now have five subgroups. But we have three different kinds of subgroups. The Subgroup 1 and Subgroup 2 are dealing with visualization and mapping of cases and impacts. Subgroup 3 was working on CCWG. And Subgroup 4 and Subgroup 5 were focusing on ongoing efforts.

So Subgroup 4 and 5 could be seen as liaising and analyzing subgroups. And Subgroup 1 and Subgroup 2 are a bit more research subgroups. So would we like to make three subgroups depending on those categories? Do we want to add subgroups? Do we want more specialized subgroups? Do we want to keep it as it is?

I just want to short evaluate because sometimes things become standardized by completely by accident and I want us to make a conscious decision going forward to also spread the burden probably among the people and according to interest.

Tatiana Tropina: Well I think that it's just because some of the subgroups not that, you know, populated. And maybe it's hard for people really to continue work. So I believe that it's a very good distinction between three different types of subgroups.

And if the folks in each of them they don't mind to be merged, maybe it would be a good idea to merge them. Also because some of the people are participating in both of them, no. Yes.

(Monica): I also - (Monica) for the record. I also would like to - (Niels), you made a perfect distinction, no; research group and then the actual ongoing processes sort of group or several different groups. But I mean that like makes sense. One would be more focused on research, one on other stuff like that.

(Faducci Mona): Yes. I think I agree with both of them...

(Niels):   Please state you name.

(Faducci Mona):   I'm sorry. (Faducci) for the record. (Faducci) (Mona) for the record. Yes. I think that there aren't too many people in each subgroup. So we're kind of scrambling to do what we're trying to do. And for example, I was in Subgroup 2. And our work wasn't very different from Subgroup 1.

                  And so the table that they, you know, that Subgroup 1 came up with is very useful for us. So if we were merged, I feel like we would have - we could have been much faster in what we did.

                  So I think definitely have three types of groups. You know, one just for the research and then we can work with the others who can give us pointers and say we need research in this and that. And that way, you know, no one's stopping anyone else and no one's slowing anyone down.

Tatiana Tropina: Yes. And building up (on board) has been already said. I'll say that I think that it's - it would be interesting instead of tasking each subgroup with something specific, we just say this is research. Whatever comes up next goes to research subgroup. This is CCWG subgroup like over - or the - and this is policy subgroup.

                  And anything that pops up can make it there instead of establishing, you know, just more subgroups or closing old ones when the task is done. So completed. So I think that it's a good idea. Three type of subgroups.

(RT Marla):   (RT Marla) for the record. I also think that for the processes of the policy subgroup you should keep in mind what processes are coming up right now. Like the PDPs have - they've been going on for about a month but they were dealing with very logistical stuff that, you know, like selecting the leadership and substantive issues haven't started.

But going forward between now and the next meeting will be a lot more substantive issues. So whoever is in this subgroup will have to (unintelligible) - then ball will have to start rolling and the work we start now. So we should populate the subgroups accordingly as well.

(Niels): Well I would just like to challenge this a bit just to see whether we really thought this through properly because for instance, we got the liaising subgroups as I will call them now - naming now Subgroup 4 and Subgroup 5 that are working on the - that are working on the thick Whois and RDS and the one on gTLDs.

If we put those two together in once call or in one work, might they be - might they be boring each other because they got different focuses?

Tatiana Tropina: Well I think it is very important for them to set the priorities and to exchange information as well. Not every person can attend the call. But it would - I mean policy wise may be this process would be more topical right now at the time of the call or another one, you know what I mean. I don't think they will collide that much but if they do, they can exchange information.

(Niels): Okay. What I'm - just a bit...

Tatiana Tropina: Just...

(Niels): ...go ahead.

Tatiana Tropina: I'm sorry. But again, this is just my observation. I haven't been active in these subgroups. I haven't been member of these subgroups and this is why my first point was it looks like a good idea but we have to ask the Chairs of these subgroups and members of these subgroups if they're okay.

(Faducci Mona): Thanks. (Faducci) for the record. I was going to say (Niels) for a second. I just want to point out that I think as someone who is trying to be very active

on the subgroups what tends to happen is because everyone - this is not the only thing everyone is doing. And everyone has different commitments as well.

If you have - if you lay down certain responsibilities for certain people to come up with a paper or to come up with a presentation or whatever that is and if they don't have to depend on anyone else, that (with) more work gets done, which I think we all agree is the kind of situation that we want.

And so in the example that you gave, yes, maybe it's not relevant to each other but at least it's not waiting on someone else. And I think because even (chairing) a call between six and seven people is difficult and as I'm sure you know (Niels).

And so I think it would make sense to get in process something that doesn't depend on just, you know, having calls but just have clear responsibilities and then kind of go back and forth on those. I don't know if I'm making myself clear but yes.

(Niels):   (Niels) for the record. (Faducci), I am - I'm very happy you bring that up because I'm happy with reducing the amount of subgroups. It'll also make things a bit more clear.

But that doesn't mean that we will not have very concrete work plans because I think that is what made our joint calls very structured and very productive. It was very clear who was working on what.

And it was also clear when someone had not done what he or she should do. So that we can check that early and we do not get problems at a very late stage. And that's why I think we had such a beautiful outcome that is clear for everyone.

