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MARRAKECH – GNSO Morning Policy Briefing
Monday, June 24, 2019 – 08:30 to 09:30 WET
ICANN65 | Marrakech, Morocco

UNIDENTIFIED MALE:	It is Monday, June 24, 2019 at ICANN 65 in Marrakech. This is the GNSO morning policy briefing at 8:30 in Tichka.
ARIEL LIANG:	Hello, everyone. This is Ariel Liang from staff and we're going to start this session in a few minutes but we may wait for a few minutes for people to come back from the welcome coffee, so we'll start shortly. There is coffee in the room if you'd like to help yourself to some refreshments, so please feel free to go to the back of the room and get it. Thank you. And you're welcome to join us around the head table, too, and please welcome, join us. Thank you. We will start in one minute or two, just let folks have some time to move to this room. They're probably still at the morning coffee, but we'll start in a minute or two.
	I think we can start now and we can turn on the recording. Welcome, everyone. You can feel free to sit around the table, too. Please don't be shy.
	Today we have this morning briefing, and me and my colleagues welcome all of you for this session and especially the newcomers to the ICANN community, because during the session, we'll provide you a very brief background of the current policy efforts in the GNSO. We will also try to explain to you why they're so important to the multi-stakeholder

community at ICANN and also give information on how to get involved in these policy efforts, including the ICANN 65 sessions that you might be interested in attending.

So, the first part of this morning briefing is brief presentations from me and my colleagues in the GNSO team. We will do a brief presentation on each of the three ongoing PDPs and another one is other efforts in the GNSO. The second half is an interactive segment, so we will encourage you to ask us questions and we'll provide answers. Please also feel free to ask questions, such as how we become involved in the GNSO as staff. So, we welcome those exchanges.

We hope this session will become a springboard for you to get further involved in the GNSO policy efforts at ICANN 65 and beyond. So, without further ado, next slide, please. Next one.

I'll do a very quick briefing for my colleagues on the GNSO team, so you can match their names with the faces. So, Marika Konings, Mary Wong, Steve Chan, Julie Hedlund, Caitlin Tubergn, Emily Barabas; and this is me Ariel. So, we are providing substantive support to the GNSO policy development process working groups.

Next are Nathalie Peregrine at the back and Terri Agnew. I'm not sure whether she's in the room. Then we also have Julie Bisland, she's joining remotely. So, these three colleagues, they are providing very crucial secretariat support to the GNSO team. Next slide, please.

First, I will turn the floor to Steve Chan to provide you a brief presentation on the new gTLD subsequent procedures PDP.

STEVE CHAN: Thank you very much, Ariel. So, all these updates on the PDPs will be structured about the same. It's a little bit about what the PDP is about, why it's important, what to expect at ICANN 65 and then how to get involved.

This first slide is about what this PDP is about. Many of you might already be familiar with the 2012 new gTLD program. Those stem from 2007 recommendations from the GNSO. Those recommendations were the source for the development of the Applicant Guidebook which served as the basis for the new gTLD program.

This PDP is looking at both those recommendations but also the implementation from 2012, and it's determining what changes are ultimately needed to those recommendations.

In addition, there's actually a work track five that's dedicated to a single topic. That single topic is geographic names at the top level.

So, in terms of current status, this PDP has published a series of three initial reports. The PDP has looked at those public comments received from a non-substantive standpoint already, every single one of them, and now they're determining what changes might need to be made to its preliminary recommendations and outcomes based on the public comment. So, the PDP is aiming to complete its final report and deliver it to the GNSO Council by the end of 2019. Next slide, please.

So, why is this important? Per the Applicant Guidebook, the new gTLD program was intended to be an ongoing process, and it's also intended

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to be opened at the top level of the Internet's name space to foster diversity, encourage competition, and enhance the utility of the DNS. There's also a review as mandated by the ICANN bylaws that was performed by the Competition, Consumer Trust, and Consumer Choice Review Team. They also examined the new gTLD program under those factors.

