
ICANN70 | Virtual Community Forum - GNSO Council Meeting
Wednesday, March 24, 2021 - 12:30 to 14:30 EST

NATHALIE PEREGRINE: Thank you very much. Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council meeting on the 24th of March 2021. Would you please acknowledge your name when I call it. Thank you.

Pam Little.

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Sebastien Ducos.

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SEBASTIEN DUCOS: I'm here, Nathalie.

NATHALIE PEREGRINE: Thank you. Kurt Pritz.

KURT PRITZ: Here.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DiBIASE: Here.

NATHALIE PEREGRINE: Kristian Ormen.

KRISTIAN ORMEN: Here.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Here.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Here. Thanks, Natalia Nathalie.

NATHALIE PEREGRINE: Thank you. Mark Datysgeld.

MARK DATYSGELD: Here.

NATHALIE PEREGRINE: John McElwaine.

JOHN McELWAINE: Here.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Here.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Wisdom Donkor.

WISDOM DONKOR: Here.

NATHALIE PEREGRINE: Stephanie Perrin.

I don't see Stephanie in the Zoom room yet. We'll follow up with her.

Farell Folly.

FARELL FOLLY: Here.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Present, Nathalie.

NATHALIE PEREGRINE: Thank you. Tatiana Tropina.

TATIANA TROPINA: Here.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Here.

NATHALIE PEREGRINE: Carlton Samuels.

I don't see Carlton in the room. We'll also follow-up with him.

Olga Cavalli.

OLGA CAVALLI: Here, Nathalie. Thanks.

NATHALIE PEREGRINE: Thank you.

Jeff Neuman.

JEFF NEUMAN: Sorry. I'm here.

NATHALIE PEREGRINE: Thank you.

Cheryl Langdon-Orr.

CHERYL LANGDON ORR: Present, Nathalie.

NATHALIE PEREGRINE: Maarten Simon.

MAARTEN SIMON: Here.

NATHALIE PEREGRINE: Thank you very much.

We'll be receiving guest speakers today, Adetola Sogbesan and Wolfgang Kleinwaechter from the NomCom outreach subcommittee. We'll also have Keith Drazek coming on as EPDP Phase 2A chair. Staff support is equally in the Zoom room.

I would remind you all to please state your name before speaking as this call is being recorded. We're in a Zoom webinar room councilors have all been promoted to panelists, and they can

activate their microphones and participate in the chat. Please set your chat right now to All Panelists and Attendees for all to be able to read and for the content to be captured on the recording.

In the most recent version of Zoom, the hand raised option is at the bottom toolbar or, depending on the version you have, under the Reactions icon.

We encourage all councilors to speak loudly and clearly as this call is being transcribed live.

A warm welcome to all attendees on the call who are silent observers. This means that you do not have access to microphones nor to typing in the chat. We will, however, hold an open mic session at the end of the meeting where all lines will be opened and where you will have access to the chat.

This session, as I mentioned, includes real-time transcription. You can click on it by -- you can view it by clicking on the Closed Caption icon on the bottom toolbar. Please note this transcript is neither official nor authoritative.

As reminder, those who take part in the ICANN multistakeholder process are to comply with Expected Standards of Behavior.

Thank you.

Philippe, it's over to you.

PHILIPPE FOUQUART: Thank you, Nathalie. This is Philippe Fouquart here, GNSO Council chair. Hope you are all well, and welcome to our Council session for ICANN70. Another virtual meeting. Sounds like a habit, but I hope that's going to get -- we'll get over that soon.

So let's -- let's turn to our agenda, and 1.2. Any updates to statements of interest?

Okay. Seeing no -- no hands, 1.3, agenda bashing. Anything you would like to change, add, remove to the agenda?

Okay. Seeing no hands. We'll just note the minutes as usual for the record.

Moving on to item 2. As you would have noticed, we devoted no time for this meeting to the review of the project list and the action item list. You would have noticed the links in the agenda, and the latest update is from today. Thanks, Berry, for this.

Any questions you might have, feel free to ask on the list. And we'll come on to that during our next meeting.

So with this, let's go directly to item 3. That's our consent agenda. And that's the confirmation of the recommendations report to the ICANN Board regarding the adoption of the -- the final report on sub pro. That's, obviously, a follow-up, the usual follow-up on the approval of the final report in February. And that's to be done prior to sending this to the Board.

This is a consent agenda. I'll briefly turn to Flip, maybe, if you want to add anything, or we can take the voice vote now.

FLIP PETILLION:

Thank you, Philippe. Flip Petillion for the record.

Thank you very much to the leadership and to staff for giving some time to the comments that I have made and for amending the text.

My biggest concern actually was to be sure that the Board is fully informed of what was decided by the GNSO Council. And I think this is now covered.

Just for the future, I think it's an issue or an item that members of different constituencies actually feel to be important. So now I'm comfortable that it's on the record that the Board will be fully informed and that there is a formal information of the Board of the decision by Council.

Thank you very much, Philippe.

PHILIPPE FOUQUART: Thank you. Thank you, Flip.

I see there are two hands, I think, in the -- in the chat. So I'll go to Kurt first, and then there's a question --

KURT PRITZ: About sub pro?

PHILIPPE FOUQUART: From (indiscernible). Sorry.

KURT PRITZ: So I don't know if this takes it off the consent agenda or not, but it's been raised to me that the report, the final report is only incorporated by reference into this transmittal to the Board. And there's a concern on behalf of some of the people that worked hard on this that, you know, only viewing the recommendations, you know, affirmations and implementation guidance means that all of the detail of the issues considered, the deliberations, why changes were made following public comment and so on, is not being forwarded as part of the report to the Board. And that there's a real chance that the board will misconstrue that this is part of the -- this is the entire report, and -- and -- because it's already such a voluminous document. But, you know, I've been asked and don't disagree with the idea that the entire report be sent and not just a reference to it.

Thank you.

PHILIPPE FOUQUART: Thanks. Thanks, Kurt.

I'll take the second -- second question, I think, in the chat first and turn to staff for guidance.

I think there was a comment on potentially seconding the motion? There's no motion. So, Steve, can you help with this procedure-wise just to make sure we're on track? Steve?

STEVE CHAN:

Sure, thanks. This is Steve. I can try. Indeed, there's no motion to second in this instant. I guess maybe just to explain a little bit more about the changes that were made in consultation with Flip's suggestion and with leadership's guidance.