So if I can summarize this it's that we're going to propose to our working party that we will have three subgroups. Subgroup 1 working on research. Subgroup 2 working on contributions to and from the CCWG Work Stream 2 especially on human rights. And then a liaising and supporting subgroup that's focused on PDP processes. Or we can even call this perhaps a PDP group or has anyone an idea for naming?

Woman: (Unintelligible).

Tatiana Tropina: I like - Tatiana Tropina for the record. I like the idea of policy or process, I don't know. (I like this). Yes. I think I like policy as well for the third subgroup, just policy.

(Niels): Policy or policy and processes PDP?

(Faducci Mona): The shorter the better but - and then you get the Work Stream 2 group, no.

Woman: That's it.

(Niels): Yes.

(Gongish): Hi. This is (Gongish) for the record. So I think PDP would be more accurate because the policy or say policy and process might just broaden the nomenclature a bit too much. PDP would be more accurate.

Woman: Yes. That's (unintelligible).

(Niels): Very good. We got consensus on the three different subgroups, which is great, within the first - within the first 15 minutes of the meeting we already have consensus. I'm enthused.

That's great. So then we can - now we have evaluate roughly our working methods. So (Marilia), shall we quickly recap our progress for (Marilia)

because it might be good because that shows very central in achieving where we just are thus far?

We've been talking about - we've (shortly) evaluating our work and we came to the conclusion that there might be a bit many subgroups. So we thought to bring it down a bit to three subgroups. Subgroup 1 on research. Subgroup 2 on contributions from - to and from the CCWG on Accountability Work Stream 2 especially human rights. And one subgroup on PDPs. Make sense? Great.

So then we come to the next step and that is what will these three subgroups be working on for the coming time. So and I'd like to go about that in order. So what could be the focus and the scope of the research subgroup for the coming months?

(Monica):   (Monica) for the record. I would have to perhaps - this is my personal opinion but we in - by no means have finished presenting all the case studies that we could do, yes. And this would require still a lot of research.

So for example, personally I am working now on the UDRP because the rules have changed. And there could be many instances that still need, you know, detailed analysis.

So I would say this group could just decide within maybe perhaps quite shortly and have a list of what could be done and what could be achieved because there are many, many things to be studied. Just that - well, RAA, the, you know, many things.

I don't know. From my personal experience, now I'm focusing on the due process within the UDRP. But then data protection and privacy so RAA and Whois still could be researched in many different ways, which haven't been done before.

I'm not sure; free speech rights, auctions, many things like that. So we could just come up with a whole list but I think not necessarily immediately now people could just come up with.

(Gongish): Hi. This is (Gongish) for the record. So what I see is there are a couple of areas if you would want to classify their kind of research. One is the one that's been completed - the table and the realization.

We also we can plan what needs to be done with the completed research. Two is the kind of general research that (Monica) just talked about (thematic). And three is the research that can be plugged into the PDP stuff or if a PDP is being proposed or the other things like Whois and all will overlap with the subgroup that deals with the PDP.

So you might want to be careful how we structure work and not duplicate it across the subgroups also.

(Faducci Mona): Yes. I have - (Faducci) for the record. The first thing is that I think a lot of research that we wanted to present in this (unintelligible) is quite (new). So for example, I can talk confidentially from my own subgroup, which is Subgroup 2. But a lot of research that we've started needs to be developed for it to be meaningful.

So for example, we were looking at the new RPMs and new gTLDs. And we've identified and we've classified stuff but there's a lot to be done before we can, you know, really publish that. Right. So that's the first thing to finish what we want to do in this (zone).

And the second thing and this is actually just a source of confusion for me, which is why I'm bringing it up, is that if we come up with a classification within which all of us work, I think that might be better.

So if for example if we want to start with the table that (Marilia)'s subgroup gave us and we use that as the starting point and we all structure what we do based on that table, I think we might actually save a lot of time and not duplicate each other's work. And there's also stuff (due to the work) in that sense because, you know, we're all living at the same terms of reference at least.

(Marilia):   Thank you (Niels). (Marilia) speaking. Well I'm just thinking as we discuss so I did not really elaborate on this. But maybe separate the research group from the PDP group is a little bit artificial because I do feel that we should conduct the research thinking about the agenda of PDPs and things that are coming down the pike to make the research more useful.

So for instance, I do agree that there's a lot of research to be done on UDRP. But just thinking about the GNSO agenda, we'll be looking at rights protection mechanisms for new gTLDs, not the legacy TLDs right now.

So actually we will need people to come up with points related to a system that is different from UDRP in terms of resolution. So I think that we need to coordinate these agendas. Otherwise you will produce something that won't be used right now and we'll be desperately looking for information.

So I'm just wondering maybe - I don't know if it's good to separate both groups because I think that the one on accountability will need to conduct a lot of research. So research is a component there. And the one on PDPs who also needs to do it so maybe the separation's a bit artificial in my view.

And I do agree with (Gongish). I'd like to say that the table is not finalized. The table is a work in progress. So it's very important that we come back to the table all the time. I don't even - I'm not even sure if it's completed.