So, this PDP is responsible for furthering that systemized way to apply for gTLDs. It's also supposed to take into account the recommendation from that review team I just mentioned. Finally, it's about addressing the shortcomings and issues encountered in the 2012 round. Next slide, please.

The next one is about what to expect at ICANN 65. So, I had mentioned there's a work track five. There will be two session dedicated to the full working group but there will also be two dedicated just to work track five which is again about the geographic names.

Right after this session – actually, overlapping a little bit – the work track five will be meeting for these first two sessions and then session three for this working group will be later this afternoon and they'll also have one on Tuesday. But both the full working group and work track five will split their focus. There will be temperature taking on initial conclusions but there will also be trying to do substantive work to further their deliberations.

In addition, the full working group will be meeting with ICANN Org's Global Domains Division where they will be talking about some initial operational readiness planning for the next round. So, all community

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members are welcomed and encouraged to attend these sessions. Next slide, please.

Finally, how you can get involved in this PDP. This PDP was initiated and began its work back in early 2016, so it's made significant progress to this point. Despite that, you are all still welcome and encouraged to join that effort and contribute, but you'll be responsible to educate yourself, get current on where the PDP is and research what's already been discussed. So, if you are interested, you're more than welcome to join. At the bottom of this page is just a little bit of further information to learn about the effort and get current. That's it. Thanks.

ARIEL LIANG: Thank you very much, Steve. Next will be Julie Hedlund to provide you a presentation on the review of All Rights Protection Mechanisms, RPMS in all gTLDs.

JULIE HEDLUND: Thank you very much, Ariel, and welcome to everyone to this session. Following the same format that you just saw, first let me tell you a little bit about this particular policy development process.

This is actually a two-phase process. It was started back in February of 2016. We are currently in phase one and that is the rights protection mechanisms applicable to new gTLDs launched under the 2012 new gTLD program, and in particular the trademark post-delegation dispute resolution procedure, the Trademark Clearinghouse, the sunrise and trademark claims services offered through the Trademark

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Clearinghouse, the uniform rapid suspension dispute resolution procedure.

Then, phase two, which has not yet started is projected to start in 2020 would be a review of the uniform dispute resolution policy (the UDRP).

So, the working group is aiming to complete its work on phase one by April of 2020 with the provision of a final report to the GNSO Council for consideration at that time.

The current status is that the working group has completed its preliminary review of the [TMPDDRP], the structure and operations of the TMCH, and the URS dispute resolution procedure.

Currently, the working group has split into two subgroups and what these two subgroups are doing is they are looking at the sunrise rights protection mechanism and the trademark claims rights protection mechanism and they've been doing so for several months now and they are nearing the completion of their work, and in fact it's anticipated that they will complete their review during this meeting here at ICANN 65.

What they've done so far is they've reviewed and analyzed all collected data including survey data from a professional survey that was conducted late summer last fall. They've discussed how this collected data can help answer the charter questions. They're in the process of developing and finalizing preliminary recommendations and questions for community input. They've also reviewed individual proposals.

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So, now at ICANN 65, what they are planning to do is finalize their preliminary recommendations and answers to charter questions and to provide their status report to the full working group. Next slide, please.

So, why is this PDP important? What do rights protection mechanisms do? What they do is they strike a balance between potentially competing interests. Those interests are those of the trademark owners. They use RPMs to protect their brands and registered marks in the domain space from potential abuses, such as cybersquatting. There are also non-trademark owners that should have access to registered domain names for legitimate purposes such as the name of a non-commercial organization or promoting the freedom of expression. There are also registries and registrars who have concerns relating to cost, technical and operational impacts due to the implementation of rights protection mechanisms.

