MONTREAL – GNSO - NCSG Policy Committee Meeting
Wednesday, November 6, 2019 – 09:00 to 10:15 EDT
ICANN66 | Montréal, Canada

RAFIK DAMMAK: Probably it's for who is here, if you can. Okay, and for those who are in the meeting here, please join the Zoom for that's more convenient to see the document that we are going to share and just looking at the screen there. Okay. Again, good morning, everyone. I'm not going to do [inaudible] the table but go directly to the main agenda.

So this is the NCSG Policy Committee public session. We have it in every ICANN meeting and it's somehow replacing our monthly NCSG policy meeting that we schedule before the GNSO Council call. And for that, we would try in the beginning to cover, as the first part of the agenda, the GNSO Council agenda and the meeting, it will be today, afternoon and a way to highlight some of the topics, they will be discussed and try to get more input and also to give you briefing on what's going on.

And then we go to the policy update. Hopefully, we have more people joining us and ask them about what is going on, the different working group, review teams, or any other relevant session during this ICANN meeting, and at the end, we will try to [wrap].

Okay, any comment or objection on the agenda? Seeing none, yes, okay.

Yes, James.

Okay, so let's share first the GNSO Council meeting agenda.

Okay. So the GNSO Council agenda follows some template starting with administrative matter so we don't need to go through them and then we have the second agenda item, the opening remarks and review of project list and [action] list.

As always, I urge people to check the project list because that gives you an idea or a snapshot of all the activities managed that are going on at the GNSO Council level. So from there, you will find all the links to the relevant working space, but also, the status update and the situation for the working groups or small teams and so on.

Okay, so let's move to, start more to the substance, agenda item number three, [that's the] consent agenda. Okay, so yes, James.

JAMES GANNON: You're going to, I thought you were going to skip [inaudible].

RAFIK DAMMAK: No. Okay. So consent agenda, as its name says, just an agenda that doesn't warrant a discussion and that will, it's for either voting for a motion or approving or confirming some action.

So here we have three items. First, the reconfirmation of Julf Helsingius as GNSO Liaison to the Government Advisory Committee. And the GNSO Council had a short session with Julf as a kind of interview in last Sunday.

The second one, the approval of the amended IANA Naming Function [inaudible] level agreement [SLA] regarding the internationalized

domain name, IDN table. Label generation were set in the IDN practices repository so this is communication, if I'm not mistaken, coming from the custom outstanding committees asking for updating the SLA for PTI here for those relevant items. I believe this is kind of really administrative, I mean, admin topics, not something controversial but it's important to follow closely.

The last one is the approval of Tomslin Samme-Nlar to serve as the GNSO Co-Chair for the IANA Naming Function Review, and Tomslin is an NCSG member and representative to this team. And he volunteered to be the Co-Chair for the GNSO.

So we have those three items, its appointment or vote for a motion. So any question on this? I mean just if you want clarification. Yes, James, please go ahead.

JAMES GANNON: Thanks, Rafik. So just two quick things. So yeah, the SLA for the IDN tables is, as Rafik said, a request from the Customer Standing Committee. This is one of the actions that PTI performs within the IANA functions, and it was actually one that we had a bit of a gap when we did the IANA transition so it was something that we had in the IANA functions contract but we haven't actually defined a concrete SLA around. So when the CSC is doing its monthly reports on PTI's performance, we basically had no way to accurately track what the SLA for actually doing the [LGR] tables was. So that's more of a pure administrative thing.

And then just from a personal side, I want to say thanks to Tomslin for standing up to be the Co-Chair on the [IR4T]. It's a super-important thing. It's really great to have an NCSG member there in the Co-Chair position. I will serve as well, as the CSC Liaison to the [IR4T] so I will be keeping an eye on that as well.

RAFIK DAMMAK: Thank you, James.

Yeah, so I think it's all a straight-forward decision here. Julf is also an NCSG member and he was GNSO Council to the liaison, I think now for two years. So again, I don't think there is anything of concern and we should vote yes for those three items.

Okay, seeing nobody in the queue, can move to the next item. This is another motion to vote. The approval and adoption of the drafting team new template and guidelines for the GNSO as decision participate in the Empowered Community.

So this is, I mean, for those who are familiar, we had the IANA Stewardship transition in the ICANN accountability and this is the kind of continuation of the implementation coming from those two tracks. And what we have here is that last year, the GNSO Council already added the procedure regarding the coming for a decision participant in the Empowered Community and the Council tasked a drafting team to work on templates and guidelines.

So the guidelines is to help for each power to describe the process or the different steps, the timeline and what are the expectations and the

parties involved in the process. And also, we have the template for the motion or for like petition and so on. And so it's more like creating the material or the reference to be used by the GNSO Council. In the case, we have one of those power triggered, and in fact, we have something to do in the coming weeks is for the approval of fundamental bylaw change with regard to the IANA function review by the request of ccNSO.

So it's more creating those guidelines to help the councilor when they have to deal with those processes and so we are not expecting to make changes to the GNSO operating procedure because changes in the operating procedure go through a different process that even request a Board approval.

And it means that we are not, I mean, in the future, it's up to the Council to decide to follow those guidelines but probably it will be the case because it's much convenient and easier to have those guidelines to follow.