When I spoke at the GAC I said that there is a part of the community that we have spoken with, we have been in dialog with the GAC but I'm sure that they

can point out things that are missing to us. We have spoken much more to different parts of the community.

So it's a work in progress. And I do feel like it needs to be more compelling visually. And this is something - this is a shortcoming from the subgroup that I would like to highlight.

So if there are people with more skills to make it more visually compelling or even think about a different way to visualize it, which is not a table, please do come forward and help us.

Tatiana Tropina: Well building - Tatiana Tropina speaking for the record. Building on what (Marilia) has just told, I do believe that still maybe this artificial (or whatever) separation might be necessary so people know what they working on.

But maybe it has to do with also this coordination and oral calls. We have been reporting on what subgroups are doing. Maybe we have to move to what (Marilia) has just said that what kind of coordination we are having, what kind of flows of information between the groups, how they're actually - I mean how information from research goes to PDP group and so on.

So maybe this is something to think about this over our calls. So I do think that we need do need some groups because otherwise no one would know what to do. But I agree that separation is artificial. But maybe these all go to the level of coordination calls.

(Niels):   Yes. For now I really see your point but I think there are - that it's still different actual work that's to be done. And I think all needs to strongly inform each other. But I think the overflow and information can happen on the regular calls that we have.

And I as Chair will also see what's going on in the different groups and point people to each other and hope we're also not strangers to each other and reach out to each other when needed.

Because I think that with the work picking up on the different PDPs that just to report back will also be important and also to the points that (Milton) made in the public session that we have a central place for discussion where the work that's happening overall in the community is coming together so that we properly coordinate and ensure that there's no duplication of efforts because I think that's quite crucial.

And that coordination and ensure that there's no duplication might not be exactly the same work as the research is doing. So I hope that we can keep the three subgroups because I would hate to lose the consensus that we achieved so far.

Tatiana Tropina: Tatiana Tropina. I also think that there's some people who are in both subgroups like (Marilia), right, in the research and in policy.

Woman: (Unintelligible).

Tatiana Tropina: Well, I didn't - we have two subgroups, which rather belong to (search) domain just to - and we have two subgroups, which rather belong to PDP domain. And I believe you are in both of them.

Woman: (Unintelligible).

Tatiana Tropina: No. You are not in gTLD. Okay. Yes. So if there are people who are in both of them, they can always (think) where coordination is needed. And all this adds more work - more burden for them. But still it's probably (unintelligible).

Woman: (Unintelligible).

(Niels):   (Monica), please go ahead.

(Monica):   (Monica) for the record. I just wanted to say just like (unintelligible) reminded us, human rights are indivisible. So this is the same. It's hard to distinguish all of this. And I guess we all just - definitely research that we produce is going to be used for our, you know, policy development process. I think it's inevitable.

                  But perhaps it would be sort of clearer to us all who sort of produces the actual material to be used in our (focusing) within the PDP. But I think it is indeed indivisible just like the content, so the work.

(Niels):   And I think that without going like on a tangent about how we're going to work, I think the best way to see if it works and whether it works is to try it for the coming three months and then evaluate. And then we might have been a bit enthusiastic with five groups. Let's see how three works; three, beautiful number. Let's go at it. Does that sound okay? Yes or no please Tatiana.

Tatiana Tropina: Well actually I think the problem or the issue is not that we will overly enthusiastic. It's just some of the subgroups, which were tasked for different issues it's like the second point Stefania made in her email. That some of the - some of the processes have not really started yet.

                  So the idea of this subgroup is too unclear, you know. So it couldn't have produced much. So - and this is not about us being too optimistic. It's just about processes being slow.

(Niels):   I'll summarize that in a yes. Thank you. (Motica), please go ahead.

(Motica):   (Motica) speaking. I think it's just really, really important for us to concretize the issues that we're talking about so that we can communicate to people who are outside of this room who don't have human rights background.

And so I think that the case studies are really important. And I think (Faducci) or somebody suggested that if the matrix and the case study can have some correspondence and the case study be boiled down to the essence, right.

So, you know, it should not take us ten minutes to explain the case. Yes. But to really boil that down to the essence and then that's the lesson learned from that particular experience, which should then get hopefully translated into the PDP process.

And so I am very personally enthusiastic about the case study because it really instantaneously explains what this is all about. And so I do think that - so in a way one - the research is a little bit looking backward, yes, and the PDP thing is a little bit looking forward. Not that this is completely mutually exclusive. And they have to inform each other.

So I'm happy with the classification and happy with the way things are going to get coordinated but I just would like to really make a plea that a concretization is the key. Thanks.

(Niels):   That's great. So I think that right now we are roughly - I would like to bring us back to a point that got us started with (Monica) and that's talking about the work plan for the coming period. So we mentioned a number of topics for the research group. And it might be - and I - do people in that research group feel we left out something?

(Faducci Mona): Not exactly left out something. But there was some confusion as to what we should look at. So Subgroup 2 initially we had about 12 topics that we wanted to work on. And then we decided to leave out topics that we though other subgroups were working on.

But as you can tell, that was a complete - we were really confused as to what the other subgroups were looking at and what came within their mandate. So I think it would be useful now if we could just decide on maybe like the

broader - like (Motica) said, just concretize maybe five or six areas in which we look at stuff and then we can come up with terms of reference for the group and then work from there on.