Also, this PDP is important because it is the first time that all of these rights protection mechanisms have been subject to a policy review since they were established, including the UDRP which has been ICANN's consensus policy since 1999. And by conclusion of both of the phases of this PDP, the working group is expected to have considered whether all the RPMs collectively fulfill the purposes for which they were created or whether additional policies are needed. And this PDP is intended to create a coherent and uniform mechanism for future reviews of RPMs. Next slide, please.

What to expect here at ICANN 65. As mentioned, we have two subgroups or sub-teams and they are both meeting to finalize their work. Session

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one will be the trademark claims sub-team. That will be on Tuesday, the 25th from 10:30 to 12:00, followed by the sunrise sub-team, the first of two of their sessions. Then, on Thursday, there will be another meeting of the sunrise sub-team to finalize their work followed by the full working group meeting, where the sub-teams will provide a status of their work.

So, they will use their sessions to finalize their reviews and present and discuss with the full working group. All community members are welcome to attend these sessions, although you should note that session four may be more suitable for newcomers because that will provide more of a background and summary of the working group as a whole, as well as the status updates from the sub-teams. Next slide, please.

And how can you get involved? Phase one, as you may have heard, is nearing the close of its work. There's a fair amount still to be done but it's primarily going to be moving to finalizing recommendations relating to the TMCH after this work finalizes here at ICANN 65, and then they'll be working on the drafting of their initial report and getting that out for public comment by next January 2020.

So, what we would suggest is that you are welcome to provide input when the initial report is released for public comment, and of course you can still follow the work of the working group via the Wiki and recordings and in face-to-face sessions, such as here at ICANN 65.

And then, with respect to phase two, you are welcome once that begins to contribute to the work, to join as participants or members or

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observers. For more information, you see the links there. Let me then turn this over to Ariel and thank you very much.

ARIEL LIANG: Thanks very much, Julie. Next presentation is from Caitlin Tubergen on the EPDP.

CAITLIN TUBERGEN: Thank you, Ariel, and hello everyone. My name is Caitlin Tubergen and I'll provide a little bit more information on the expedited policy development process for gTLD registration data.

So, similar to the PDP that Julie just talked about, the expedited policy development process is also being conducted in two phases. The first phase wrapped up fairly recently, and during the first phase, the EPDP team was tasked with reviewing the temporary specification on gTLD registration data and deciding whether to adopt it as is or to provide policy recommendations, amending the temporary specification.

The EPDP team reviewed the temporary specification in its entirety and included 29 policy recommendations in its final report and completed that work in March of this year. Those recommendations were recently – or 27 of those recommendations were adopted by the ICANN board and are currently in the implementation phase. So, an implementation review team which is comprised of members of ICANN Org, as well as ICANN community members, are implementing those policy recommendations and there's a link on the slide if you'd like to follow that work.

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Phase two of the EPDP team's work began in May or their first meeting was in May of this year, and in phase two the team is tasked with now reviewing charter questions that deal with a system for standardized access or disclosure to non-public gTLD registration data.

This slide is a visual representation of the timeline for phase two of the team's work which it's now in. So, you'll note that the team concluded phase one in March. It held its first meetings for phase two in May. And the chair of the EPDP team is predicting that we will deliver or publish the initial report in November of this year.

So, why is this EPDP important? Well, this is the first expedited policy development process ever chartered by the GNSO. It's also the first temporary specification that was ever adopted by the board. And a temporary specification is a measure that can be adopted by the board in emergency situations. In this particular circumstance, this temporary specification was adopted due to the General Data Protection Regulation, or the GDPR, which many of you may have heard being spoken about in various ICANN sessions. But the temporary specification was adopted by the board to allow contracted parties or the registries and registrars to be able to comply with their agreements with ICANN, but at the same time, complying with the GDPR.

The work of this team is also important because it was grappling with issues that the ICANN community has been dealing with for over ten years in reference to gTLD registration data. And phase one of the team's work had a deadline of May 25, 2019 to complete the work.

There was a lot of work to be completed but the team was able to come to consensus on those 29 policy recommendations.