The way that the recommendations report was amended was to try to emphasize that the -- all the additional context and rationale that Kurt I think was mentioning is more clearly pointed to in the language. He's -- Kurt's right, it doesn't, I guess, forward the full final report to the Board, but the idea was to try to capture the essence of the importance of that -- that underlying reasoning for trying to include the final report is to make sure that the full

context and understanding of the recommendations is referenced.

There was a little bit of concern about swapping that reference to the summary of recommendations with the full report because it actually creates inconsistencies, and we were a little concerned about trying to make that many changes at the last second to the recommendations report, which is something that's nearly always contained in the consent agenda. I don't know if it's ever been not included in the consent agenda.

In this instance, procedurally, if you want to take it off the consent agenda, that's possible, and I think it would just be subject to a formal vote, although I welcome any of my colleagues to step in as well to address that part of it.

Thanks.

PHILIPPE FOUQUART: Thanks. Thanks, Steve. And before we go to Jeff, I see your hand is up, I'll turn to Kurt.

Does that address your -- your concern of not -- of having a reference, Kurt? Only in the recommendations report?

KURT PRITZ: Well, no. So I think what I'd like to hear is if any other councilors are bothered by this or they're fine with it. So if there's no other pushback to this, then we'll go with the standard way. But I just want -- I just thought I'd -- Anyway. I want some feedback from the other councilors.

PHILIPPE FOUQUART: Sure.

KURT PRITZ: If they don't think it's important, fine. If they do think it's important, then we should consider it. I'm sorry to be taking the time where there's not time.

PHILIPPE FOUQUART: No, that's -- Philippe Fouquart here again. No, that's perfectly fine. That's why we're here, I think. And thanks. Thanks for raising this.

So the floor is open to that point, whether we need to take that out of consent or keep it this way.

Jeff is next then Flip.

JEFF NEUMAN:

Thank you. This is Jeff Neuman. And I put some questions in the chat, and I bring this up for a couple of reasons. You know, I didn't understand until now that it wasn't standard operating procedure to always send the final report to the Board. The reason, as the liaison to the GAC, why I think it's important is because the Board will take that report and then put that out for public comment. And I think we need to make it clear that what the GAC will be providing advice on or may choose to provide advice on, or any other AC for that matter, is the full final report and not a recommendations report which wasn't drafted by the working group and, frankly, wasn't drafted by the Council either.

Mary put into the chat that the Council has a choice as to whether to put -- to give the final report to the Board. I was never aware of that. I thought it was just standard operating procedure that when you approved a report and sent it to the Board, you actually sent the whole thing.

So from the perspective of making sure that others in the community have the opportunity to comment on the final report, we should make sure we send that to the Board because, again, in this case especially, the implementation guidance actually states that, you know, the working group feels like this should be implemented in the way the report says, but if it can't, then it instructs the Board to implement it in a way that is in line with the rationale. But of course, if they don't have the rationale, how, then, would they implement it in such a way to be in accordance with the rationale?

And then finally, my last question is the timing. When will the report be sent to the Board? It was always my understanding that once a report is approved by the Council, it's immediately, or, you know, within a day or two, sent to the Board. But recently found out that the RPM report wasn't sent to the Board until this week, I think, even though it was approved back in February.

Thanks.

PHILIPPE FOUQUART: Thanks. Thanks, Jeff.

Flip, you're next, and I think we'll need to close this.

Flip.

FLIP PETILLION:

Thank you, Philippe. Flip Petillion here. Actually, my point has just been made by Jeff. And I fully support Jeff's comments and Kurt's concerns. Different people from different constituencies have made this observation, this comment. I think it's important that we take note of that because we have to, frankly, approve a consent agenda. And I think there is no reason to go on if there is actually people who are not feeling comfortable with this approach.

So I think it's not only important for this one but also for the future. Thank you very much.

PHILIPPE FOUQUART:

Thank you. Thank you, Flip. This is Philippe again.

And to this point, as to -- and I'll turn to Pam. I see you made a suggestion in the chat. Maybe that's a way out of this. But I want to make sure that, procedure-wise, we're good. Pam.

PAM LITTLE:

Thank you, Philippe. Pam Little for the record. My suggestion is if councilors feel strongly about including the full report, although I personally feel there is the link in the recommendation report to the final report, which to me really is constituting submitting the full report. But if we -- if councilors feel that is not adequate, my suggestion is to add a new Annex C. I believe there are two annexes at the moment. So add new Annex C, which would cover the attachment of final report as Annex C. If that would solve or address the concern, then we can then take the voice vote and proceed.

I feel if time is of the essence, then we maybe should not be worth mentioning too much on the recommendation report.

I would also note, I will find it surprising that the Board doesn't read the whole final report, and we should also bear in mind the Board has two board members as liaisons that have been following closely this whole PDP Working Group. They're not sort of stranger to the debate, discussion, rationale for the various recommendations, I would imagine.

Thank you.

PHILIPPE FOUQUART: Thank you. Thank you, Pam.

So on that suggestion of having a new -- a new annex with a reference, Steve, you had your hand up, I think.

STEVE CHAN: Yeah. I tried. I can't actually raise it.

So just to -- maybe another suggestion is the suggestion from Pam would result in an amendment to the recommendations report. So an option, hopefully, that might be workable is that leave the report as is and then staff will commit to, as I think Mary hinted at, sending both the recommendations report and then also making sure that we communicate the full final report at the same time to the Board in the same communication so that they go as a package.

So I wonder if that might actually work so that, in this case, we can actually leave the recommendations report as is, not take it back and potentially result in any delays, but they get the recommendations report, and then to hopefully address the concerns from Jeff and from Kurt, from Flip, to make sure that the

full report and all of its important context is included at the same time.

Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Steve.

So that's -- that sounds a reasonable and straightforward solution to this.

So anyone? Anyone opposed to doing that with the understanding and the commitment from staff that the final report will be attached to the recommendations report that, hopefully, in a minute, we'll be voting on? Anyone opposed to that? Would that address the concerns that have been expressed?

Okay. Thank you.

So with this, Nathalie, I think we can take the floor's vote.

NATHALIE PEREGRINE: Thank you very much. I'm just noting for the record that Carlton Samuels is absent from the call.

Would anyone like to abstain from this motion? Please say aye.

Hearing no one, would anyone like to vote against this motion?
Please say aye.

Hearing no one, would all those in favor of the motion, please say
aye.