Because if we know that we're the only people doing something and then we have an exhaustive list, that could be really helpful as a starting point because otherwise we're kind of scrambling and we don't know if we're doing too little or too late, so.

If we could - I don't know how you want to do that though. Do you want to - do you want like the heads of the subgroups who was in the previous (round) to talk about what needs to be done research wise? Do you think that could be helpful?

So from my end, like I said, Subgroup 2 we - the work on the new gTLDs is really important. And I think that needs to be developed a lot. (Monica)'s already working the UDRP. And we also have work on the names collisions management framework. As of now those are the three things that we have to still finish. Thanks.

(Niels):   (Monica), does that sound like a good list of work?

(Monica):   Sorry. I was discussing with (Marilia) the issues. So can you please repeat just very briefly what was decided.

(Faducci Mona): Yes. So I said that if we - in this meeting if we give out maybe five or six areas in which we definitely want to look at, then we can come up with the terms of reference because otherwise would always wonder whether our mandate is too small or too big.

So just taking from the previous (round), Subgroup 2 still has to do work on the new gTLDs and you're doing work on the UDRP. And we also have work on names collisions management framework and geographic regions abuse.

So we have four heads that are under way already and will need to be developed. But if we could have a quick update from the other subgroups, then we'd know how much needs to be done.

(Monica):   (Monica) for the record. That sounds good to me. I could just say that then what (Marilia) was telling me just a minute ago. I definitely could extend my work to cover not just UDRP but also URS and Trademark Clearinghouse. I will talk with (Constantinos) about it I guess. But I could cover the broader issues, not just UDRP (itself).

(Milton):   This is just a very detailed specific question. So when you talk about names collisions, what is the human rights angle on names collisions?

(Monica):   What exactly do you mean names collisions?

(Martin):   Well you used the term, not me.

(Faducci Mona): No, I used the term. No, that's a report that came out and Karel Douglas has something that he hasn't shared with me. So that's what I'm saying. We aren't sure as to where and how far we've come with specifics that we had outlined in the previous group - I mean in the previous (round), so.

(Martin):   So I know what the names collisions controversy is. It's about TLDs that have been used internally by corporations. I'm - I just want to know how this got in the Human Rights Working Party. I'm just curious.

(Faducci Mona): No. We had a list of - initially I think the group identified what 12 topics and people chose whatever they want to work on. So I'm not in the best position to answer that question unfortunately.

(Marilia):   Thank you (Niels). What concerns me a little bit is that I do feel like these topics are super interesting and important but they are sometimes not very much correlated with the agenda that we will have in the GNSO.

And since we will be developing policy, it's very important that we are prepared to intervene where the policy is going to be created because this is the framework that we need to adopt.

So I would not exclude these topics but maybe we can see together, not here maybe but to look at the agenda of the GNSO because it will have privacy issues that I'm sure that you are covering where you can sit with (Stephanie) and other people to understand what are the specific concerns.

We have all the new gTLD agenda, which I believe that freedom of expression and economic rights, which is the point that the Board and other parts of the community are feeling more sensitive about. They require a lot of work. And the rights protections mechanisms you're already doing the UDRP, which is great but maybe we need some broadening of the agenda to encompass the mechanisms for new gTLDs.

So this conversation between what we're doing the GNSO and the agenda it's what we were discussing before that the coordination, so let's just review the topics in terms of how we are moving forward at the GNSO. No. Just to (unintelligible) I think, yes, definitely important.

(Niels):   So as a preliminary list I keep the new gTLDs, geographic names and a broad concept of UDRP. Is that what we do? And then we - and then that subgroup will refine its work and topic later?

(Monica):   (Monica) for the record. It is better we just call it rights protection mechanisms, not UDRP, yes?

(Milton): Could I make a suggestion about RPM? I know it's probably too late in the GNSO to change the label, but when the GNSO talks about RPMs, unfortunately they're not talking about rights protections. They're taking about trademark rights protections or intellectual property rights protections. So if we could actually label it correctly, it might be nice.

(Monica): And how do you propose to label it correctly?

(Milton): Trademark and copyright protection mechanisms I think. I don't think patents get involved in this, right? Do patents get involved?

Man: No.

(Milton): So trademark and copyright - trademark rights and copyrights protection mechanisms. That would be kind of a statement.

(Marilia): Let's (run to that).

(Niels): Very good. So we got the - we got the research area - for the preliminary research area will be on trademark and copyright protection measures, geographic names and new gTLDs. And...

(Marilia): Are you including privacy? Because this is something that we will...

(Niels): Well, I understand your passion for the - for a GNSO policy process but I would also want to give people the space to do some like experimental research that's not necessarily policy connected. So I would also give research like the academic freedom to study things that they think are relevant and also to illustrate the case.

So but if people want to work on privacy and do research on privacy, I'm happy to add that. I just would like to have like - the shorter the list, the more concrete the list so that we can say that in a few months we'll have a few

papers, map the case out very concretely. That's what I'm aiming at. And the longer the list - if you want to do everything very often you end up doing not everything.