And in phase two, similarly to phase one, the team will be again addressing some tough issues that the ICANN community has been grappling with for years.

Lastly, this EPDP team is a little bit different than the other PDPs that were just mentioned. It's unique in its composition because it's comprised of appointed members only, unlike most PDPs which are open for anyone to join.

So, this slide shows a breakdown of the membership of this EPDP and you'll note that all of the GNSO groups are represented here. Additionally, the GNSO opened up membership to other interested advisory committees and supporting organizations, and the At-Large Advisory Committee, the Security and Stability Advisory Committee, and the Governmental Advisory Committee chose to join. Lastly, there are liaisons from both the council, from ICANN org, and from the ICANN board to participate in the EPDP.

The EPDP team will hold two sessions, both in this room, during ICANN 65 on Tuesday from 8:30 to 3:00 and from Thursday from 8:30 to 3:00. And as I mentioned, the team will be discussing questions around a system for standardized access and disclosure of non-public gTLD registration data. And all of you are welcome to attend and observe these sessions. However, please note that only EPDP team members will be invited to speak. However, again, you're welcome to come observe these sessions.

Again, the team membership is restricted to the appointed members only and those members are appointed from their respective groups. However, if you'd like to follow the work, you're welcome to sign up to become a member of the mailing list and you can also observe the calls in real-time or follow the team's work using the links on this slide. I'll now hand it back over to my colleague, Ariel. Thanks, Ariel.

ARIEL LIANG: Thanks very much, Caitlin. Next slide, please. So, you just heard the presentations about the ongoing PDPs in the GNSO, but the GNSO does more than just the three PDPs and this slide is to provide you a very brief overview of other projects and efforts and activities in the GNSO.

On the left-hand side, you can see there are three items listed there. They're policy related [other] activities. For example, the first one, the IGO-INGO curative rights, that's a PDP that has already been completed and the GNSO Council already approved four out of the five recommendations and the fifth one hasn't been approved and it was intended to be deferred to another PDP to tackle. So, there's also a discussion between the GNSO and the GAC regarding this particular PDP during the meeting in ICANN 65. That's on Tuesday. If you're interested in learning more about this effort, you're welcome to attend that session.

Then, the second item is about managing IDN variant TLDs. Recently, the ICANN board has approved recommendations from ICANN Org regarding the IDN variant TLDs and directed ccNSO and GNSO to develop policy for delegating these variant TLDs.

In addition to that, the IDN Guidelines 4.0 also has been approved, too, and that creates obligations to the contracted parties. So, that's another area of interest for the GNSO Council to consider.

The third point is about inter-registrar transfer policy. [There's] a policy related to a domain name being transferred from one registrar to another and that has already been implemented. So, the ICANN Org has produced this report. It will reviewed post-implementation of this policy and the GNSO Council is starting to review that report. So, these three are other policy related examples that are beyond the PDPs.

On the right-hand side, you can see some other procedure and process-related efforts. So, you may have heard of PDP 3.0 that's initiated to increase the efficiency and effectiveness of GNSO's PDP working groups to make them more productive. So, that project has been ongoing and you will hear more about that during today's GNSO working session as well and learn about the status of that project.

Then, the next one is regarding guidelines and templates. You probably have heard of this reform of ICANN to enhance accountability of ICANN, that this happened in 2016. This reform has also encouraged bylaw changes and the GNSO has to develop guidelines and procedures to exercise this power and to hold ICANN Org, ICANN board accountable. So, we have a drafting team dedicated to develop these procedures and guidelines.

Last but not least, the GNSO Council also has been closely following other activities happening in ICANN that impact entire community. So, that could be reviewing recommendations coming out of reviews, that

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could also be participating in the discussions about evolving ICANN's multi-stakeholder community. So, the GNSO Council has been following these activities and also contributing input to that. So, these are other projects and activities happening in the GNSO and that's a wrap-up of our presentation for the first segment.