I submitted the motion on behalf of the drafting team and I was asking if we can make some amendment, friendly amendment, because the drafting team sent all the templates and guidelines for the ICANN legal counsel review and they suggested some small editorial changes but nothing in terms of substance, so what will happen is just we are saying that motion that we will approve for now and then we will wait for the latest, the revised version, and to check it. And also to use those guidelines for soon if we can, maybe, just for those who … Sorry, can you, Maryam, put the link to the GNSO agenda in the Zoom chat so people can access directly?

We have two NCSG representatives to the drafting team, Stephanie and Tatiana. And there was no concern raised by them about those guidelines and templates so it's more like an administrative tool for those processes and to help the GNSO Council. So any question, comment? I know it's not the most exciting topic, but it's important. It's an important tool and process here because we need to have them in place when this power or are triggered.

So okay, I guess we will vote yes for those. I submitted the motion, guys, so don't.

Okay, let's move to the next agenda item. Sorry. Okay.

So this is more really, more substantive item. So this is Council discussion on the addendum to the review of all rights protection mechanism, an all gTLD charter to integrate Recommendation 5 from IGO/NGO access to [corrective] rights protection mechanism final report.

So this issue is in the GNSO Council agenda since last year, August, when the IGO/NGO Working Group delivered its final report and policy recommendation. The Council at that time approved recommendations one to four and didn't approve recommendation number five and there was discussion at that time on how to deal.

So the context is even if the working group delivered its recommendation, the interest [inaudible] IGO and also the GAC were not happy with the outcome. They sent several letters to the Board expressing their unhappiness about the working group, about the

recommendation, and asking for kind of, yeah, to put it plainly here, redo the work.

So the Council engaged with the GAC trying to get their feedback and see what is the best path here. I mean, at the end, I'm not going to say at the end, but the thing here is the topic on itself, it's really narrow and it's impacting smaller groups. It's the IGO basically here. So it's not something impacting the GNSO stakeholder group and constituency directly.

And so, also that working group spent more than four years working on this issue and so this discussion is do we need to create a new working group just to handle this recommendation number five, and you can see in the description about the recommendation and trying to solve some of the issues that happened in that time by trying to involve the IGOs more in the deliberation because unfortunately, they choose to kind of do a parallel process, engaging more with the Board or creating their own groups instead of really engaging on a regular basis in the working groups.

So we are here in a situation thinking if we need to create not necessarily a new working group but since the RPM will cover next year in Phase 2, the EDRP and the whole recommendation is really related to the EDRP is to create within that RPM Working Group what we call a work track with its own charter and that's why we call addendum is not to change the RPM charter itself, but create kind of an annex here describing the scope of the work, the deliverable, the representation and kind of the working [inaudible].

So we had the draft that was worked by a small team of councilors. It was reviewed by GNSO Council a few weeks ago and we made several changes to it. And it was sent to the GAC for review and the GAC sent it back, the redline version, but that redline version was pulling back several of what we already removed in the initial version. So we have kind of concern here that we expressed during the GNSO working session on Sunday, that it's not really constructive to kind of bring back what we know that it was disagreed already by within the Council. But I think what we are trying to do is to find a common ground with the GAC. I mean, I'm not sure how we can do that.

But we need to discuss this charter and there are several parts on it that we need to change and revise for sure, like even for example, the composition or I find it's quite concerning is how the, because this is work track within RPM, it seems that we don't, I mean, kind of there is pressure that we don't want the whole RPM Working Group to have a say on the outcome, I mean, the initial report and from that work track. And also, about the scope on itself because I think we can live with having only recommendation number five in the scope, but the GAC are really pushing that we redo also the four recommendation.

So again, the topic is really narrow but the issue, the risk here is we can set a lot of precedent in terms of process because the GAC wants to have more say on the PDP and the process on itself and decision making and the outcome and so on. So we need to be careful about creating precedent here even if the idea is trying to find the solution for the GAC and IGOs. So it's still under discussion and we need to, I think, to review

the charter again. I did skim it, but I think we need also to be careful again.

So sorry for speaking for a long time, but let's see if anyone in the queue. I see James and Carlos and Martin.

CARLOS GUTIERREZ: Thank you, James. You said, I think, a very important word and I will repeat it for the benefit of the group. This is a very small group, as you said, not because it's the IGOs. It's because it's basically one and a half IGOs and the Swiss government. No, I really want to explain that to the group because I think it's very important but it's a very important IGO which is the WIPO.

And some support from the OACD, but the OACD for the OACD was too lengthy a process, so in the meantime, the OACD dropped. And of course, the Swiss government is obvious, a lot of IGOs sit in Geneva and Switzerland makes good money out of that because there is a lot of jobs there and so on.

So I think it's very important to keep it in the RPM process. There is not an easy solution because each, or many IGOs have very different legal status. Nevertheless, it's one of the family, WIPO. We know what they do. They also have a lot of contacts with the NTIA, the lawyers, the IPC lawyers, etc.

The only risk I see that I think it's worthwhile, nothing Rafik, is that the RPM has already been through some conflict and so I agree, we have to do it within the RPM, but not bring the whole history of previous conflict

into that one because it can become particularly difficult. Thank you very much.

RAFIK DAMMAK: Thanks, Carlos. James and then Martin.

JAMES GANNON: Thanks, Rafik. So I approach it from a little bit of a different perspective. I'm less concerned about the individual issue here rather than the precedent setting. So since the CCWG stewardship days, we have seen an increasing – it's probably over, we'll use the word "thresh" – to the role of the GNSO in policymaking and my opinion is that NCSG should really take the position that we really do need to defend the GNSO's role as the policymaker for the gTLD space.