(Marilia):   Just very quickly comment. I do respect that. I mean coming from the academic sector, I do understand that people want to research on the topics that they find fascinating. The only thing is that I do feel like we are - we have a political goal here, which is to advance on the agenda of human rights and the policy that we are discussing.

So I do think that domain name collision is super interesting. I would like to research that myself. But this is something that we will have very little voice on because this has been discussed by (unintelligible). The thing related to geographic names is super important and is a topic in the GNSO. But that is moving absolutely like super slow - turtle slow.

So it's not something that we'll be looking at right now. And we do need to work on privacy. I'm not forcing anyone. Of course this has to come from the people that they're interested to develop work. But if you have a slight interest, just put your name forward because we could (make that).

(Monica):   (Monica). I - (Marilia), so what exactly because I'm a member of new - PDP on new Whois. I just wonder what exactly would be the research that we might need. And I am indeed the data protection background. So I'm just wondering what exactly we might need. What could - what exactly would be needed? Because to produce just the analysis that Whois was wrong, we did that.

(Niels):   I would like to stop briefly here because we are almost like at 70 or 75% of our time. And I think we have now preliminary work plan. And if we can add privacy with concrete work for that, I really support. I stimulate a conversation with you (to any) - if we add it, I'm very happy. I'd just like to make sure that

we - we got now a preliminary research agenda, which we can then concretize on the list.

(Marilia): (Actually it's on).

(Niels): Okay. It's on. But we need to have now concrete cases because just putting privacy on there doesn't mean that it will research itself, right.

(Milton): I can give you cases if you want. But you're in a hurry. So just put it on and we'll fill the gap later.

(Niels): Thank you (Milton). I'm very happy you will contribute to this research group.

((Crosstalk))

(Bostia Hostings): Thank you (Niels). This is (Bostia Hostings) for the record. Just a small comment from my angle. I'm assuming that if you're going to do research, you're not quite sure in advance what the results are going to be. So that's fine.

But it might help if you use an hypothesis at least to suggest okay, this is important to research because there is potentially an infringement of human rights or whatever and that might also help sell it, you know, to the rest of the community to really engage people to see that it's important what we're doing.

(Niels): As far as I understand, that's exactly the hypothesis that we're working on and the case has already been mapped in the overview that (Faducci) made and there's also just some preliminary research. So we should have been more concrete on that.

(Bostia Hostings): Okay. Well sorry. Maybe I understood that. But that's also linking towards the case studies that we refer to make it as specific as possible. I think that would help.

(Niels): Yes. And these would be specifically case studies as in these topics that they are related to human rights. Sorry. Should have been more explicit. But that's exactly the case. And as they were originally intended, they should explain why we're doing this and the concrete principles.

So that's clearly outline the work of Subgroup 1. Then we'll go forward to Subgroup 2 that was formerly Subgroup 3 that's contributing to and from CCWG on Accountability Work Stream 2. Does anyone want to comment on that from the work plan?

Tatiana Tropina: Tatiana Tropina. What kind of comment would you like exactly?

(Niels): What the work plan - what the work plan would be for this group for the coming period.

Tatiana Tropina: Well, if you don't want comment, I can comment myself. Tatiana Tropina speaking. I think that the work plan depends on the Work Stream 2 because it is the community exercise and we are playing a role. Like we might prominent role there but it will depend on the schedule of the Work Stream 2.

I believe that the newest plan is to volunteer because they will need volunteers. They will announce it on the list. So our primary task is not to (mute) this call and to spread information among all interested people in the group who has not joined as (unintelligible) volunteer to Work Stream 1.

They can always join to Work Stream 2 and maybe also I think as one of the tasks because we had several people interested in joining Work Stream 2 the NCUC session.

And I think maybe it would be good for us maybe to schedule a call for them to brief them what are the tasks, how the work is going to be carried out, the processes because I believe that maybe for some who is interested in human rights but who is a newcomer the process might be scary. So yes.

(Niels): Yes. So just to get a quick sense of the room, were the roughly monthly updates on the progress in the CCWG by Tatiana and others were they helpful? Did they help you to follow the process in as far as you were not following it yourself? Some people saying yes but no overwhelming majority.

(Marilia): Just a quick - because I was very, very new to it. So to be honest, I wasn't sure as to how things were going to impact the work I was doing. As someone who was just thrown into whatever work was being done by our group and someone who was completely new to ICANN, I did not understand how my research would impact that, you know.

So while it was good to know what was going on and just to have monthly updates if I didn't understand how differently the (search) of my research is not very useful from that point of view.

Tatiana Tropina: Tatiana Tropina. That was exactly my point. The updates are for someone who is already familiar with the process. But if someone is just joining, maybe we can give a briefing like what are the processes, who is participating, that this is a community exercise that we have to coordinate and so on and so forth. Because just updates like well, Board issues the comments, okay. If you're not in the process it doesn't really help.

(Niels): Yes. This brings me - before going to (Gongish), this also brings me to a point that James Gannon made that a lot of our work is (e-valued) at least at very high quality but it didn't find our way necessarily always out of our working party.