So, the next segment is an informal Q&A and we will encourage other participants to ask us questions about anything you are not clear about from this presentation. We also have a roaming mic, and if you'd like to stay in your seats and we'll bring a roaming mic to you. You are also welcome to join us at the table where we have the mic here. So, any questions?

EDMON CHUNG: Just one question – sorry I haven't followed closely – on the two IDN items. How's the progress at the council in terms of forming the working groups to look into it?

ARIEL LIANG: Thanks, Edmon. So, we do have a few volunteers from the council that will start reviewing these recommendations and also the guidelines. The process just started. And during the council session in ICANN 65, this item will also be discussed.

MARIKA KONINGS: Thanks, Ariel. Maybe to add to that, I think the initial focus is really on understanding what the impact is of these different initiatives, as well

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what the ask of the board has been in relation to variants, what the history is on the guidelines, and I think what the group of volunteers will first look at and that's currently consisting of council members, is to advise the council on what processes or procedures would need to be initiated, whether it's a PDP or whether it's added on to another PDP or whether it's some other kind of process that would address these issues.

I think once the council is kind of clear on the procedural steps it should be taking, then I think it will go into the actual work of the substance of the issues and how to address these. I hope that helps.

EDMON CHUNG: Just quickly. Is it possible I could join and contribute to that group or is it only for councilors at this point?

KEITH DRAZEK: Hi, everybody. Keith Drazek. I'm the current GNSO chair. Yeah, as noted by Marika and Ariel, this is going to be a topic of discussion of the council this week. I think the expectation is that currently we have a small group of councilors who have volunteered to help coordinate the council's discussions and next steps on this, as Marika noted. But clearly, on this topic, because it is so nuanced and technical and not everybody has a good understanding of the matter, that we do recognize that having other members of the community and from folks who have technical expertise on the matter of IDNs to participate and

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contribute, to provide input into that discussion. I think, in short, Edmon, the answer is yes. I think we'd welcome your participation.

ARIEL LIANG: Thanks. Please?

UNIDENTIFIED MALE: [inaudible]. I see that [inaudible] is going to contribute to the effort of reviewing the multi-stakeholder model adopted by ICANN. [inaudible] the GNSO believes that this process is going to change this model or to impact this model [inaudible] limited to some action or [inaudible] operational issue. Thank you.

KEITH DRAZEK: Hi, everybody. I just wanted to make sure I understood the question. Is it the evolution of the multi-stakeholder model discussion that you're referring to, the effort that Brian Cute is leading? Okay. Yeah. This is something that the GNSO Council is certainly looking at. I know that it's also a topic and an effort that the constituencies and stakeholder groups are looking at individually and providing input. So, this is an important effort that is being run that was initiated in Kobe, and I think the answer is that we, as the GNSO Council, will need to make sure that whatever is being done within that effort does not conflict with or try to replace what is in our remit as the GNSO Council, as the policy process manager.

But that said, I think there are opportunities for efficiencies and for improvements coming out of this process. We, as the GNSO Council, over the last year or 18 months, have been working our own PDP 3.0 initiative which is an effort for the GNSO Council to identify ways for us to be more efficient and effective in managing the policy processes. We want to make sure that what we do is not – the other effort doesn't interfere with or try to take away our responsibility, what's within our remit. But I think it's a very important effort and we will, as a council, and the stakeholders and constituencies will be providing input to that effort. Did I answer your question or was there a follow-up? Okay, thank you.

ARIEL LIANG: Any other questions? I saw some hands raised earlier but wasn't sure. No questions about other PDPs and other projects?

So, if there is no other questions, thanks very much, again, for participating in this morning session. We also want to have a quick feedback solicitation. We want to hear from you any other topics that you may be interested in hearing from us in the future. You are also welcome to talk to us, the GNSO staff, after the session if you want to learn more and we're happy to provide more information. Thank you very much, again, for participating.

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