[Chorus of ayes]

NATHALIE PEREGRINE: Thank you very much. With no abstention, no objection, the motion is passed. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you. Thank you, Nathalie. And thanks -- thanks, everyone, for this.

Let's move on. We took just about as long for the recommendations report as for (indiscernible) final report on the sub pro, but let's move on. I'm sure it's not the last surprise on this.

Item 4, that's our vote on the IANA naming functions contract amendment. As you would recall, we discussed that I think already a bit during our February meeting. There's an amendment to the IANA contract necessary to remove the provision relative to including audit reports and that's where the bylaws -- such an amendment requires the approval of both the ccNSO and the GNSO Councils. Since then -- it was originally on the consent agenda, but given the threshold, this has to go through a formal vote. Since then you would have noticed that there's been a public comment period on this. I think there have been three -- three comments, two of which came from the GNSO, BC and the registries, I think, all of which were supportive. So this is for the -- the introduction. I'll turn to Pam and Tomslin for the introduction of the motion. Pam.

PAM LITTLE:

Thank you, Philippe. Pam Little, for the record again. I would just briefly say that this motion is not about approving the IANA

naming function contract amendment but to approve a recommendation from the IANA naming function review team to remove some language in that IANA naming function contract.

So it's -- so there's a distinction that we're not approving the contract amendment or the proposed amendment itself but the recommendation that actually recommended to remove some language in that contract provision.

As Tomslin is the -- I believe the co-chair of the IANA naming function review team, he knows the subject matter much better than I do, although I did make the motion, so I would like to call upon Tomslin's help to maybe give us a bit more context and background, if I may. Thank you. Can I hand it over to Tomslin.

PHILIPPE FOUQUART: Sure. Tomslin.

TOMSLIN SAMME-NLAR: Thank you, Pam. Thank you, Philippe. Yes, I can give a bit of a background on this. I assume you all would have read from the final report. The IFRT have four recommendations, and one of them is recommendation -- this recommendation,

recommendation 4, which requires approval from both councils, the ccNSO and the GNSO. The ccNSO has provided their vote already, so we -- the IFRT is expecting the GNSO to vote on this one.

It basically -- the recommendation proposes to remove language in one of the provisions of the contract which is that the relevant policies under -- which the changes are made shall be noted within each monthly report.

Now, there is a bit of a background with that. And I'll just quickly give the context. So while we were doing its review and stop doing documents and doing interviews, we found that two -- two main documents, policy documents, guide the PTI on root zone file and root zone database changes. And those documents are pretty -- are very high level and they are the RFC 1591 and the GAC principles.

Now, none of this -- of this two documents have any specific guidance on how PTI should actually make changes to the root file and root zone database.

So this has made it impractical and very hard for PTI since the transition. To draw a line to a specific policy that governs when a request from a TLD manager to change, say, a telephone number in the root zone, for example, and I'll just quickly add that there is -- neither the ccNSO nor the GNSO have yet developed any formal policy that specifically applies to the IANA functions. So therefore, the aggregate operation task that PTI implements are essentially derived from fundamental tasks that are described in the IANA functions contract itself. The execution of which is largely inherited from past practices and designed to fall within the parameters of those high-level documents I mentioned earlier. So this is why the IFRT recommended, in a nutshell, that because that was -- that statement and language is -- was inherited from the contract between NTIA and ICANN and it's currently not practical to implement, it should be removed from the contract. Yeah, that's basically it. Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Tomslin. Thank you, Pam. Thanks for the background on the IFRT recommendation. Any questions on this, or comments? Okay. Seeing no hands, I think we can go to our vote. Nathalie.

PAM LITTLE: Philippe, should I just read --

PHILIPPE FOUQUART: I'm sorry, yes. You have to read it. My apologies, Pam.

PAM LITTLE: No problem. Pam Little, for the record. I'll just read out the resolved clause very quickly. Resolve 1, the GNSO Council approves recommendation 4 contained in the IFR final report which recommends that Article VII, section 7.1(a) of the IANA naming function contract be amended to remove this statement. "The relevant policies under which the changes are made shall be noted within each monthly report," be removed from the IANA naming function contract.

2, the GNSO Council requests GNSO secretariat to communicate this decision to the co-chairs of the IFRT and relevant ICANN staff accordingly. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Pam. And this is Philippe again. And my apologies. Indeed, you had to read this. Any -- so I think we can go to -- there were no questions. We can go to our vote now. Nathalie.

NATHALIE PEREGRINE: Thank you very much, Philippe. Just as a reminder, this will be a roll call vote. And the voting threshold for the motion to pass is supermajority. Mark Datysgeld. Mark, you may be muted.

MARK DATYSGELD: Sorry. Can you hear me now?

NATHALIE PEREGRINE: I can hear you perfectly. How are you voting, Mark?

MARK DATYSGELD: Testing.

NATHALIE PEREGRINE: I'm sorry, your audio is very faint. I will circle back to you at the end of the vote, Mark. Greg DiBiase.

GREG DiBIASE: Yes.

NATHALIE PEREGRINE: Thank you. Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Farell Folly.

FARELL FOLLY: Yes.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Yes.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: John McElwaine.

JOHN McELWAINE: Yes.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Yes.

PROFESSOR: Sebastien Ducos.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Kristian Ormen.

KRISTIAN ORMEN: Yes.

NATHALIE PEREGRINE: Tatiana Tropina.

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Phillip Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Carlton Samuels.

CARLTON SAMUELS: Yes.

NATHALIE PEREGRINE: Pam Little.

PAM LITTLE: Yes.

NATHALIE PEREGRINE: Wisdom Donkor.

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Mark Datysgeld.

MARK DATYSGELD: Yes.

NATHALIE PEREGRINE: Wonderful. Thank you. For the contracted party house, we have seven votes in favor and no votes against. For the non contracted party house, we have 13 votes in favor and none against. The motion passes with 100% in both houses. Thank you so much.

PHILIPPE FOUQUART: Thank you, Nathalie. This is Philippe again.

So going back to our agenda, and it's our item 5, and it's our second vote today. And this is the follow-up from our vote to initiate a PDP on transfer of policy or its review in February.

As you would recall, a draft charter was produced in the preliminary issue report, and following that, the small team was convened to further work on this.

This piece of work includes and the charter includes a representative structure -- model, structure -- for this -- for this PDP. And that's intended to sort of strike a balance in terms of participation that will not affect the consensus call. And I think that's -- that's planned in the introduction of this -- this charter.

