
ICANN68 | Virtual Policy Forum – GNSO - NCSG Open Meeting (1 of 2)
Thursday, June 25, 2020 – 15:00 to 16:00 MYT

MARYAM BAKOSHI:

Fantastic. Thank you very much. Hello and welcome to the NCSG Open Meeting. My name is Maryam Bakoshi and I'm the Remote Participation Manager for this session. Please note that this session is being recorded and follows the ICANN expected standards of behavior.

During this session, questions or comments will only be read aloud if submitted in English within the Q&A pod. This feature can be accessed from the Zoom toolbar. I will read questions and comments aloud during the time set by the Chair or Moderator of the session.

If you would like to ask a question or make a comment verbally, please raise your hand. When called upon, you'll be given permission to unmute your microphone. Kindly unmute your microphone at this time and take the floor. Please state your name for the record and the language you will speak, if speaking a language other than English. This session includes interpretation in French. To hear the interpretation, you will need to download the interpretation application. More information can be found in the session details on the event schedule and instructions are in chat. With this, I will hand over the floor to Stephanie. Thank you very much.

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STEPHANIE PERRIN:

Thank you very much. My name is Stephanie Perrin and I'm the current Chair of the Non-Commercial Stakeholder Group. Let me see how I can easily introduce the folks around the table as it were, the virtual table. We have Raoul Plummer – and I'm just going from the top of my screen here – who is the incoming Chair of NPOC. We have Raphael Beauregard, the incoming Chair of NCUC. We have Rafik Dammak who is, of course, our Policy Chair. And we have Bruna Santos who will be replacing me as Non-Commercial Stakeholder Group Chair. We also have Joan Kerr who is the outgoing NPOC Chair. Have I forgotten anyone? I'm finding cruising around the room quite difficult given the interface, but that's what we're working with these days so we'll just live with it. I'll get to the top of the screen. Oh, Kathy Kleiman. I left Kathy out. Kathy is going to be briefing us on RPMs very shortly.

We're going to go directly to Kathy from these brief introductions, and then after that, we'll be hearing from Bruna Santos to follow with the discussion on NCUC priorities. Now we have a coffee break of 30 minutes, so we're having policy roundup before and after that coffee break. I'm sure you've all looked at the schedule. Thank you very much. And with that, I'd like to turn it over to Kathy Kleiman. Now, Kathy has some slides that I believe Maryam is going to pull up for us. Thank you.

KATHY KLEIMAN:

Thank you, Stephanie. As you can see, I'm coming to you from Kula Lumpur. This is Kathy Kleiman. I just wanted to say a personal hello to

everybody. These have been difficult times. It's been nice to be together in the old ICANN room even if we've done it virtually for the last few days. It's been so nice to see so many people from the Non-Commercial Stakeholder Group. I hope you and your families and your communities have been doing well in these very, very difficult times.

But yet the ICANN work continues. What I'm going to talk about is actually something that happened during the height of the early lockdown. I'm talking about the Rights Protection Mechanisms Policy Development Process Working Group. We're nearing the end of Phase 1 – and don't you like my beautiful little picture – getting to the end of the tunnel. Next slide, please.

This group has been meeting for quite a while for four years. I should mention, I'm one of the co-Chairs along with Phil Corwin of Verisign and Brian Beckham of the World Intellectual Property Organization, which I'll refer to going forward as WIPO. This is a great group. It's over 150 members. On our calls we have 30-40 people and these calls take place sometimes once, twice, even three times a week, which is a lot for a volunteer group.

We've divided our work into Phase 1 and Phase 2. In order to help move the new top-level domains forward and get to that point where we have an Applicant Guidebook and the rules of the road for applying for new top-level domains. We were reviewing a special set of rules created that I'll talk about in detail today, a special set of rules created for new top-level domains. The Trademark Clearinghouse, the Sunrise Period, the Trademark Claims Notice, and the Uniform Rapid

Suspension. Thanks to Stephanie for allowing me to talk about these issues many times over our last meetings. Today we're continuing where we stopped on that. Next slide, please.

See, that's the sunrise. It's coming up for something called the Sunrise Period. I see some new people here. I just wanted to make sure that – oh, I've been told to slow down. I will try to slow down, Maryam. I just wanted to do a quick rights protection mechanisms terms refresher so that everyone knows some of the buzz terms that we're talking about here. And more than buzz terms, these are really the foundations of protecting intellectual property rights, particularly trademark rights and the new top-level domains.