And being honest, if we came along to a GAC process and made similar suggestions, there would be uproar from members of the GAC on how we were interfering in their processes and the reality is, is that the floor has been opened in these PDPs and the work tracks and everything else for GAC members, IGOs, anybody else to come and participate in the functional manner. And I don't believe that there is an endless road of compromise available to the GNSO in order to solve issues that can be solved in more practical manners by, be it IGOs or be it GAC members participating in the process in the correct manner rather than in the way that this has gone on for a while.

So really, I think that we need to continue to defend the ability of the GNSO to manage its own PDPs and its own policy processes. And we ask

our own members to come along and participate in those processes in a functional manner, and the expectation is that other members of the community, albeit with different constraints, must do that as well and I think that's something that does need to be protected. It may not work for them, but unfortunately, it's a GNSO process and we have already gone down a huge road of helping to get them more involved, and that road needs to stop at some point.

RAFIK DAMMAK: Okay, thank you, James. Martin?

MARTIN SILVA: Hello. I was one of the councilors working on this document, so I'm partially to blame of it.

Yes, definitely that was one of our concerns but it was also, we had a lot of pressure of saying, "Okay, we've already been trying to solve this issue for decades almost," since the beginning of ICANN and we are only giving this case two seats to eventual GACs among many, many, many, many other members that we have at the end. So their impact as consensus builder is very small and they are definitely bind to the GNSO working group's guidelines.

And something curious about this document and that is going to be part of this precedent is that we are implementing the PDP 3.0 lessons that we learned and we have been developing the [inaudible] graphics and other. So it's also going to be interesting to see how this different dynamic of a work track that applies the latest [offer] ideas is going to

play out in an environment that has already been very [walked] and very discussed that already failed a few times in some way.

I do not fear that RPMs will interfere with the working track, especially not the problems in the RPM per se because this is really a group that is not going to be RPM member related. It's only inside RPMs because it's aimed at modifying the UDRP and it's going to impact probably the URS. So that's why.

It's inside the scope because we needed to be everything one house. But I really don't see the RPM dynamic or the members that they [inaudible] got a bit of conflict before in the working track. Thanks.

RAFIK DAMMAK: Thanks, Martin. James, is it an old hand?

Okay, thanks guys. So nobody said it's an easy topic.

Yes, it's important here to protect the integrity of the process and the remit of the GNSO Council because the risk here, we know that, as you said, Carlos, I mean, we have a specific group interested on this [inaudible] pushing. And we should not kind of give in because they are pushing here.

There was work done. I see, understand the unhappiness but the risk, if every time the PDP delivers something and some group they don't like, the push for reopening, it never ends. It's just it will be [inaudible].

Okay, that's the universe, I guess. So the risk here is it will never end. It's more just who is the last standing. And from our perspective, like the

NCSG, we don't want something like this because we don't have the energy or the power to keep arguing for a long time in this kind of issue.

So the discussion is still ongoing. We need everyone, really, to review carefully the addendum. Myself, I'm more concerned about the process, the composition and so on. But the further scope, I'm really keen to ask more those with the trademark experience to have a look because it's not really about reviewing the UDRP, Martin. They want to create another specific special process for them and this is something we need to be careful what does it mean in terms of side effect or impact on the future.

Okay, let's see if there is any further comment, question. Okay, so let's move to the next agenda item.

Okay, this is an easy one. Council discussion, it's the ICANN Board response to the GNSO Council letter regarding the consultation of non-adoptive EPDP Phase 1 parts of the recommendation, Purpose 2, and Recommendation 12. Purpose 2, it's within Recommendation 1.

Okay. So for those who may not know, we had the EPDP Phase 1 working on delivering a recommendation to get the RDS WHOIS compliant with GDPR and at Phase 1, it was to replace what we call the temporary spec, which was made by the ICANN Org as kind of a short-term solution. So we had this EPDP to work in Phase 1 to replace that, and then in Phase 2, to work more in the particular issue of data disclosure to the RDS, the registration data.

So what happened is that the EPDP team delivered its recommendation in I think it was March, just prior to Kobe meeting. They were approved by the GNSO Council and sent to the Board for approval. The Board approved all the recommendation but didn't make a decision in two recommendation, Recommendation 1 and Purpose 2, and Recommendation 12. It's about the organization [inaudible].

So when the Board doesn't approve recommendation coming from PDP, that's a trigger process. The consultation between the GNSO Council and the Board to make a decision here. Either the Board is explanation in Russian why it didn't make that decision, and so the GNSO Council either approves, I mean reaffirms, or makes changes or kind of sends a supplemental report.

So we engaged since then, discussion or consultation with the Board, and we had a meeting in Marrakech and also we discussed again in more [inaudible], but there were several letters, I think too, between the Board and the Council trying more to explain the position. So in the beginning, based on the initial feedback and the GNSO Council asked or consulted the EPDP team about their thoughts and we explained why, for example, for Recommendation 12, why we did that and explained the thing about the different steps. And then we get a response from the Board trying to, from the Board explaining why they see the risk with deleting the organizational field.