So he suggested to make monthly updates on our work, which I would not necessarily mind but it would make - we would also need to package our work in an attractive and understandable matter. But that might be a thing to work on as well.

(Gongish): Hi. This is (Gongish) for the record. So I was just thinking from a operational perspective the subgroup that's going to work with the accountability Work Stream 2 will have to operate in a manner similar to the PDP ones because once the subgroups in Work Stream 2 have been finalized, then we could start work exactly on the subgroups.

And the idea is the work that we do here will feed directly into Work Stream 2. So create that as a liaison and then...

(RT Marla): (RT) for the record. I also think it's very important at this stage or a little later to draw the clear distinction between what the subgroup is doing and what the Work Stream 2 subgroups are (really) doing so that there's no duplicity of work again.

And also, yes, so if the Work Stream 2 is going to take a little time, maybe we could kick start the process and then we could start feeding in that work early on so it could help that work going faster. Would basically be to make sure that the two subgroups are not doing the same work.

Tatiana Tropina: Tatiana Tropina for the record. Yes. Exactly. And also think that (RT) brings very important distinction that our subgroup is the point of discussion but we're not developing (too). So we are just producing some ideas, maybe discuss them among ourselves, producing some expertise and just channeling it to CCWG Work Stream 2.

And I believe that we will - we have to be very clear about the distinction with other - with our subgroup, with the broader Cross Community Working Party

and with CCWG too because they were are cooperating in developing the tools.

(Niels): Yes. I think in the Cross Community Working Party we can benefit from the expertise from people that come in that do not have the time and resources to join the work in Work Stream 2. (We can map), we can discuss but the actual work on development of the things that happening in actual Work Stream 2. Matthew.

Matthew Shears: Yes. Matthew Shears for the record. So sorry, I haven't really been following the subgroup on Work Stream 2 human rights issues. But our group I should say.

But there's clearly an issue here that we need to pay attention to, which is which part of the community is going to be putting forward which perspective on how this work will be structured, right.

So we are supposed to deliver at the end of Work Stream 2 a framework of interpretation. Seems to me that there are going to be two very interested parties in this and that's going to be the IPC and the NCSG who are going to take - who are going to have differing, right, differing views on this.

So it probably would make sense for us to start working already in terms of how - in terms of thinking about how should we structure the work in Work Stream 2 because whoever comes forward with the plan to do it is most likely going to be the one who's going to see that occur.

So I think we already need to start planning out what we're going to do, how the work's going to feed in from these working - these subgroups into the work that we're going to be doing in Work Stream 2. Otherwise another part of the community will do it for us.

(Niels): Yes. And I think it's (next). So that is very important tool. So take the existing work that we have, build upon that and bring that into Work Stream 2. So that until Work Stream 2 has started, that we take the time and the resources in our current effort to have a strong contribution to that work so that also they will not duplicate but it can already make use of what we've already been doing.

Tatiana Tropina: Well I'll defer to (Mark). I think we should not be confused about us doing some work and another part of community been doing it for us. I believe that Work Stream 2 would be a community exercise and will have different stakeholders doing different work. So we cannot own the whole stream. We cannot just, you know, yes.

(Monica): Sorry. Just had a quick question. When is this framework of interpretation should be (double up) roughly speaking? What sort of timeframe we're looking at?

(Niels): The target is one year. And but that has explicitly not been named a deadline because that might then be a cutoff and then the Board might be in breach of a bylaw because the community hasn't produced. So it's a target date of one year.

(Monica): And because I'm quite new to this, what kind of thing that is? What we're - that would be a document, that would be a paragraph, that would be a list? What would that be?

(Niels): Matthew Shears.

Matthew Shears: Matthew Shears again. So this is exactly the reason why we need to get ahead of the game in this even though the Work Stream 2 work hasn't started yet. We should come up and say well, this is our understanding of what the framework of interpretation is. That's the point I was trying to make earlier on.

(Faducci Mona):   Yes. Just another question. How would we typically go about presenting the framework of interpretation? Like I'm not sure how it would work in Work Stream 2. Do we present our work to the CCWG or I mean how would it typically work? How would it go?

(RT Marla):   (RT Marla) for the record. I think we should start - under this subgroup we could start developing options that can then be presented to the Work Stream 2 subgroup. So then they can see that in terms of incorporating into the bylaws what option would work best. But we could start off with the research and present the options.

(Milton):   Just a bit of background that might be helpful. The concept or the term framework of interpretation was recently used by the ccNSO. And if you've ever studied the evolution of delegation policy for country codes, you know, that there's all kinds of conflicting and overlapping policies that have evolved.

And so the - actually for the last 15 years the country code people ICANN and governments have had actually incompatible ideas about how to delegate country codes.

So finally this year they got together and developed what they call the framework of interpretation that reconciled these conflicts. So I think you could frame your work in that sense of ICANN's legal is going to be saying how do we avoid exposure. You're going to be saying how do we advance and protect human rights.

The community - the businesses are going to be saying how do we avoid spending too much money or whatever. People are going to have different interests.

So the framework of interpretation is probably designed to reconcile all these conflicting views about what it means to have this human rights thing in the CCWG proposal.

(Monica):   So just to clarify. So there is this example of the framework (deadlock) to which we could at least have a look what it is and - yes. That's what you meant?