First, we have the Trademark Clearinghouse. As you know, every country has its own trademark registration. So the U.S. Trademark Office, Benelux for different areas in Europe, WIPO has a trademark registration, and almost every country has their own. But we've created one place, a global repository for trademark owners to take their trademarks that are registered in their countries and bring them to the central point that's run by Deloitte, central point Trademark Clearinghouse, and put them there to be used for certain types of ICANN services. The two services that you'll be hearing me talk about in the next few minutes are the Sunrise service. This allows trademark owners who have their trademarks in the Trademark Clearinghouse to kind of have a right of first refusal and registering those trademarks in the top-level domains. Before the domains become open to the public, you have the Sunrise Period and the trademark owners can register so

that if [you a have] Fiat and you want to register it, you might want to register in the Sunrise Period of a .auto or .cars.

The Trademark Claims Period is a little different. After the Sunrise Period closes, we're going to general availability. Anyone can register domain name but for the first 90 days, you'll be notified if the domain name you're registering in the new top-level domain is identical to a trademark that's in the Trademark Clearinghouse database. Again, this doesn't apply to .com or .org or .net, just the new top-level domains. So .xyz, you'll get a Trademark Claims Notice if there's an identical match.

Then we go on to a different thing, which is a domain name dispute process called the Uniform Rapid Suspension system or the URS, which is a low-cost system, it's a lower cost than UDRP which we'll talk about later. The Uniform ... the UDRP. We'll come up with the acronym later. It's late at night, sorry guys. It's for taking down clear cases of abuse very, very quickly.

So these were created for the new top-level domains and now you know the terms – the Trademark Clearinghouse, Sunrise Period, Trademark Claims Notice, and Uniform Rapid Suspension. Next slide, please, Maryam.

So we just held the comment period. After almost four years, we've put together our initial report, our recommendations, and we got over 50 comments from trademark owners and associations from non-commercial organizations, from registrant groups, universities, academics, individuals. It was a nice turnout especially since the

comments were due as everything was closing. That was a real problem. We had a slight extension but I'm still surprised that we got as many comments as we did, and I'm very glad. Next slide, please.

What I wanted to share since all of these happened during the height of the COVID, the initial closures and a lot was going on, I wanted to thank the team of the Non-Commercial Stakeholder Group that worked together on the comments, and then share some of the highlights of what they did because it did happen very quickly. Michael Karanikolas, Mitch Stoltz, Viviane Vinagre – I apologize if I mispronounce your name, Viviane – and others really labored to answer dozens and dozens of questions from the Rights Protection Mechanisms Working Group. And I wanted to share the next two slides. I'll share just some of the key points that we made and basically I'll quote the comments. Not "we" but the Non-Commercial Stakeholder Group since I wasn't involved as co-Chair, I wasn't involved in the submission. But it's just interesting –

For the Sunrise Period, one of the things Non-Commercial Stakeholder Group advocated for was the exact match of the trademark and the domain name, continuing what we're doing today. That was one of the questions. Do we continue? Do we expand? Do we narrow? So continuing this exact match concept but trying to more closely to category goods and services of the new gTLD appears to offer. So if it's a banking top-level domain, maybe should double check that the trademarks being protected are banking or financially related and not magazines or fast food restaurants.

The Trademark Claims Notice – the Non-Commercial Stakeholder Group – and I say “we” because I’ve been part of the NCSG since we were founded – ask for much clearer and more straightforward language. So more balanced explanations and translation. This is really important. We put into translation throughout many, many parts of this proceeding.

Then for the Trademark Clearinghouse, the database is not open right now, and so our comments ask that the TMCH database should be open in public for research and review, a real push for transparency. Next slide, please.

For the Uniform Rapid Suspension, the NCSG comments asked for a real explanation of the decision. It turns out that not many, but some decisions didn’t have a basis for what the decisions are. So you lost a domain name, it was suspended, in this case, for the Uniform Rapid Suspension but you didn’t know why. So it seemed a good idea for the drafters of our comments to say, “Tell us why that seems fair.”

NCSG also requested an FAQ for the future that really explains to both those who are bringing the complaints and those who were responding to the complaints under the Uniform Rapid Suspension: what’s going on here? Our comments noted that respondents in particular often have no idea what the URS proceeding is and how they might respond, and so we try to give some more guidance on what we could do to make that better.

Then with the NCSG, finally, translations. Again, the materials like the FAQ should be translated into the basic languages of ICANN

documents. As we go into the internationalized domain names, as we go into a much wider base of global DNS use in the different languages, we can't assume everyone speaks English so we do have to translate. Okay, next slide, please.