So based on that discussion, the kind of solution now that we might have consensus on at the Council level is not to change the recommendation because we think it's fine but to add an

implementation guidance, which means to add more clarification or details about that issue, so to avoid any problem as we did in similar recommendation that the Board has no problem with.

And we asked the EPDP team for their thoughts. There was kind of disagreement, but since there is no consensus at the EPDP level and at this stage, it's the Council who makes decision. So we will go with the implementation guide.

So that's what we have on the table. I cannot speak more. I think in terms of substance, it's more like our EPDP representative who might speak. But this is what we have for now. I think what is suggested is something acceptable for us as NCSG, and I think our representative expressed that also during the EPDP session on Saturday.

So it's more a discussion here to discuss, to talk about the next steps because since we started this consultation process, we need to close it and the close is either reaffirming and that's what probably will happen, and adding more implementation guidance.

The only issue here is this process, we have it for the first time. So we are kind of exploring or setting the precedent or how to go through it because, for example, like if in the case of change or supplemental report, you will have the vote. So we need to make it clarified in terms, a clarification in terms of a procedure here.

But in the substance, I think we are fine at NCSG level. That's my understanding with the idea of implementation guidance because the

[inaudible] of the organization feed was something that our representative really advocated for during the EPDP Phase 1.

Okay, I will stop here and ask for comments or questions. Yes, James.

JAMES GANNON: Thanks, Rafik. So this one really makes no sense in the real world. So what the Board was concerned about, according to their objection was that somehow registrars would magically not know who owned a domain name.

RAFIK DAMMAK: Yes.

JAMES GANNON: And if you think about that in the real world, people pay for domain names and it's a registrar's business to actually know who their customers are so that they can bill them.

So judging particularly by the conversation between Becky Burr, the ICANN Board member and [inaudible], one of the Irish registrars at the Council yesterday or the day before, it just seems like a very strange thing for the Board to have objected to. So I think that the solution of quite obvious implementation guideline that, yes, as a registrar, you must know who your customers are is a clear path forward. But as a whole concept, this whole thing seems very, very strange.

RAFIK DAMMAK: Thanks, James. Sometimes just we want to move forward to close this because it's kind of a strange situation. We have this recommendation not approved yet.

Okay. I see any questions, comments?

Okay. I guess we can move to the next agenda item. By the way, guys, not guys – I should be more inclusive here – I really advise that you check the agenda, and really, kind of the background and description because many of them, you have kind of the whole history and how it started and [inaudible] reference. It's good reading if you want to understand the topic.

So I'm trying to summarize as much as possible, but it's important more to review them and see all the details and to understand kind of the chronological order, timeline, why we are discussing this now.

Okay, so the next one, the Council discussion that the PDP [inaudible] small group update. So I am supposed to present this one, supposed. But yes. The thing is we already made an update to the Council on Sunday, so we already gave an update on what's going on and our plan, and also, we had kind of an interaction with some from the audience regarding the process and the work. So I'm not sure what we cover here, so probably we'll decide maybe to open to the floor for more questions. Or we can also give a small update, what we did as a small team on Monday, in our working session, working in two improvement recommendations, kind of it was more wordsmithing but yeah, it's possible we will do that.

So taking the opportunity here since it's about [inaudible], if I sent, I forwarded the e-mail for the small team, which is asking input from all stakeholder group and constituency regarding all the improvements so we can start at the small team level to review the comments and to see if we need to revise our, the material and deliverable we created.

And I hope that people will volunteer for this. I cannot do it myself but I hope that more people will volunteer, take the lead here to make the comment for NCSG. But since we have this topic, if there is any question or any clarification about the PDP 3.0 process, the improvement, I'm happy to answer those questions.

UNIDENTIFIED MALE: So did you say that the, did you have the call for volunteers for the comment already on that? Was it posted or is it something that will be done soon?

RAFIK DAMMAK: No, it was done already.

UNIDENTIFIED MALE: Okay. I'll add myself, then. But okay, thanks.

RAFIK DAMMAK: I'm not sure it was maybe Saturday or Sunday, but it was during the weekend, during the [inaudible] meeting.

But on the other hand, there will be a public webinar on the 27th of November, but that will be after the deadline for submitting comments. So I think what we need here is just people to first, to check maybe the recommendation themselves just to get familiar because this is an implementation. And implementation means we have the recommendation, just we try to reflect that more concrete tasks or material and deliverable and so on, not redo the recommendations themselves.

But we want kind of more like sanity check and to ask people if they think that we are implementing what it was suggested in the recommendation or if there is anything missing or there is inconsistency issue and so on. Okay, let me see if any questions, comments.

UNIDENTIFIED MALE: Just a quick question. Have we seen any particular comment or opinion against the PDP, the rules we've been working, 3.0 that we should know about to prepare?

RAFIK DAMMAK: You mean about the improvement?

UNIDENTIFIED MALE: Yeah.

RAFIK DAMMAK: I don't think there is something of concern really because maybe it's good just to clarify it. So the PDP 3.0 is not kind of aiming to make a revolution in terms of how we operate, but to start making improvements. And also we are kind of conservative here about the impact. We don't see the solution that we fix everything, so it's basically creating, for example, more guidance about some processes, and for example, we will end up at the end to amend the charter template based on all the recommendations.

There are other things of people may need to pay attention, like about the Internet model, to working groups or the skills for working group members and so on. But for example, we know like some groups are kind of really, I say, worried about some of the improvement because they are wondering how it will impact their participation. And here, I'm talking about the other SO and AC, like the GAC or the ALAC in particular.