(Milton):   The substance will be very different but in terms of looking at to how it brought people together in the history of it, that would be probably useful.

(Niels):   A history of ideas of the framework of interpretation. Great. Thanks (Milton). That's nice. So for Subgroup 2 we have tried to get people to volunteer, engage reports on what we have already been doing, do preparation work for it as long as it hasn't start, liaise and also understand and develop an understanding on options of different frameworks of interpretation.

Tatiana Tropina: One quick add on. We also - and I mean we have to make it one of the priorities. We have to participate in setting the agenda for the Work Stream 2. This would be our newest priority.

(Niels):   And participate, yes.

Tatiana Tropina: Yes. And participate. Yes.

(Niels):   So I think that is also very concrete and - oh, (Marilia), please go ahead.

(Marilia):   Thank you (Niels). I (unintelligible) just a question to Matt. I did not follow the discussions as closely as I should. But I did get the feeling that in certain moments in order to discredit our positions the people that did not want to include human rights to cut through a very U.S. oriented legal background because of where ICANN is incorporated.

                    And I feel that that may create problems to us moving forward on Work Stream 2. And I noticed that we do not have a - we have very strong legal

people among us but maybe we lack a little bit the expertise of lawyers that are very familiar with the U.S. corporate environment.

So is there - first of all, if there is a need and second of all, would - should we look into some pro bono support of legal people in the U.S. like - because I felt like we are in the hands of ICANN in terms of choosing the lawyers that they want to appoint to us and this is not a good idea. Maybe we should have our own legal people talking to us and offering their opinions. And maybe this is just - but I don't know. Just an idea.

Matthew Shears: I think it's a very good idea. And I think there is a - I think it was mentioned that the working groups that will deal with Work Stream 2 issues will have new people on them and will possibly have a need for new areas of expertise. So I think that's a good idea to do that.

Which raises - your point actually raises another one in my mind, which is we probably should go back and look through some of the things that were said by various parts of the community on human rights to kind of anticipate also what we're likely to be facing in Work Stream 2. And think there's probably quite a bit we can derive from that prior discussion.

Tatiana Tropina: Yes. Actually thank you Matt. Excellent idea. We can put it in the agenda.

(Niels): That gives a very good and full plate for Subgroup 2. Perhaps a discussion on Subgroup 3 can be a bit shorter because it's liaising following and giving input on the various PDPs. For now we have been doing - looking at the Whois RDS PDP and new gTLD PDP. Are there other processes that are going on that we should be adding to that? Are we missing something?

(Marilia): I think that the list is already very full. When you look at the new gTLD program, it's basically everything from freedom of expression to due process, freedom of association; everything is there.

But two other issues are the rights protection mechanisms PDP, which is starting right now. We just approved the charter in the GNSO. But we will start as I mentioned from the mechanism to look at new gTLDs even to create like some synergy with the working group on new gTLD subsequent procedures.

And there is another process that I don't know if we will have bandwidth to follow but just flagging that it exists, which is the auction proceeds. So a charter is being developed right now to discuss what will be done with the money of the auctions that's happening that new gTLDs have (face).

And I do feel that anything can happen with those resources and if they come to us saying that will be very hard to implement human rights impact assessments because we do not have the resources or the money or (unintelligible), there's money sitting there not being used.

So at least this small point if we do have the bandwidth I think that we should participate or following as much as we can this process at least to make this point. Thanks.

(Niels):   Thank you very much. I think that's also a very clear overview and mandate for the third subgroup. And that brings me to Number 5. So now we've done some blue sky thinking on what we think we need to do. But now we also need to do it. So who are the people that are interested in Subgroup 1 in the research? (Monica), (Faducci), (Gongish), (Marilia), (RT). Perfect.

(Monica):   I have a question regarding this. So how do we actually - because you mentioned something like academic freedom and stuff but I wanted to know how exactly are we going to do this? Because...

(Niels):   I would - we have two minutes left so I...

(Monica):   Okay.

(Niels):   ...will leave that to the group to...

(Monica):   No, no, no. Because I think it's really important whether we actually present it in a sort of independent academic way or we soften the language, do what we have - that's the question that I have, which is I think critical for me to know in advance rather than doing it afterwards. Like what kind of things we're looking at.

(Marilia):   My view is that in order to be convincing, you need to have a solid data and solid case studies as possible. But this will not even remotely be seen as a neutral work. It's a work that's being developed inside the working party that has a very clear mandate.

                   So from the outside there's a - I think that this work is already born with a purpose, which is to advance human rights. But the fashion in which we advance is this like a bumper sticker or an advocacy thing or are we advancing based on data and cases and - so that's the - I think it's not incompatible.

Woman: (Unintelligible).

(Niels):   So now we stop that. And I think that answered your question, right, born with a purpose. That's very nice. Subgroup 2. Who are the people that are interested in doing that? (RT)...

Woman: I don't - but no.

(Niels):   That's very (positive). (RT), Matthew, (Gongish), (Milton), myself, (Motica). That's great. And then on the - (Gongish), please.

Woman: Do you have the (contegry) of observers. Can I be - can I be an observer to this one, not a full member?