Overall, the Non-Commercial Stakeholder Group comments to the Rights Protection Mechanisms Working Group sought to protect fair use and the balancing of the rights among many different domain names and Internet users. This is really consistent with the work of the Non-Commercial Stakeholder Group of many years. We were working within the ICANN community to help everyone understand the fair use and kind of the joint right to words; that the same words some people use for commercial use, other people use for non-commercial use in many, many different ways; that you need a fairness and balance among both the trademark owners and the registrants; that policies and decisions should be easy for everyone to use, for everyone to read, to navigate, to understand, and to respond to; and that openness and transparency remain kind of basic fundamental principles. Next slide.

My last picture of the day is the new sign for tunnel ahead because we're about to wrap up Phase 1 and head into Phase 2. Phase 2 is going to be the review of the Uniform Dispute Resolution Policy, the UDRP. Some of us have been using the acronym so long, we almost forgot what it stands for. This is kind of the foundation of all domain name disputes. It's a 20-year-old consensus policy, the very first consensus policy. We're going to start its review. It's my understanding that the group is likely to be reconstituted under PDP

3.0 for its Phase 2 review. So it's kind of a new group that will be starting. We may have many members carry over – and thank goodness because they've done such an amazing job in Phase 1 – but we're opening up to new people in Phase 2 in a few months and I wanted to let you know to watch for that if you're interested in these issues and you'd like to participate in the UDRP review at the very first consensus policy.

Stephanie, I hope I haven't talked too long. Back to you.

STEPHANIE PERRIN:

Thanks very much, Kathy. I always appreciate your updates on this because for those of us who are locked in the EPDP, we don't have time to catch up on the other important work that we're not engaged in. So I wonder – do we have time to take questions from the audience? I think we do. Are there any questions? I'm not seeing any.

KATHY KLEIMAN:

No questions?

STEPHANIE PERRIN:

I'm stunned.

KATHY KLEIMAN:

Okay then.

STEPHANIE PERRIN: Let's give people a second or two to see if they can find their question panel at the bottom of their Zoom toolbar. Okay. Well, thank you very much, Kathy. Let's see if we can get some new members to join up for the next phase of this work. I think it is as the people are saying in the chat, it is amazing. Thank you for representing us there because it's pretty clear that we need a non-commercial voice in that session – not in that session but in that work. And four years is a long time, a very long time.

KATHY KLEIMAN: Well, there's been a good group of non-commercial representatives, and so I want to thank them and again invite other people into Phase 2. So thanks for the time, Stephanie. Thanks, everyone.

STEPHANIE PERRIN: Thank you. And of course, everybody, if you think of a question later that you'd like to ask Kathy, please don't be shy. We can forward them on. Thanks.

Okay. Now, I'd like to introduce Bruna Santos who is the Chair of the Non-Commercial Users Constituency, the NCUC, and she's going to talk a little bit about the priorities that the NCUC has. Thanks very much. Over to you, Bruna.

BRUNA SANTOS: Thank you very much, Stephanie. This is Bruna Santos for the record. I'll just ask if you guys are hearing me well? Is my microphone working? Is everything all right?

MARYAM BAKOSHI: Yes, Bruna. We can hear you well.

BRUNA SANTOS: Okay. Thank you very much. My apologies for that. Thanks again for the invitation, Stephanie. The idea here will be to give our membership a little briefing on what have been NCUC's – what we have been developing in the past months and what will be our priorities for the upcoming months.

In the last year – almost a year – we have been working deeply on developing our policy writing course. So NCUC got an ABR approved back in 2018 that helped us develop an ICANN Learn course that ended up being a series of webinars. So for the year of 2019, we worked on a policy writing for members with English as a second language. This was a follow-up webinar on our ICANN Learn course, and the idea there will be we'll work for our members to have the safe space kind of very comfortable space for discussions of what were their barriers and what was actually keeping them from participating at ICANN processes and what point was missing in the trust point and whether or not it was a trust issue or whether or not we should be working in better ways on empowering them and so on. So this webinar was a very fruitful opportunity. We did have a lot of positive

feedback on this, so this is something NCUC would definitely look on to developing and in continuing following up on this with our members.

For these next month months, we did approve another ABR, which was called Non-Commercial Users Constituency Request for Training to Enhance Civil Society Advocacy at ICANN. So the idea for this ABR would be to develop again another course, another ICANN Learn course and maybe a webinar, and to better discuss with our members how can we improve civil society advocacy at ICANN, maybe come up even with the final list of topics of things and issues we should be discussing, and what will be the path for better training our members and bringing them actually back to the policy developing processes and so on.

So for all of you who are in the middle of being this newcomer member or either someone who has been around for a while but doesn't quite know where to engage, look out for this course. It's going to be a very useful opportunity. And also if you have any feedback in the creation of this course, we are at the very beginning of it, so the idea is to be open to pretty much every single feedback from you guys.