I see that you have your hand up, Jeff, but I would suggest that we -- unless it's a point of order, that we introduce the motion first. And I will turn to -- Thanks, Jeff. I'll turn to Pam for this.

Pam.

PAM LITTLE:

Thank you, Philippe. Pam Little for the record.

Yes, as you said, there was a Council small team formed after last month's council meeting where we decided to initiate this PDP. And there was a draft charter, indeed, attached to the final issue report.

So the small team's task was mainly focused on the structure of the working group of this PDP. So that, I believe, apart from some change that are nonmaterial, this was the made -- the only changes made to that draft charter; i.e., the composition of the working group and some language around consensus designation.

If I would -- And I have sent out the proposed structure earlier to the Council list before the motion. A previous proposal was

amended taking into account feedback that came in quite late in the process. But the small team took into account and weighed in various consideration in terms of the size of the working group, the knowledge, expertise required, and the policy outcome, likely -- likely impact on various parties.

We decided the -- that the composition that is now in this finalized charter submitted to the council list. So if I could ask, could you please show the slide that would -- yes. So this is what we are proposing now in the finalized charter, before the council for your consideration.

So basically the Contracted Party House, you can basically see the registrar and registry have a lot more members. 10 for registrar, 3 for registries. Other groups have been allotted 2. We just thought for fairness and simplicity, that is probably a more balanced approach.

So that's the composition that is being proposed. And in terms of consensus designation, staff, could you please move to the next slide, please.

So we want to make sure, assure those community groups who do not have what they think as many as the Contracted Party House to rest assure the consensus designation will not be based on numbers of members, if you like. So -- and we are giving the chair of this working group to make sure that, as an instruction, I guess, you know, that those groups that do not send their representative or do not fill their maximum slot will not be disadvantaged. So this is really trying to take into account that this topic is not of equal interest to all our community members or groups, but the structure -- so that there's a reason for this somehow not so balanced or very, to some maybe, imbalanced structure.

But that would not affect the consensus designation. It would just be according to the section 3.6 of the working group guidelines, apart from what we indicated here.

So with that, I will hand it back to you and to manage the queue. Thank you.

PHILIPPE FOUQUART: Thank you. Thank you, Pam. And just to -- this is Philippe again. Just to second what you -- what you said. We had -- we reached

out to not only the SG and Cs but also the SOs and ACs and had some late feedback, say, and we accommodated the offers as much as possible is and we all thought that was a good balance there, and with the caveat that you can see on the screen that it would not affect the consensus designation.

So with this, I'll turn to -- there's a queue building there. So Jeff first, and then John.

JEFF NEUMAN:

Yeah, thanks.

So this relates -- sorry, this is Jeff Neuman, and this relates to the last point, Philippe, that you were making.

The GAC has or did request specifically three members of the group. So I guess just a question of -- or what I should relay back to them as to the rationale as to why two was chosen. And of course I'll pass on the information on the consensus designation.

Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Jeff.

I think the -- what we tried to achieve with this -- we can always argue on the -- on the numbers, obviously. But given the degree of participation within -- within the GNSO and our ability to commit to a certain number, we thought that two was actually a good balance. And there's a tradeoff between having two -- I mean, giving three, since that was the ask by the GAC, would have meant going for three for others. And the goal was also to have a reasonably -- and remember that we went for one originally, and to go for a reasonably small group, and going for three would have meant probably a group that would have been not as easily manageable. That was, at least -- we can argue as to whether that's actually the case or not, but that was the perception.

Pam, do you want to add anything on this?

PAM LITTLE: Not really. Exactly what you said, Philippe. Sorry, Pam Little for the record.

We want it keep the group size reasonable. We heard from the February meeting some councilors felt 30 was too big. But as you can see now, if every group filled their slot, it would be a total of 31. And we just feel, you know, we need to make something that's sort of some way in between.

And unfortunately, Jeff, that request from the GAC came really late. Initially, we were actually proposing one, as you knew. So that was the rationale. And we also want to be -- sort of be equitable to those groups who -- to other groups as well. So just based on that, we thought two was a reasonable number.

Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Pam.

So I hope, Jeff, that's helpful. And obviously we need to go back to our -- to our GAC colleagues on this, since that was the ask, the request. And we will do, thanks to you. So thanks for raising this.

John? You're next.

JOHN McELWAINE: Thanks, Philippe. John McElwaine for the record.

And forgive me if I missed it, but I was wondering if we could get a little bit more detail concerning the rationale for the unbalanced representation -- representative structure in terms of the composition weighted more heavily in favor of registries and registrars.

Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, John.

I -- I'll turn to you, Pam, to elaborate on the -- My understanding is that for transfer on substance, that is somewhat related -- well, that has the sort of business models that registrars would have, whether that's a reseller or otherwise, would have an impact on their approach to that domain name, quote, unquote, "portability" and the way it's implemented and the need to sort of approach that question on various dimensions, depending on where they stand. And hence the idea of having both that and the necessary expertise that would come from the registrars.

That's one side of the story. The other side is the users' perspective, which we try and address with participation from both within the GNSO and outside the GNSO. And we try and -- what we have is sort of the end result of this. This is an exercise with multiple constraints. We appreciate that, but that was the -- essentially the rationale behind the numbers of -- the number of registrars involved.

Pam, would you like to elaborate on this?

PAM LITTLE:

Pam Little for the record. Thank you, Philippe. Thank you, John for the question.

The reason for this composition really it was, as I said earlier, we took into account the overall size, the ideal for the working group under the PDP 3.0 principle.

We also take into account the expertise and knowledge required for these PDP. As many councilors commented in our February meeting, this really required very sort of in-depth knowledge of the technical and operational aspects of the transfer policy.

The small team also took into account the potential impact, as you may imagine, this has. This outcome would have great impact on registrars' operation, their business, and of course, to some extent, registrants. But there are other group -- all these groups will be able to provide their checks and balances, so registrars' perspective versus registrants' interest as well.

But it's also very much informed by a consultation that the leadership conducted. Our chair, Philippe, sent out an email to SG/C/SO/AC leaders seeking their input on their interest on this transfer policy working group, also the likely number they will be able to send or are willing to send or are able to send to this working group. And we had two responses. One from the registrar group, the other one from registry group.