So, but I think from our perspective, I don't recall anything particularly of concern. But also, it's better to ask Elsa who is involved there because my role is really just to manage the work and get things done but not necessarily get into the substance.

But my recollection, I don't see something that can be worrisome here. Okay, yes, [Arsun]?

[ARSUN TONGALI]: I was initially a member of the small team, but I had to resign at some point. So but I would like to know, I mean, I haven't been able to look at

the work plan. Is the work plan somewhere available for people to look at? Secondly, are you looking into completing the implementation by the upcoming strategy planning session of the Council or when do you think you will be able to resume the implementation of all these improvements?

RAFIK DAMMAK: Okay. I'm not sure what you mean by the work plan, but I think the kind of work plan or the steps or the timeline for the package, which is we tried to bundle several improvements in the same package which was shared already by the Council and shared during the update. And also, regarding the timeline, we are supposed to finish before the strategic planning session as I shared that already in the Sunday session.

So that's our plan. We don't really to go beyond the SBS because we need, the GNSO Counsil itself, needs to live up to the expectation we are setting for other groups to follow the timeline and deliver on time. So yeah.

Okay. Let's see if there is any question or comment.

Okay. I think what we have left here, the agenda, and I think any other business. So in any other business, we have one item about the GNSO approval action on fundamental bylaws amendment, IANA Naming Function review composition, modification that vote will needed within 21 days.

So this is the changes that was triggered by the ccNSO regarding the IANA Naming Function Review because they had a problem to find a

non-ccNSO ccTLD operator, they said. So they suggested these and that change triggered the whole process and I think the Empowered Community, a forum was held on Sunday to discuss this.

And so that started the process and this is one of, I shared in the beginning about one of the powers we have as a decisional participant. So this is just kind of notify the Counsel that we will have electronic vote because we cannot buy the timeline to vote by our next Council meeting after [inaudible]. So it's more like an administrative topic here.

So we'll have an open mic, so for anyone from the community, they can come and ask or make a comment. And at the end with this meeting, it will be the last one for the outgoing GNS Councilor because at the AGM when the term "finish, and we will start a new term." And so we have, if we need to thank them, so we have Ayden Ferdeline, Carlos – hi, Carlos – Ruben, Paul McGrady, [inaudible], and [Arsun]. So those are the outgoing councilors. Thanks again for your service. That's from me and I think from everyone. And I guess it's you in another venue, hopefully.

And after that, kind of this meeting will finish. AGN will finish the term and then we will have another, other session. It's only in the AGN we have that annual general meeting. And that meeting has basically one agenda item, and it's the election of the GNSO Chair and we have only one candidate. So I think it's quite straight-forward here. And that the candidate, if the incumbent or outgoing GNSO Chair gives [inaudible] from the Registry Stakeholder Group. So that's basically what we'll have today, afternoon. So I hope that you will join us and watch us and enjoy the deliberation.

Okay. And also with that second meeting, it also will have the new – can you go to the other agenda, just to list the new? – so we'll have the new councilor sitting there and they will participate as their first vote. It will be for the GNSO Chair election.

So I think for the new councilor, we have from our side Farzaneh and [Fareh] is here. I think we re-elected Tatiana for one more term. It depends. It's always about, I would say a matter of perspective here.

So I forget who else, but yeah, we will have new, from the different group, new councilor. Okay, so again, a bit. We are done with GNSO Council meeting agenda.

So we have 30 minutes left that we can cover for policy update but that depend if we have the people in the working group with us here, and we can also [inaudible] or any other business to discuss, any topic of interest for us. So for the policy update, it's basically either an update about any working groups and in particular, about the session they had in [inaudible] and also interplenary. So we can start with working groups. Yes, Tatiana?

TATIANA TROPINO: Actually, not working groups but while it is still fresh, I was late for this meeting because I attended GAC and CCWP, Cross-Community Working Party on Human Rights joint session on operationalizing the human rights bylaw and framework of interpretation of the bylaw. For those of you who don't remember who I knew during the transition, IANA transition and accountability, we, the community, developed as one of

the parts of accountability process, the ICANN bylaw to respect human rights which is one of the ICANN core values. And the bylaw was meant to be dormant until the Work Stream 2 of the accountability process passed the framework of interpretation of this bylaw.

And just a short update, I was there. The guys, I mean, they are members from the Cross-Community Working Party on Human Rights, did quite an amazing job on collecting ideas on how to do human rights and [inaudible] assessment, but it looked to me that, I mean, a long time has passed actually since we did all these and I think there is still genuine confusion as to what this core value means, how we are going to do this, and what are we going to do if something is actually wrong with the policy development in terms of not upholding human rights core value. So I believe that just as heads up, the input would be needed and once the Board will approve Work Stream 2, this would be high on the agenda of the GNSO because it's ICANN bylaw.

So heads up that we might have some interesting times ahead and finally bring something serious to the table in terms of developing the framework for GNSO, the matrix as to how to assess human rights' impact of the policies. Thank you. Just an update.

RAFIK DAMMAK: Okay. Thanks, Tatiana.

Okay, so we said we will get policy and also any update from the session, like Council PDPs or plenary so I did it for one of the plenary I think. Sorry.

And in terms, I think, of work, we are expecting that in GNSO Council. I'm not sure how it will handle all the work that needed to be done, but anyway, we need to do some prioritization probably.