Also in terms of priorities for NCUC, we also submitted last month our CROP Outreach Plan. I did struggle a little bit with this one because the CROP Outreach is the plan and the opportunity for all of our members to have this resource and to attend events and also to do some outreach on behalf of NCUC. But given the COVID situation, we

decided to submit something that was more of a broad plan but also not let go of the opportunity for our members to have these resources whenever they are available.

Again, it's been a couple of confusing months. I think it's going to be like this for a while at least, but I do hope that as some places in the world they use their lockdown situation and so on. We are able to use those resources in the upcoming future. The CROP resources, as everybody knows, they can be used up until June next year so we do hope that the situation is far better by then, and just so our members get to not only attend an ICANN meeting but also use these resources for any other opportunities around the DNS and Internet governance events and so on.

The two last updates I had on this work, the reappointment of Wolfgang as our NCUC appointee to the NomCom. So we've consulted with Wolfgang and he confirmed the interest in continuing to serve as the Non-Commercial Users Constituency appointee at the Nominating Committee.

Last but not least, we did conduct elections these past days. So I'll also use this time here to thank the current Leadership team so Franco, Benjamin, Mili, Michael, and Louise, and also to welcome the new incoming members to the EC. We are having an [inaudible]. So Lia Hernandez is the LAC (Latin American Caribbean) region representative and also Raphael Beauregard is the new NCUC Chair. So I'm also taking the opportunity to say welcome to them and the

idea for the upcoming months is to work together in what we're calling the transition.

Back when I joined NCUC, the idea was to work on some kind of transition document. So something around on the grounds of a checklist or something that would make life easier for the ones who are coming in, but to also help the next steps and to see which parts and which actions were left unresolved and what can be taken on from the next Leadership team.

Also important to mention that the new Leadership team will take on starting right after AGM so we do have a few months, luckily, to work on this transition. I guess I'll resume my – oh, I have one last thing. I think that for these upcoming months and maybe a year or as long as we're not able to go back to face-to-face meetings, I would also like to see and try to make NCUC develop something around a virtual meeting strategy. This is something that I have been mentioning in one or two Leadership calls, but I do think that this might be a really good opportunity for us to bring in our members who were almost never able to attend on face-to-face meetings but also kind of reach each other and go back to the sense of community that is very important for all of us. So I'm also welcoming any single input our members can offer us on what will be an actual virtual meeting strategy, what other meetings we should be doing. NCUC did not host any meetings for the past two so neither in Cancún or now, but we do plan to come back to having meetings in virtual Hamburg or whatever is the name of the virtual AGM. So I do welcome any input or anything you guys consider we should be doing, whether it's a virtual

[inaudible] or anything that will give us this better sense of a community, and also something that we can do besides hosting a constituency meeting. So the ideas are open and the moment for ideas is pretty much now. But I will probably give you guys a little bit of your time back on this. Stephanie, thank you very much for the invitation again.

STEPHANIE PERRIN:

Thanks very much, Bruna. Are there any questions from the floor? Please use your Q&A button down on your Zoom – what do you call this? It’s the middle of the night for me – dashboard. That’s it. Thank you. And I’m not seeing anything.

So I would just like to take/steal a couple of minutes here to add that we got an Additional Budget Request approved for the Non-Commercial Stakeholder Group to do basically Leadership development. Now, we were of course hoping that there would be real meetings that we could bring new leaders and do a kind of mini-version of the Leadership Training that goes on in the GNSO Council program. Unfortunately, of course with no face-to-face meetings, I think we’re going to have to figure out how to make this work for us virtually. Things may get better. But anyway, I’ll be working with Bruna in the transition. Those funds are for next year and Bruna will be taking over as NCSG Chair. So we’ll see how that develops, probably as soon as this meeting is over, now that we know what the future holds in terms of the next virtual meeting. So thanks very much.

Maybe we can start our policy discussion. Rafik had suggested that perhaps since our session is coming at the very end of the week, we can have a little discussion of a policy roundup from the week. The actual NCSG policy meeting earlier this week, we had some Zoom bombing happen and we lost about half the time. That was really quite frustrating. So, Rafik, are you ready to take over for me and lead this discussion? I'm hoping the answer to that is yes.

RAFIK DAMMAK:

Okay. Yeah, I think I can with that. I guess maybe it's a question to everyone if they want to share what their takeaways from the different sessions. But they can start at the maybe for GNSO Council since we had the public meeting yesterday and we spent more time to discuss about the EPDP Phase 2 about the extension. So to get the report and also about the next steps to deal with the remaining items from priority to issues, I think we still have about the next steps so we have proposal and the different group expressed their position. So we just need probably to go more into details and specifics about how we will handle the three different issues.