Registrar indicated they want 8 to 15 and registry wanted 2 to 5. And we were having in mind, say, we probably need a size of about 20. So I came up -- or the small team actually proposed, all right, we'll give registrar ten and the registry three, and the rest one, so we keep that size to 20. We do need someone to work in the group. So that was the initial, the first round of proposal.

But then once that was posed to the Council, we heard more feedback came back from the GAC and the ALAC, so we increased the Non-Contracted Parties House groups to two.

So that was the rationale. I hope that was a sound one, and we feel that that is the best approach given the information, the feedback we have from the community.

Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Pam.

So multiple constraint exercise here. Hope that addresses your -
- your question, John.

Greg, you're next. Then I'll just cut the queue after you.

GREG DiBIASE: Yeah, one more really quick -- sorry, this is Greg DiBiase for the record.

One more quick point on the increased registrar number is that there's diversity among registrars. So, you know, there's wholesale registrars, corporate registrars, resellers. So that higher number also is needed to reflect the diverse groups within the registrar group, because this is the group that's directly impacted by the policy.

So I hope that gives a little more context.

PHILIPPE FOUQUART: Thank you, Greg. Philippe again. Thanks, it does, yes. That's what I tried to allude to when I talked about the various business models.

So again, that's -- that's a balance. Hopefully it's the right one.

So with this, I'd like to turn back to you, Pam, first to read the resolved clause. And then we'll take our vote.

PAM LITTLE: Thank you, Philippe. Pam Little for the record again.

I'll read out the resolved clause. 1, the GNSO Council approves the charter of the PDP to review the transfer policy. 2, the GNSO Council directs staff to, a), communicate the results of this motion to the GNSO SG/Cs as well as ICANN SO/ACs and invite them to identify members and alternates for the working group following the working group composition described in the charter; b), initiate a call for Expressions of Interest seeking interested candidates to chair the PDP to review the transfer policy.

I'll turn it back to you, Philippe. Thank you.

PHILIPPE FOUQUART: Thank you, Pam.

Nathalie, would you like to take us to our vote, please.

NATHALIE PEREGRINE: Thank you very much, Philippe. This will be a roll-call vote. The voting threshold an affirmative vote of more than one-third of each house or more than two-thirds of one house. Thank you.

Wisdom Donkor.

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Sebastien Ducos. Sebastien --

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Wonderful. Thank you.

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar.

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Pam Little.

PAM LITTLE: Yes.

NATHALIE PEREGRINE: John McElwaine.

JOHN McELWAINE: Yes.

NATHALIE PEREGRINE: Kurt Pritz.

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Maxim Alzoba.

MAXIM ALZOBA: Yes.

NATHALIE PEREGRINE: Farell Folly. Farell?

I will come back to Farell.

Carlton Samuels.

CARLTON SAMUELS: Yes.

NATHALIE PEREGRINE: Osvaldo Novoa.

OSVALDO NOVOA: Yes, thank you.

NATHALIE PEREGRINE: Greg DiBiase.

GREG DiBIASE: Yes.

NATHALIE PEREGRINE: Mark Datysgeld.

Mark, you may be muted.

I will circle back to Mark.

Tatiana Tropina.

TATIANA TROPINA: Yes.

NATHALIE PEREGRINE: Kristian Ormen.

KRISTIAN ORMEN: Yes.

NATHALIE PEREGRINE: Flip Petillion.

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Marie Pattullo.

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas.

JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: Philippe Fouquart.

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Tom Dale.

TOM DALE: Yes.

NATHALIE PEREGRINE: Mark Datysgeld.

Mark, your mic is still muted.

Moving on to Farell Folly. Farell, can you hear me?

I don't actually see Farell in the Zoom room anymore.

One last call for Mark, Mark Datysgeld.

MARK DATYSGELD: Can you hear me, Nathalie?

NATHALIE PEREGRINE: Wonderful. Thank you so much.

MARK DATYSGELD: Very sorry. I had audio issues. Can you please put me up-to-date?

NATHALIE PEREGRINE: Oh, so I thought -- we are currently voting on the charter for the transfer policy.

MARK DATYSGELD: My vote is yes.

NATHALIE PEREGRINE: All right. Wonderful. Thank you very much.

And I still don't see Farell in the Zoom room.

For the Contracted Party House, we have seven votes in favor and no votes against.

For the Non-Contracted Party House, we have 12 votes in favor. The motion passes with a hundred percent in the Contracted Party House and 92.31% in the Non-Contracted Party House.

Thank you.

Philippe, over to you.

PHILIPPE FOUQUART: Thank you, Nathalie. Philippe again. And thanks for the vote on the motion.

As usual, since we now have a charter, moving forward we will need a liaison to the PDP. I'm just wondering whether any of you would have given a thought on this, whether we might have a volunteer during this call. If not, we'll turn to the list. But I just want to make sure that if there's anyone interested.

Greg?

GREG DiBIASE: Yeah, I'm happy to volunteer as a liaison.

PHILIPPE FOUQUART: Okay. Thank you. Thanks very much, Greg.

So with this, this concludes our discussion on item 5.

[Open mic]

PHILIPPE FOUQUART: Could you make sure you mute your -- thank you -- mic.

So moving on, item 6, and that's the outreach from the NomCom.

So we -- I think we have Adetola with us or Wolfgang who would like who introduce -- introduce this?

WOLFGANG KLEINWAECHTER: Hello, can you hear me?

PHILIPPE FOUQUART: Yes, we can.

WOLFGANG KLEINWAECHTER: Okay. Wonderful. It's a great pleasure to be back in the GNSO Council. I remember the good old times from the early 2010s, and I see it's still the same spirit in the GNSO Council.

So as you know, the Nomination Committee every year has to fill some leaving positions. And, you know, this year we have to fill three members for the ICANN Board, three regional

representatives for the At-Large Advisory Committee, two members for the GNSO Council, and one member for the ccNSO Council.

So while you are certainly in particular interested in giving us some guidelines for the selection of the two members of the Generic -- of the GNSO Council, I would also use the opportunity for an outreach activity and to encourage you, because you, as member of the GNSO Council, are well linked to the broader community. And it is always needed to get the best candidates. And we, the NomCom, can select only good directors for the Board or representatives for the At-Large Advisory Committee or other Council if they have good candidates. So that means the quality of the candidates decides about the quality of the final nomination.

So my first encouragement to you is please do as much as you can to speak to qualified potential candidates that they should apply. So the final date is arriving now rather quickly, so that means we need the application within the next couple of days.