Okay, so let's try to get some updates. I hope really about what's happened in [inaudible]. So to see the latest things. Okay, Martin, I guess you will start with RPM?

MARTIN SILVA: Yes. More happy news of the RPMs. For those who are not entirely aware, RPMs is the right protection mechanisms and we are reviewing all mechanisms [inaudible] trademarks at ICANN. We are, the group is [validating] Phase 1 and Phase 2. Phase 1, we are reviewing the mechanisms that protect trademarks in the new gTLD space, in the new generic top-level domains. And in Phase 2, we are going to do the famous UDRP, which is the uniform dispute resolution process. Sorry. Which is the classic that we had since the '90s. And we are finishing popping up Phase 2, actually.

In January 2020, we are going to put forward for public comment, the preliminary report, so that's our goal now. We are almost there. We are really close. We are really finished reviewing the [inaudible] with all the associated services and we were almost finished with the URS, the uniform rapid suspension preliminary report. But, and this is probably the update of the Montreal meetings, the URS discussion had, of course, agreed and not necessarily by consensus but definitely had agreed proposals that we were all working on. But we also admitted in the working group to have to check individual proposals without members

to submit on their own, without any specific periods of debate, proposals of how they would like to see changes in the URS.

Back then, a few months ago when we wrapped up that work, the working group was a little bit exhausted and we decided that since the major work of the agreed work that we were going to put forward for public comment was already done, these individual proposals weren't really deserving the amount of time it would take to review them. So we said we will deal with them later. The worst cast scenario, they could grow as an annex, as a comment to the public comment so people could eventually address them if they felt that they were worth it.

But in the recent weeks, some chairs in the working group felt that we were putting too many individual proposals forward. Again, these weren't the full actual proposals, but the individual comments that we allowed members to do. And there were too many. There were over 30 and the chairs felt that if we put forward that many information, it would only create some level of over-work from the people that had to do the comments, especially because some chairs – [inaudible] all chairs because this is something that was approved by the chairs' working group – felt that some of these individual proposals weren't going to have any sort of chance of success in consensus building because they were just, I wouldn't say crazy, but they just didn't feel like reasonable proposals or things that we were going to achieve any sort of level of agreement.

So they say, "Why should we put more than 30 proposals when we know that a good bunch of them are never going to see any sort of support?

Let's try to lower that number so the commenters can eventually use that individual proposals in a better way. They are not wasting time reading and commenting on things that shouldn't be there in the first place.

The problem with that is that we didn't have a process to reopen something that we felt it was close. And that's part of the debate. Some people feel that these individual proposals weren't over, other do think so. And in the process of reviewing those individual proposals, it was proposed that we use a survey to feel the temperature of the room to see if there were any obvious individual proposals that were not going to achieve consensus. We, essentially, not essentially, but most of the members of the NCSG opposed to that survey. We felt in a group where at least 40% of the members that participate in the survey were from the IPC. Again, 40% of all the stakeholders. We found it wasn't fair to submit in a sort of voting process because it wasn't voting. But at the end, the numbers expressed a level of agreement or temperature, whatever you want to call it, in the room.

But in the end, we [won]. We [inaudible] anyhow, and now in the URS, the group decided by a sort of informal majority that we are going to review in these next weeks, these URS individual proposals and try to see if it makes sense to put them forward or not.

And I was going to, I wanted to comment this [inaudible] because we did have an event where one of the chairs was particularly aggressive to one of our members and one of our members starting commenting their argument and he was cut off from the mic in a very aggressive way.

I am not going to elevate the issue anywhere, but I do want the NCSG Policy Committee to be aware of this incident. Because remember, it is definitely offended by the situation and probably no one's going to learn anything about it. I'm not saying we should. I just wanted you to be aware of it. That's my update. If anyone have any comment?

RAFIK DAMMAK: Okay. So thanks, Martin. So about the last part, for this kind of issue, there are [envisionists] who are operating procedure. Some procedure dealing with this kind of issue, so I cannot really, as the policy committee, to intervene. If the member feeling that there is issue or disagreement with the chair, because there are co-chairs so I'm not sure here, but yeah, start to raising the concern and there are paths for escalation but just this is guidance here that they are existing process for how we can, I mean a member having a concern or issues, what they can do.

Okay. Any question or comment? Okay, that's for RPM. My usual question, Martin, when we will get the final report?

MARTIN SILVA: I can repeat the timeline that we all have. I don't know if that's of any use. We are going to have the initial report for public comment in January 2020 and we think we're going to have the comments back to review them between February and April of 2020 and they're going to be on time in the second quarter of 2020 with the final report to the GNSO Council.

UNIDENTIFIED MALE: [Inaudible]

RAFIK DAMMAK: Thanks, Martin. Sorry. Yes, Kathy?

KATHY KLEIMAN: May I comment as an observer? I'm an observer on the PC.

RAFIK DAMMAK: I'm sorry?

KATHY KLEIMAN: May I comment as an observer?

RAFIK DAMMAK: Observer of what? I mean, it's an open meeting, so.