Other than that, I think now we have the Cross-Community Working Group on auction proceeds final report to review and to be ready for the vote on the next Council meeting in July. When we will vote, it will be about the process. I'm not sure if we have some concerns about the recommendation themselves. We know that there was low participation in that working group that was for [several] times but

can deliver it as much as they can. We need to make a decision at the Council level as a certain organization.

The Council also voted for the transfer policy of the report. I don't think that's controversial. And I think that might respond to your question, Stephanie, with regard to the kind of maybe the overlap for the transfer policy and EPDP, I think that will be covered and that's one topic that was discussed. So I will try to find more information. So we wait for the issue report and when it will be. In public comment we should submit our comments for that purpose.

That's basically I think what we discussed in terms of policy. In terms of other Council issues, we still have the GNSO work plan. I think we are making lots of progress. We are getting a new tool to help us in terms of planning and that we [inaudible] the latest version gives more details about the steps that need to be taken and what needs to be done at the Council level or by the policy staff and so on. And I hope that we really help the Council in terms of managing the process and we can focus in managing our workload much better than what it was before, and avoid a situation like having several PDPs at the same time and putting a lot of pressure in the community.

I think that's for the Council. We didn't have time to discuss about DNS abuse and that was a topic in several plenary. Also we brought that for the meeting between the Council and the Board, and so I guess for NCSG ... we suggested that before. Maybe we need to organize ourselves on that topic to have our own webinars so we can educate and inform our members about DNS abuse issues from a non-

commercial perspective and to participate more effectively how in this topic will be managed, I mean, maybe GNSO and working with other SOs and ACs. Again, just we need to really to kind of organize and plan for that. So we have the discussion on the Council level, there were some idea. Maybe it's too early to talk about initiating an EPDP and I think that's a wise decision, but we need to see how the discussion will continue with the other groups like ccNSO, for example, but I think it was maybe clear, we need to be more data-driven or evidence-based approach to handle that topic. And I think also, there are some points made about definition, to be clear about the definition when we talk about DNS abuse. So I think that's something we need to focus and maybe it's a topic for discussion.

I want to hear from others what they are thinking. I didn't attend myself all this sessions because of work commitments so I think it's good to get some input on that. Other than that, I think I covered what we discussed at the Council level. Maybe we can also hear from other working groups. I don't think that all of them had their session during the week. But yeah, I guess that's it for me.

STEPHANIE PERRIN:

Thanks very much, Rafik. The purpose of having the policy roundup was to encourage a discussion with folks. So, please raise your hands and participate in this next discussion. I did not put the EPDP on the agenda for the NCSG because, quite frankly, most of you are probably sick of hearing about the EPDP. It goes on forever and it is still going to go on after this. Maybe, Rafik, you touched a little bit on it but you will

be taking over as Chair from Janis very shortly, but you are not planning to do this past July. Do you have any predictions as to what's going to happen in July? Some of us are skeptical about whether we will be finished or whether we will still have a bit of a standoff with some parties.

RAFIK DAMMAK:

Okay, thanks, Stephanie. I can speak here more from the Council standpoint, since we discussed that yesterday because we had two topics. In fact, the project change request was asking for the extension to July and the framework for next steps. And the consensus was that the Council will allow the extension but it was made it clear and the message will be sent to the EPDP members that we are expecting the work to be done and the final report for the SSAD. It's not intended to try to keep discussing on the priority 2 issues and to extend endlessly on that. So it will be made it clear in terms of messaging and that will be drafted soon by the Council Leadership and reviewed by the members. So it was made it clear that the extension is for that because several councilors expressed concern that we will try to work on priority 2 items and keep deliberating. So that was made and needed and we communicate to the EPDP team what the Council need to work in the coming weeks by, and to have that by the Council meeting in July is regarding the next steps for the priority 2. And with that, I think that the message will be sent to all the interested party in that regard. So there is no way with those guidance and next steps from the Council to try to extend in any way.

And becoming the Chair of the EPDP team, I have to follow that and to ensure because I will be on the Council and the EPDP, so I have all interest to follow and to ensure that that doesn't happen and that we really wrap our work. So basically now with the plan, as you know, Stephanie, we have the calls next week. And after that, we should have the quiet week for review and then the consensus designation. So that doesn't allow for any extra work other than reviewing the SSAD recommendation. I hope that answers your question.