So with regard to the two members of the Generic -- of the GNSO Council, as you know we have one year we select one and the

other year we select two for a two-year period. And this year we select two. One represents the -- should represent the Contracted Party House and one should represent the Non-Contracted Party House.

I think you all are longstanding ICANN activists so that you know what are the conditions for this. Anyhow, you know if you have any additional guidelines for us, you know, what you want to see, which would be the best profile for a candidate representing the Contracted Party House or representing the Non-Contracted Party House, then it's the moment for me to listen to you and to take this and to bring this back to the Nomination Committee.

So we are still in the early stage. We have a time table according to corona. This is not so easy. I was already last year in the Nomination Committee and we did make the whole selection online, which was a difficult process, but we have no choice, and we will have to do the same, also, this year.

So our plan is to make the final decision in July this year. It will be probably again an online meeting. I do not see any chance for a face-to-face meeting.

So whatever you expect on the NomCom, so I listen to you.

Back to the Chair.

PHILIPPE FOUQUART: Thank you, Wolfgang, and thanks for this update.

Any -- Any questions or comments from Council on this?

So this is essentially a call to disseminate the material within our constituencies, for those of us who would like to apply for NomCom, essentially, in addition to our usual standing councilors.

ADETOLA SOGBESAN: Can I make a contribution, please?

PHILIPPE FOUQUART: Yeah, certainly. Who is speaking? I'm sorry.

ADETOLA SOGBESAN: This is Adetola.

PHILIPPE FOUQUART: Oh, right. Please do.

ADETOLA SOGBESAN: Okay. This is Adetola. Good morning, afternoon, evening, everyone. And I want to thank my colleague Wolfgang for a beautiful outreach he had made on behalf of the NomCom.

I just want to add especially our members on the GNSO should please take note that the deadline was extended for the purpose of making sure that participants at ICANN70 will take advantage of listening to this outreach so that we can be part of the application process. It had closed, but the extension was granted so that participants here could take advantage of that.

And that I just wanted to add to the beautiful outreach Wolfgang has made. So I want to please encourage members and of course our associations, colleagues outside this meeting so that we can make outreach to our colleagues, our professional (indiscernible) to please take advantage of the extension.

Thank you so much. Council chair, back to you.

PHILIPPE FOUQUART: Thank you, Adetola, and thanks for the update.

Back to Council. Any questions from our colleagues on NomCom?

So please note the deadline, and use that to encourage any would-be councilors for next year.

Seeing no -- seeing no hands, we will thank you both and duly use this to encourage future councilors.

And move on with our agenda. Thanks, Wolfgang. Thanks, Adetola.

WOLFGANG KLEINWAECHTER: Thank you very much, and have a nice meeting.

PHILIPPE FOUQUART: Thank you.

WOLFGANG KLEINWAECHTER: Survive the corona. Bye-bye.

ADETOLA SOGBESAN: Thanks, Philippe, and good meetings to the Council.

PHILIPPE FOUQUART: Thank you.

So moving on. Item 7 now.

So as you would recall, I was appointed liaison to the EPDP, so I'll turn to Tania to introduce this, and will speak to the report after that. Tania.

TATIANA TROPINA: Thank you very much, Philippe.

Good morning, good afternoon, good evening, everyone. Tatiana Tropina for the record. Warm welcome to Keith, back on the GNSO Council. Very nice to see you.

So the agenda item number 7 for our meeting today is the update, status update on the EPDP Phase 2A.

As you might remember back in 2020 when the GNSO Council approved the initiation of the EPDP Phase 2A to examine two issues, the topics of the legal versus natural and the feasibility of unique context. We required that in three month, no later than three months after reconvening, the chair of the EPDP and the GNSO Council liaison to this EPDP have to report back on the EPDP Phase 2A progress so we can decide if sufficient progress is made and if the team can continue its work.

And with this, I would rather turn first to Philippe, if I may, and then to Keith. And then I will manage the queue and any questions and interventions. Philippe, you go first.

PHILIPPE FOUQUART: Thank you, Tania. I'm happy to. As you would recall and in my capacity as liaison, during the Council's approval of Phase 2A in October there was a recognition that the remit of the PDP should be limited, hence the legal versus natural plus the unique contact that you referred to earlier, Tania. But also the short duration alluded to the PDP and that there's been several reminders during our cause, our council, that that should be adhered to.

So with this, for this, it was agreed that there would be a status update, at the latest three months after the beginning of the EPDP and the reconvening of the team by myself as liaison and the EPDP chair, Keith.

So the -- basically really just in a nutshell, the recommendation is that the work would proceed until the development of the initial report, and I'll turn to Keith to help us go through that status update with both the rationale for this as well as what has been achieved so far and what we can reasonably hope for in the next few weeks now. So Keith, good to have you with us. The floor is yours.

KEITH DRAZEK:

Thank you very much, Philippe and Tatiana. Thank you for the warm welcome. It's great to be back amongst you here on the GNSO Council. I will get right to it in terms of the chair's update on EPDP Phase 2A.

I did circulate the slides that we have before us to Philippe and I know that he sent them on to the Council list. I hope folks have had a chance to look at them, at least briefly, and I do have some

notes that I would like to cover. And I really do want to make sure we leave some time for any Q&A or any follow-up.

As Philippe and Tatiana noted, I think as this group was being chartered by the GNSO Council there was a recognition that the topics that we are currently focusing on and deliberating were actually at least discussed, if not fully addressed, during EPDP phase 1 and perhaps to a lesser extent EPDP phase 2 work. You may recall that we sort of considered these as priority issues but not on the critical path to the policy recommendations in phase 2, on the SSAD. And while there was significant discussion during phase 1 on these two subjects, legal versus natural and unique identifiers, there was certainly the view among some that it was not fully fleshed out, not fully considered, and that more work was required.

So the GNSO Council acknowledging both of those, that previous work had been done, more work was needed, that it was important to allow the group to continue to work on the issues, but recognizing that there may be a situation where consensus is not possible. And the reason for this checkpoint today was to give the Council an update on the likelihood or a possible path towards consensus for the group.

And so I just want to note -- and you have on the slide before us the actual two different topics, the differentiation between legal and natural person data and second, the feasibility of unique contacts. And this is the specifics and the language that we have in the charter. So we can -- I think everybody's pretty well up to speed on this. If there are any questions, we can certainly circle back. Next slide, please.