(Niels):   I...

Woman: Because I want to be on the list. I want to...

(Niels):   You can be - you can be a full member and still observe.

Woman: Okay. I will observe rather but I want to be on the list though please.

Man: Hi. I just want to clarify something. So it's something that (RT) raised earlier. So some workgroups will start - have a heavy workload when the PDPs or the Work Stream 2 work starts. So I think most of us are interested in - (and keep) being part of each of these subgroups. But all the work will not happen simultaneously.

                So I think - you just want to clarify if it's okay that there are really people who will be full members in each of these subgroups? But the workload will differ at different points of time. And it's okay that each group can have - I mean each person can be part of all of these subgroups or some of these.

(Niels):   Yes. Yes. And I cannot police you, right. So. Ah, perfect. Perfect. And so who are then the people interested in following the PDPs and participate in working on that? So there we have (Fanata). We have (Faducci). We have (Gongish). We have (Marilia). We have (Monica). And we have (RT). That's really great. And of course we have people on the list.

                And I think in the different constituencies where we are we should also send out invites for people to join the work. And I think we'll do that better. And that'd be nice. Are there other people who have not volunteered who are not thinking again about volunteering for a different subgroup? Can we motivate you to join some specific work? (Bastian).

Woman: (Unintelligible).

(Bastian Hostlings):   Yes. (Bastian Hostlings). I volunteered at the time for Subgroup 5. And I am at least happy to say that two of my colleagues because I was referred to the email from Stefania as well that that group has been dormant. So pending the work that the next generation Whois work that was going to be done. So to have a face-to-face meeting now so I'm assuming that you're taking notes there and thinking about next steps. So they will be onboard anyway.

I will have to talk to them as well to see how we can take this further. So I'm not - I will stay on the list. I'm on the list.

(Niels):   Okay. Perfect.

(Bastian Hostlings):   But I will not commit for the time being how much resources I can put into it, but.

(Niels):   Perfect. Thank you. So since we are already over time, I suggest - (Renata) please.

(Renata):   One last - I remember that there was discussion (unintelligible). I'd like to know more about how that's going and (unintelligible).

(Niels):   (Renata) would like to work with (Marilia) and me. I would also love to work on the visualization of the table. So we'll have a conversation with the three of us on how to make that very pretty. Because our work has been a bit black and white and letters and tables and let's also add some color and graphics to our work. That would be great.

So because we're already over time, I will leave the planning of the dates and times for on the list. I suggest we go a bit ahead with the same - with the same time zones. So switching between 1:00 GMT - no 12 - noon GMT and 4:00 GMT so that people ranging from San Francisco to the Indian

subcontinent and Japan can join. So is - was it okay for people to participate? Yes?

((Crosstalk))

(Niels): Great. And frequency of the calls, was it too much, was it too little or was it exactly right?

Tatiana Tropina: I think because we didn't have any (unintelligible), I think it's better to just aim to have one call a month maybe because otherwise you just don't (try after while) unfortunately.

Man: I have a clarification on Subgroup 2. So when you talk about Work Stream 2 are you talking about only Recommendation 6 and the framework of interpretation or are you talking about human rights concerns across Work Stream 2 of CCWG Accountability?

(Niels): It's a main focus on (it's six) but with a broad view on other human rights implications in the rest of Work Stream 2. So we'll definitely be looking at that but our main - but our - the main attention will be to the implementation of that. You do not look satisfied with that answer.

Man: Well the thing is I do not want to over commit to areas. So I want - I have special focus within Work Stream 2 and I can work with that. But I do not want to overlap into other areas. That's why I want to clarify exactly what Subgroup 2 would be doing in Work Stream 2. If you're going to split it into further topics, then it makes sense that I will contribute to certain topics within that subgroup rather than completely of the work that's approved.

(Niels): Yes. So we want to focus on human rights. But if other human rights concerns pop up in the implementation or in Work Stream 2 then we'll of course not ignore them because we just have a small scope.

Man: Okay.

(Niels):   Or could you make it really concrete what you're...

Man: Okay. So basically if there is - if the entire focus of this subgroup is going to be (enveloped in) the framework of interpretation or will you consider other aspects like diversity standards and...

(Niels):   Oh we'll...

Tatiana Tropina: I'm sorry. The simple answer is that we don't know yet. So I suggest you follow and I suggest you get updates on the monthly calls and just ask these questions later. Because I - honestly, I can't answer this question. But I also believe - yes.

                        So I also believe that Subgroup 2 we will have to participate in the whole Work Stream 2. But when your expertise is needed, we will of course call you even if you will not be a part of Subgroup 2 now. So you can decide for yourself and then contribute in the later stage.

(Niels):   And if your interest is - (Niels) (unintelligible) to that. If your specific interest in diversity, I think your participation with a big enrichment would be a big enrichment to the subgroup to inform also others what's happening on all Work Stream 2 work. So please don't be hesitant that if you are interested in working on non-Recommendation 6 work then please join because then we can learn from each other and divide labor.

                        So thank you all very much for this great input for your work up to now and for the work that we're going to be doing. Thank you very much for your engagement and looking forward to the next meeting. Cheers. Bye.

                                        END