STEPHANIE PERRIN:

Yes. Thank you very much, Rafik. I think that's probably a good introduction for those who are not following the EPDP too closely. There are some outstanding issues that we are still in fundamental disagreement on and if I could just touch on them. One of them is the accuracy issue. There's a fundamental disagreement as to what accuracy means. The old WHOIS accuracy exercises that have gone on for the past 20 years trying to improve the accuracy of the actual registered name holders' records, a very near and dear to GAC hearts and intellectual property folks, not so near and dear to registrars, registries, and individuals. So the problem is the interpretation of what accuracy means, and there was a very large focus on accuracy during the WHOIS Review 2 team that I just participated in last year. It felt like forever, but it did finally wrap up last year. And if you've read the report, you will notice that focus on accuracy.

Then the other one is that old saw of whether we should differentiate between legal persons and individuals who are entitled to data

protection under the GDPR and under most other data protection laws. There's a distinction. However, it varies around the world. So that one is apparently a deal breaker for some of the members of our PDP, so we'll see what happens pretty soon I guess.

Now, one other thing I wanted to point out is we will be looking for folks to participate in the IRT, the Implementation Review Team. Have I got that acronym correct? I should know it because I've participated on them. It's really, really important that we actually staff that. You know, when I first arrived at ICANN, I was learning like everybody else even though I've worked in this area for quite some time, but how ICANN works is quite a mystery and I have great sympathy for anybody who's a newcomer who can't figure it out because it took me quite a while. But I was stunned. I believe we had led the charge against – and I think Robin was involved in this, she's not on the call. But Robin Gross was involved in an argument basically over what was being interpreted as implementation, when in fact it was a policy change. The actual policy is done by the EPDP and then it's turned over to an implementation group. And if there's a lack of clarity between what's policy and what's implementation, then the IRT does not have sufficient guidance and may start actually making policy changes. Being an old government policy person, where policy is governed by a law and you've got pretty bright boundaries, I was stunned at the lack of clarity that was being evidenced by tons of people who didn't seem to know what policy was and what implementation was. So I am predicting that there will be a great deal of lack of clarity in the next phase as we move this over to the IRT. So it'll be very important that

we have folks who are up to speed on this, keeping an eye on it in my view. So please join. Thank you.

I see Volker has his hand up. Thank you very much for giving me the tip in the chat because it's quite difficult to watch all these things at once. It's much easier when we're in the room together. So, Volker, over to you. Thank you.

VOLKER GREIMANN:

Sorry. That took a while waiting for the unmute button to appear. I wanted to stress that the participation of the NCSG is going to be essential for us for a successful IoT. I don't envy the people that end up on it so be forewarned, but I think your presence there will be highly valued and very important as well.

I also wanted to just briefly touch upon two other things that you mentioned, which are the accuracy and the legal versus natural debates. Everything you said, Stephanie, was absolutely correct. However, accuracy does not only revolve around the question of what the accuracy under the GDPR actually means, but also around the question of whether what we have implemented over the past years with regards to accuracy isn't already enough. And the trends that we have seen until GDPR happened were very positive, accuracy was improving across the board. It may not be where IPC and BC would want to see it but it's clearly we have seen signs that accuracy is improving, maybe even more now that the data is no longer public.

Finally, for the legal versus natural bit – we believe very strongly that the question of differentiation between legal and natural is a red herring because it will not solve the problems of being able to disclose or not disclose but because, quite frankly, even legal entities may have personal information of their staff in their WHOIS records or RDAP records. So, making the differentiation does not necessarily allow for the publication of all legal entity records. So this is a fight that we are continuing to fight as well and we are very happy that you are all standing on our side here.

STEPHANIE PERRIN:

Thanks very much for that, Volker. Sometimes we do feel a little unwelcome, not from you guys but from some of the others. On the legal versus natural, I've raised this point in several places over the last seven years but I don't think I've ever had an answer. If I have, then blame it on my age, I've forgotten it. But I, as a small entrepreneur, and I mean really small, I don't make a whole lot of money as a consultant, but I have names registered in my own name. I don't put them in the company name because if the company goes bankrupt or is dissolved, I will still want to keep those names. So they're in my name and they're not being used for a commercial purpose. So this is one of the questions that I have asked the group and I think it's one that is central to our remit as the group that looks after non-commercial users, the small guys, you know. And I consider unused names that are not being used on a commercial website as a non-commercial use. So how on earth would a differentiation between legal persons versus natural persons make a determination

then when you're registering a name for possible eventual, shall we say exploitation? Since we have a couple of lawyers from the Registrar Stakeholder Group on the call, anybody want to answer that? Maybe Alan, maybe Volker? Maybe Kathy Kleiman also, because this is something you would have thought a lot about.

RAFIK DAMMAK: Sorry, Stephanie. There are other people in the queue so –

STEPHANIE PERRIN: My apologies. Who else has their hand up?

MARYAM BAKOSHI: We have Rafik and then Bruna.