Okay. And this is a slide that sort of goes through the achievements to date. I want to focus just on more of a verbal update here. I just want to note that the EPDP team got off to a bit of a slow start around the December and January holiday period. You know, we had hoped, as the leadership team and staff, that the homework assignments would have been completed in a more timely fashion. But we recognize that last year was an extremely busy year. The challenges of dealing with remote participation throughout the year presented their own challenges and, you know, that there was a desire to take a bit of a breather, a bit of a break around the holiday season.

But the EPDP team did then sort of buckle down and get to work. And the legal committee of the EPDP team has made recent

progress, in particular I think after the plenary sessions, two plenary sessions were repurposed to allow for the legal committee to really focus and to finalize its questions and to submit those to Byrd & Byrd for further legal advice. So I think good progress has been made. And we look forward at this point to receiving feedback from Byrd & Byrd to the plenary and to the legal committee sometime in the next couple of weeks. And Byrd & Byrd was aware that these questions were coming, so they were prepared, I think, to -- you know, to focus on them and to respond in kind.

I will note that there appears to be a possibility that the EPDP Phase 2A team may reach consensus on guidelines for registrars who choose to differentiate between legal and natural. And I think this is an important development over the last couple of weeks. I think we've seen the group come together around a particular proposal with input from different parts of the group that I think indicates to me as chair that there is the possibility of consensus on the development of guidelines for registrars who choose to differentiate.

I think at this point it is premature to determine whether consensus is likely or possible on additional consensus policy

recommendations related to the legal/natural distinction. I think we will, as a team, have a clearer picture, once we receive the response from Byrd & Byrd, as it relates to these questions on legal and natural distinction. So again, premature to assess at this point whether consensus will be found on actual new consensus policy recommendations. But we'll have a better sense, I think, in the next month, next four weeks time frame, as it relates to the feedback from Byrd & Byrd.

So with that, I think we can move to the next slide. I know I'm not speaking directly to the slides, but I think this is where we are right now on the remaining work items. Guidance, legal feedback, working towards the development of an initial report, and then assessing consensus designations.

So I'll note also that the EPDP team continues to work on the subject of unique identifiers. And more work is needed on the subject of anonymized and pseudonymized email and whether those can reasonably be implemented either within a single registrar or across the registrar channel. And again, I think further information and feedback from Byrd & Byrd on this subject will be helpful to assess whether consensus is likely on this one.

The EPDP team is committed to working its -- continuing its work through the current time line, which would basically have an initial report finalized by the end of May. And then assuming all goes according to time, the delivery of a final report by August. And this was essentially factoring in all of the requirements for public comment period, the assessment of public comment, and the traditional and typical steps that we would have in any PDP.

So I think the bottom line here is that we will know as a team by the end of May whether consensus is likely on anything. And if so, if they determine -- if there's a clear path forward to consensus, whether it's on the guidelines or consensus policy recommendations, then we would move to publish the initial report. There will be a consensus call at that time. So we will have a clear indication heading into the end of May whether we have the opportunity to continue our work as a team. And I think the expectation now is that they -- we would be able to provide the Council a clear update and a clear indication leading into the Council's May 24 meeting, I think it is. I may have that date wrong. But the May meeting of the council. And we'll have a clear indication at that point, whether it works and makes sense to continue the work towards a final report. Clearly, if we don't have consensus on the initial report within the team, then that's a

pretty clear indication that perhaps the group needs to be either suspended or terminated, subject to any further changes, material changes or new information that might come to the group that could change -- change the landscape and potentially change the various positions of the group.

So to summarize, I think the EPDP Phase 2A team is doing good work. There is still the possibility of consensus. It's premature to rule out any consensus at this point, subject to the feedback from Byrd & Byrd. And the group is committed to continuing its work towards the initial report publication at the end of May. And at that point we will have a much clearer indication as to the path forward of this group. So with that, let me stop and take any questions. Philippe, if I could hand it back to you and Tatiana, and then I'm happy to respond. Thank you.

PHILIPPE FOUQUART: Thanks, Keith. Nothing much to add. I think just on the council call, in my calendar it's May 20, for what it's worth. I may be corrected on this. So I'll hand over to Tania, if you would like to manage the queue, please.

TATIANA TROPINA: Yes, thank you very much. So please put up your hand if you have any questions. And I will start with Maxim. Maxim, please go ahead.

MAXIM ALZOBA: Maxim Alzoba, for the record. As I understand, historically we wanted to have a short time frame, like three months, and then with the how and to what degree the consensus was reached, if any, and if not, we were going to terminate it a bit. And now looking at these graph, I see that we were quite wrong and most probably we just poorly designed this. And it seems to became triple the initial amount of time.

So I'm not saying we should stop it right away. I think we should, after finishing of this part of the work, we should take it into account and try to analyze what went wrong so we don't, like, miss the time line triple, or do it at least twice. Thanks.

KEITH DRAZEK: Thank you, Maxim. Again, as I said at the outset, I think there was a recognition as this group was chartered that the topics and the issues had been discussed previously, that there was a desire

among some elements, if not the entire group, to continue exploring whether further work could be done and whether additional consensus policy could be recommended or additional guidelines established. And, you know, the three-month was intended to be a report from the chair of the group, providing an update and an assessment as to whether consensus was likely or not. And that would inform the Council's discussion and deliberations.

I think at this point, as I noted, my assessment as chair is that there is the possibility for consensus on guidelines, voluntary guidelines for registrars who choose to differentiate at this point. And it's premature to determine whether consensus is likely on any possible consensus policy because we're waiting for the feedback from Byrd & Byrd on the legal advice and the legal questions that have been posed.

So I acknowledged at the front that we got a bit of a slow start because of the timing of the initiation of the work. But I feel like the group is coming together and coalescing around at least one particular recommendation for guidance that would be -- that may have the opportunity for consensus and the group is

committed to working and I think should be given the opportunity to continue to explore that.

I completely understand that, you know, with all of the other competing pressures and competing work that the Council has before it and that the community has before it, we want to make sure that we're not wasting anybody's time. And if I thought continuing this group was wasting anybody's time, I would tell you so. But I think in this particular case, I think that an additional two months for this group to continue its work, I think will give us a much clearer indication as to the path forward and that come the middle or end of May, we'll know one way or the other, either through a consensus call for the initial report or a lack of consensus on the initial report will tell us that it's time to suspend the work.