KATHY KLEIMAN: Good. Okay. Like Tatiana, I was at the human rights session at the GAC. The big thing, I think is to put on our calendars between now and Cancun is that we're going to have two massive policy comment, PDP comment periods coming up. The initial report for rights protection mechanism is going to come out before Cancun, God-willing and subsequent procedures is going to have another comment period as well. And it's really, this is a really good time for people who want to get involved in comment periods, to help those of us who have been down

in the trenches for way too long. But this is really, this is going to be the last run on both of them. And it's very important. We've got very distinct views in this process, and so I was actually wondering if there's anyone who thinks they have some bandwidth to allocate because there's a lot of work between now and Cancun coming up, probably at the end of the first quarter of 2020.

RAFIK DAMMAK: Okay, thanks Kathy. So just a question. You mean public comment for the final report? It's not usual, but yeah.

KATHY KLEIMAN: No. Public comment on the initial report. Initial report for Rights Protection Mechanisms on Phase 1.

RAFIK DAMMAK: No. [How about] the SubPro?

KATHY KLEIMAN: And SubPro's going to have another comment period. They may call it official report. They may call it Supplemental Report 13,000. I don't know what they're going to call it.

RAFIK DAMMAK: Okay, yeah.

KATHY KLEIMAN: There's a set of new questions coming out and we're actually arguing what the scope of that will be. So no final reports but some major good time to put in some last input.

RAFIK DAMMAK: Thanks, and I should check also what was communicated from the co-chairs because I didn't have that recollection about the timeline. So thanks.

Okay, sorry, Raphael.

RAPHAEL BEAUREGARD: Hi. So just a quick question about this kind of public comments when we have people from NCSG in the PDP and then time comes to do a public comment on some part of it. Do you kind of give us indications on what would be important to comment on or how do we coordinate these kind of exercise because this is not just like a public comment on the budget or something that Org or staff produces but something that we've also somewhat been involved through you or others who participate in these PDPs. So maybe that's a question for you or for Rafik or anyone who's involved in PDPs in general. So maybe for my benefit or benefit of others as well who may be interested in participating.

RAFIK DAMMAK: So usually, we, I mean, what they can do first is really to notify earlier if there is public comment coming. I mean, we can see in the page, there

is a page for the public comment. They put kind of the forthcoming. They give some estimated date, but it's not really secured. So they cannot [inaudible] us and I think when we make the call, it's clearly want, I mean the call for volunteers, we want [inaudible] and the working group to help and support whoever will volunteer for drafting. Because we don't want just who are in the working group to do also the public comment. We want to have more people joining and maybe having fresh – I'm not sure the expression – fresh eyes to see if there is anything.

KATHY KLEIMAN: It's a really, really good question. And we've done it different ways at different times. But ideally, we'd form a small group that would be both those in the working group and those outside the working group. As Rafik says, and I'll paraphrase a little bit, we need some additional voices. You don't want to hear the same words in the same way that have been repeated over so many months to have. So we're happy to communicate what the positions have been that we've been arguing for. You can tell us we're dead wrong and that's fine, but that we've been arguing for, and then to have new words, new support, new ways to say it, new ways to kind of share, plus the initial reports begin to show kind of the integration of the whole.

I don't know if that's, we've been arguing. We've been down in the silos, so there may be things you see across topics that haven't occurred to us because we've been so busy debating very, very specific policy issues. So it's really important to have some new blood, new ideas, new

wording, and new arguments. And it's a good time to get involved because we're tired and thanks.

RAFIK DAMMAK: Okay. Thanks, Kathy. Bruna?

BRUNA SANTOS: It's not in the subject, so it's a anyone.

RAFIK DAMMAK: Not on the subject.

BRUNA SANTOS: Not on SubPro, just a general comment. Yes.

RAFIK DAMMAK: Okay. So let me check if there is anyone. Ben, you want to say something?

BENJAMIN AKINMOYEJE: Yeah. I just want to tell Kathy that she can find some usefulness in people like me wanting to look at that document and seeing if there's new voices I could add to it., new views. I mean, just to support, and also as you said, to really get involved.

KATHY KLEIMAN: Thank you, Benjamin. Was there something, and let me ask Raphael and everybody else also. Was there something in particular, Rights Protection Mechanisms, or subsequent procedures or both, that you're interested in, and let me ask everyone: should we create one kind of comment group or should we divide it by topic area since these are both topics going into new gTLDs actually.

BENJAMIN AKINMOYEJE: I mean, based on what I had yesterday, I think I would want to be in a particular group because what I felt Rafik said is more effective way of small group, working on something directly.

So I think I'll work with that template because experience has shown being everywhere or having big groups hasn't been very successful. So I would like to join a particular group. So if there is a kind of team arrangement, I would work with that.

BRUNA SANTOS: And now going on the EPDP –

RAFIK DAMMAK: Bruna, okay. I'm sorry. You are going to talk about the same topic?

BRUNA SANTOS: Yeah.

RAFIK DAMMAK: Because we had Joan before.

BRUNA SANTOS: Oh, sorry.

JOAN KERR: Hi, Kathy. I think separating them will be better because I'd like to look at it and prefer to look. I'm one of those people that have to look at the background and all those sorts of things and I think it will be easier to add comments if they're separate, just as my own idea.

RAFIK DAMMAK: Thanks, Joan. Raphael, we have Bruna first.

BRUNA SANTOS: Yeah, just to mention that on SubPro, I guess both me and Elsa, we can help anyone who is willing to engage. We wrote the past two. We were the penholders for the past two comments on this, so both the last one on [geonames] and the supplemental report for the SubPro general comments. If anyone needs ideas, wants to talk to us. There is a Skype group assembled. Yeah, I think so. There is Kathy, me, Elsa so we can totally relive that Skype channel and to whomever wants to join in.