STEPHANIE PERRIN: Okay, great. Rafik first then Bruna. Perfect.

RAFIK DAMMAK: Thanks, Stephanie. Maybe we kind of move it on but you mentioned about the RDS Review Team recommendation and we have the GNSO draft letter to the Board regarding two recommendations so it's good time to give any input or feedback on that letter regarding the two recommendations that were referred to GNSO Council. I think that's the point that I wanted to make or I forget the other one, sorry.

STEPHANIE PERRIN: Okay. Thanks, Rafik. Maybe we better have a look at that letter. Over to Bruna. Thank you.

BRUNA SANTOS: Thanks, Stephanie. Mine is not related to the EPDP. It was actually regarding the DNS abuse discussion that Rafik was talking about. Just to agree that I do believe that it's about time that we start discussing DNS abuse within the NCSG. I have volunteered for it before but I didn't quite have the time to do so. But then just to reemphasize my interest in helping with this initiative and maybe if members feel like doing so, we can start a little task force and what will be a structuring paper and then some discussions throughout the stakeholder group. Just a suggestion.

STEPHANIE PERRIN: Thanks very much. Are there any more hands up among the attendees? Alan Woods. Over to you, Alan.

ALAN WOODS: Hey, how are you? Alan Woods here for the record. Thank you, Stephanie. I'll take a very brief swipe up because I know it's a very difficult topic on the EPDP question of legal versus natural. I think, specifically from my point of view, and you've raised this a few times that there are definitely ways in which you can verify commercial use versus non-commercial use. My important point in this is that the question of the legal versus natural when it comes to the EPDP is a complete, not a red herring, just as Volker said because we're not

talking about things that are in scope of the EPDP itself at this particular moment in time. All we're saying is, is the publication of data specifically at the moment capable of being delineated in a meaningful way that we don't breach the data rights of the registrant? In our scope, I don't think we are in a position where we can say categorically yes or no, but you're getting out I think and probably what needs to be happening is people such as, I think, the NCSG leading the charge and things such as making that a better PDP separately saying – and even the registries and the registrars obviously – but can we create fundamental changes to the system that support knowledge of the registrants so they know exactly what they're doing, where they need to set that up, were they to register in the name, whether to use a non-commercial use but in a commercial sense. I think education is the key and changing fundamentally the basics of the system. I just think that we need to be careful it's not in the EPDP because we, A, don't have the time bandwidth or current want, I think, a lot of people to get into those particular things at the moment. So you raise – and always I like to say I've enjoyed so much working with the NCSG on this. Then we'll say a complete realm of calm and understanding and common sense at times, which is sometimes lacking from the EPDP. So I just want to personally thank you and your team as well for what you've done in this.

STEPHANIE PERRIN:

Thank you very much. We really appreciate this because we don't get that much thanks from our participation on a regular basis. So it's just lovely to hear that, Alan. Thank you. Much appreciated. Actually, in the

process of doing my dissertation, I uncovered records and it was hard to find them on a registrant rights exercise that went on many years ago and actually went nowhere. I think that instructing registrants about what is happening when they registered a domain name does fall within our mandate. That one I believe was led by ALAC but I really thought that that might be a good exercise for us when the EPDP work is over. Yes, I saw that, Volker. Thank you so much. Volker and I suffered through the review team together. Believe me, we were in a minority there.

Okay, enough about the EPDP. I see there's interest in the chat from Thomson in particular to join that DNS abuse group that Bruna was suggesting. And Rafik has remembered the other topic. NCSG participant in the IRT might need to speak there. I believe that's Amr, is it not? Is Amr on the call? I haven't seen him. Nope, don't see him. So, Rafik, do you have your hand up?

RAFIK DAMMAK:

No, but just maybe to clarify. I'd say we received it before, the letter from the Board about Recommendation #7, Phase 1, and now it's at the IRT level. The Council liaison to the IRT is trying to discuss and listen to the different parties in the IRT and trying to find a solution because we got two sides having a different reading or interpretation of the recommendations. He says he's trying to listen to everyone so it's good time just to also share any view on that topic. We'll see then what will be the next steps there.

MARYAM BAKOSHI: Stephanie, there is a question in the Q&A pod. I'm just going to read that out quickly. This is from June to Rafik. And the question is, "Are there any Council updates particularly pertaining to Work Stream 2 implementation?"

RAFIK DAMMAK: Yeah, it was a topic for discussion yesterday. Let's discuss this, how we should proceed on that matter. So we'll have a small team from the Council to review the implementation plan for Work Stream 2 to identify what's the impact on the GNSO and what we need to do. And then we'll expect those fundings from that small team to decide how to proceed. So it wasn't in the GNSO Council agenda and we got an action item on that matter.

STEPHANIE PERRIN: Okay, very good. I note in the chat Kathy has asked for clarification on Rec 7. I will dig up the text and post it in chat after the break time. Kathy has suggested that perhaps Ephraim would like to share a bit about the human rights work that is going on and in the Cross-Community Working Party. The GAC was briefed the other night. I shouldn't say night, the other day, during this meeting, let's put it that way. Ephraim, are you on the list here and could you give us a quick update on this? Would you mind? I hate to put you on the spot. But I don't see Ephraim on the call.

RAPHAEL BEAUREGARD LACROIX: I'm sorry. He's there and he has his hand up.

STEPHANIE PERRIN: Good. Okay. I'm not seeing him. So over to you, Ephraim. Thank you.

EPHRAIM PERCY KENYANITO: Hello. Hi, everyone. Sorry, my hand was up but I couldn't find the unmute. Thanks so much. And thanks so much, Rafik, and everyone who's provided feedback. Some of you are on the Cross-Community Group on Human Rights mailing list and some of you might know that we've been developing the last couple of months just a tool on how to implement the bylaw and the Work Stream 2 implementation recommendation on human rights. So basically, just to give a brief overview for those who didn't follow Work Stream 2 work, one of the recommendations was what ICANN org and ICANN communities engage in human rights impact assessment and just try to incorporate human rights into their work. That work involved trying to come up with how would this work practically beyond just a recommendation. So we've been developing a tool based on looking at other human rights impact assessment tools, which we've used with companies, with other institutions, just trying to see how to pull knowledge in a multistakeholder manner. So the tool is not yet fully ... it's not final. We keep improving it daily. And I thank most of you, some of you have given feedback. I reached out to some of you early May, some of you have been giving feedback. We've been incorporating the feedback. So the meeting we had with the GAC was to do the same, to get feedback from various people on how that tool can work. The tool is basically an Excel sheet which can be deployed.

So for example, if we as NCSG or NCUC decides by itself or NPOC decides by itself or the Contracted Parties decide by themselves to do a human rights impact assessment, what would be the checklist? That's been the bulk of the work to try and come up with a tool or a template on what should be checked against. Most of the work involves translating the Work Stream to recommendation. So basically, we've translated 42 of them. They are around 100 or so recommendations. So two of them are directly relevant to SO/ACs to then translate them into how SO/ACs would interpret them. So for example, some of you remember the conversation around the elections, the transparency, trying to ensure that even members feel that the human rights are kind of respected by the SO/ACs, their mechanisms to deal with issues. Some of you remember the feedback that was there around us avoiding ... I think this is specifically on the NCUC, NCSG list. Some constituency members avoiding – taking the conversation from the NCUC, NCSG list, for example, when there's been a disagreement to take it, for example, if you remember there was a specific person, not to mention them, was trying to take you to other places. So trying to ensure that members feel that the mechanisms are adequate, their rights of expression, their privacy is respected among other, the human rights.

So the tool is still in development. I think I'll share them here on the chat just shortly. Hopefully that we can get members to feel free contributing input to both Austin and I. Austin is the other co-Chair. And that will hopefully keep improving. Once we get into the next financial year, which begins next week, when Work Stream 2 work has

been budgeted in the budget, and then also as you have more conversations around prioritization, hopefully this will kick-start and we will be ready once that work. Once SO/ACs have this conversation more and we'll be ready now with a sample tool on how to take on the work on implementing human rights across all SO/ACs and also with ICANN org. Some of you might remember is that ICANN org did HRIA. That was before the Board approved the recommendations in November. So the ICANN HRIA was done and released last May of 2019, but that was before. So trying to also look at how that HRIA, the methodology behind it and how to improve for future HRIAs and trying to also push ICANN org to do human rights impact assessment of HRIAs – thank you, Kathy – to be more frequent, to be more multistakeholder, to involve not just employees. As for example, in the methodology that was done in the ICANN org, that was a really good first step, but then trying to expand the methodology to involve all the other right holders in the ICANN supply chain.

Thanks so much. I look forward to your feedback. I'll share the link here if it's enough to you. Or if anyone has the link, they can share here the tool that I'm referring to. But I'll just share in the next couple of minutes or on the beginning of the next session.

STEPHANIE PERRIN:

Thank you very much, Ephraim, for that impromptu briefing. It's very interesting and something we'll probably want to return to after the break. We are obliged to take a coffee break and let the technical folks and the translators have their break. So if we could all meet back on

the half hour. I think we're running a few minutes into that coffee break. Please go get a coffee and rejoin us at the half hour point. Thank you very much.

[END OF TRANSCRIPTION]