RAFIK DAMMAK: Okay. Thanks, Bruna. Yes, Raphael.

RAPHAEL BEAUREGARD:	Thanks. So just quickly, so I think it might be better to separate them. I mean, I don't necessarily personally have a preference or I think I could enjoy doing, commenting on either. But I can understand that some people would have one specific or might have been following one more specifically, although they both relate to new gTLDs. But I'll sure be available to help with either or both if necessary.
RAFIK DAMMAK:	Okay. Thanks, Raphael. Sorry, guys.
	Okay, so we talked about RPM SubPro. The other heavy PDP is the EPDP and we have a few of the representatives here: Stephanie and oh, he left already, Milton. So Stephanie, anything you want to share about the EPDP?
STEPHANIE PERRIN:	Thanks, Rafik, and my apologies for coming late. We were multi-tasking this morning with several meetings.
	In terms of the EPDP, we are drafting a letter to the European Data Protection Board. I think you may have seen that if you've seen the list. Google did a first draft. Milton did a first draft on Google and it would be interesting to see what Google would do as a first draft. But that may just be my sense of humor. Anyway, that was a slip of the tongue, Rafik. My attempt at humor. I think my jokes go over as well as Göran's jokes so I'll try and stop.

RAFIK DAMMAK: Trust me. You have better humor than Göran.

STEPHANIE PERRIN: Yeah? Okay, that's not a great endorsement though. Anyway, we are going to send this letter. We're busy discussing tone right now. We don't want to, the argument has been made that the European Data Protection Board actually don't care about the multistakeholder model and who's writing to them.

However, we care and I think that doesn't prevent us from writing to them and putting some substantive elements into that letter that weren't there in the first place. So that's going to take a little while and we're working on that.

Other than that, the fun continues as the meeting today and we'll see. There's a pressure to get the documentation finished before Christmas. We have told them we don't think that will happen. But there will be a requirement for public comment coming up as soon as we get that Phase 2 report done and I would remind everybody that while I don't mind doing the draft of the RDS review, of the WHOIS review, I know I'm the only volunteer. This is why I'm sort of seeking help. I don't think anybody has actually read the review. I had the painful experience of sitting on that review so I've read it and I did our last comment on it, and I don't mind doing the outline for our next comment but we want a collective view on this, not just my views. So please participate when I get that Google Doc out there. Thanks.

RAFIK DAMMAK: Okay. Thanks, Stephanie. So you talked about the EPDP, also about the RDS Review Team. So I would try to kind of send reminder to the list so about other public comment we get, volunteers but we need to kind of kick off the drafting for them and to see what's also coming.

Okay, so we have five minutes left so I think we covered most of the PDPs. If there is anything else you wanted to share in terms of from the session or review teams and so on, as an update. Yes, Bruna?

BRUNA SANTOS: Thank you, Rafik. Just a little update from yesterday, at the NCUC Constituency Day, we discussed the idea of doing a webinar on the Global Public [inaudible] framework. I guess Kathy and I both chatted with [Avri] since yesterday and she was suggesting either the next week, so the week after this meeting, or somewhere in-between the week of the IGF.

But the week of the IGF will be, might be a little too late for this period of comments. So just to get a little feedback on you whether or not it's worth doing this webinar next week and if we think its feasible in terms of commitment and time.

RAFIK DAMMAK: Okay. Thanks, Bruna. Kathy?

KATHY KLEIMAN: Just to add a little more, I think they're extending the deadline on the public interest framework comments, so another piece of information

is we could rush to do a webinar next week or do it, she's got IETF and IGF coming up, or do it in three weeks. And [Avri] said around that time, there may be a new draft of the comments, of the framework based on some of the input here. So I just got that piece of information this morning. So that if we wait three weeks, it may seem like a long time, but we may be working with the newest information.

BRUNA SANTOS: Yeah. I got the [inaudible] information but she told me that might be a little too late to give input into this current version. So that would be the idea of hosting it maybe next week. But I guess I'll send an e-mail to the list and then we can all comment on that.

KATHY KLEIMAN: What do you guys think? Should we try to hold a … Go ahead, Raphael.

RAPHAEL BEAUREGARD: Thanks, Bruna. Thanks, Kathy. I think in terms of opportunity, we already missed it because what they did first is kind of sending to the groups asking for input and as you said, there will be a new version in that we go more as the usual process for input.

I think organizing, I think just after the [inaudible] meeting is quite challenging. Usually, we don't have even the working group calls that week. But I mean, it's also a short time in terms of preparation. Sorry?

BRUNA SANTOS: Let's aim for after the IGF then.

RAFIK DAMMAK: Okay.

BRUNA SANTOS: Yeah. Three weeks from now, just so we can do a better, and then I can also liaise with Elsa because I know she was leading some efforts on this as well, so.

RAFIK DAMMAK: Okay. Thanks, Bruna. Okay, so we have three minutes left so let's see if kind of any other business or to wrap up this session.

Anything, any other topic you want to bring for discussion? Okay, I see nobody in the queue or suggesting anything so I guess we can close this meeting earlier. That's always good and you get two extra minutes for the coffee break. So thanks again. Thanks.

[END OF TRANSCRIPTION]

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