So I hope that answers the question, but I'm sensitive to the fact that, you know, we didn't want to allow this or enable this conversation to go on forever with no hope of success, and I guess I'm here today to tell you that I do have some hope of success at this point. Thank you.

TATIANA TROPINA: Thank you very much, Keith. Philippe, do you have anything to add?

PHILIPPE FOUQUART: Thank you, Tania. Not much, really. Not on substance precisely, but I think there's -- there's, as Keith said, there's an opportunity for the PDP to come up with quote, unquote, something. It might not be what people expected in the first place, and I appreciate that the duration was certainly longer than expected. I can only testify that there is -- there's been some progress over the last two to three weeks and there's -- there's hope, there's a glimmer of hope in this. But I'll take Maxim's point. It can't last forever, and the call will be in May and the assessment as to whether indeed there's -- there is consensus or not. I think both points of view are possibly valid. But I think there is indeed an opportunity, that's what Keith is saying, and I think we should take it. Thank you.

KEITH DRAZEK: So thank you, Philippe. Tatiana, if I may just interject, the current project plan that was submitted previously to the Council included the dates that we have here before us in the summary time line. So the package that was submitted to Council by staff and by the leadership team did essentially lay out the current

time line that would take us, you know, through August for the publication of a final report. And so, you know, we're not here today asking for a project change request. We're essentially giving an update, or I'm giving an update here today on the progress of the group, my assessment as chair, as to whether consensus is possible over the coming two months, and that, you know, basically saying I think that this group should be allowed to continue on this time line as previously approved by the Council. Thanks.

TATIANA TROPINA:

Thank you very much, Keith. I see that we have a small queue forming here. But before I will go to John, I want to note that I see one hand up on the attendees. The attendees, please be patient. We will have 10 minutes of open mic at the end of this meeting, and you will have your chance to speak. And with this, I will go to John. John, please go ahead.

JOHN McELWAINE:

Thanks, Tania. Thanks, Keith, for the update. John McElwaine, for the record. So I'm excited to understand that there is an opportunity for the PDP to come up with, as Philippe said, something and I think it's the guidelines you're getting at. I know

that you've been saying that consensus appears difficult, and I know it always is.

As we all know, consensus is technically adjudged concerning recommendations or statements or guidelines, implementation guidelines, et cetera. Can you give us a flavor how many recommendations are being worked on right now? How -- how big of a group of recommendations or guidelines are you guys working on?

Thanks.

KEITH DRAZEK:

Yeah, thanks, John. And I'll be happy to be corrected by staff support or if anybody else would like to weigh in, but essentially we're looking at two separate topics, right? One is legal and natural, and the other is the unique email contacts identifiers. And so I think the expectation is that we would have, you know, ideally a recommendation on each of those subject to, you know, the feedback from Byrd & Byrd and the group's ability to, you know, interpret that and work through the feedback, the legal advice that we would receive.

But specifically around the legal and natural question, which I think is the one that most folks are focused on here, is that we are sort of coalescing around one recommendation at this point. At least the group has been focusing on one proposal that has been, I think, more fully fleshed out than anything else that was put on the table, and there's been some additional information and language and text provided to, I think, augment and support that original proposal that we refer to as 1A because it was the first on the list.

And so I think the answer, John, to your question is right now we're focused on essentially one recommendation for guidelines for those registrars who would choose to differentiate, and only after we, I think, coalesce around that will we be able to determine whether that recommendation around guidelines might rise to the level of a consensus policy recommendation to change or to amend previous consensus policy from Phase 1 or Phase 2.

So I think the answer in brief is that the number is relatively small, but that there are still some -- you know, some issues that we need to work through as a full EPDP team.

I hope that's helpful.

And so again, one on legal and natural, and hopefully one on the unique identifiers.

TATIANA TROPINA: Thank you, Keith. Just briefly before I go to Pam, I want to briefly check with Philippe if there is any intervention from him for now.

PHILIPPE FOUQUART: Thanks. Thanks, Tania. Not really. I just want to clarify one point on a separate topic, but I saw the exchange in the chat about what is expected here. Is there a decision to be taken, a vote to be taken or anything from Council? The answer is no. This is a report. We're here to collect the feedback from Council on this particular report, and there's -- that's the purpose of the update. And the recommendation is, indeed, that the work would proceed and a -- a new update be made in May. But there's no -- to I think it was Kurt's question, there is, indeed, no vote. We're asking for feedback on this, and this is essentially an update.

Thank you. Thank you, Tania.

TATIANA TROPINA: Thank you very much, Philippe.

And, Pam, over to you.

PAM LITTLE: Thank you, Tatiana.

Hey, Keith. Thank you so much, and it's lovely to see you here.

Yeah, I -- I guess we all recognize the unusual circumstances we are in, the pandemic. And you gave us some background how the EPDP 2A team had a slow start and all that. So that's all taken, and we recognize all these factors.

So based on your assessment, I'm just a bit concerned, to be frank with you, that your language about there is a possibility for consensus. So I guess it's probably, in my mind, I was looking for something a bit more -- more positive or a bit more reassuring because everything is possible, right? So to me, the possibility -- just to say there is a possibility seem to be not very -- very reassuring to me.

So the point I wanted to make is that if -- in the event that you -- that the EPDP 2A team receive these legal advice in time and the discussion progresses, you flagged the timeline of the May 20 -- sorry, the May council meeting that you would have a clear picture whether consensus recommendations are likely.

So I just would like to make a request. If during your deliberation after receipt of the legal advice you actually have a better sense when you feel that it is really unlikely that the team would be able to come up with consensus recommendation, would you be willing to bring that, and I would encourage you to do that, to the Council, either yourself or probably through a liaison, Philippe, so we actually wouldn't let this sort of go on. Rather than wasting our resources, once you realize there is no chance or the prospect is really very poor, then I think that it would be good for the Council to know and then be informed. And we can make a decision earlier rather than wait till the May meeting.

Does that make sense to you?

Thanks.

KEITH DRAZEK:

Yeah, thank you, Pam. It does make sense, and I completely agree. And wring as you noted, the proper channel for this type of an update or sort of interaction between a working group, a PDP Working Group and the Council would be through the liaison. And Philippe, of course, is perfectly placed to be able to perform that function and provide the Council an update.

I'm here today essentially because it was built into the charter of the group that I needed to come and give you all an update. And I, of course, was more than happy to do so.

But I agree. I think once we receive the legal analysis from Byrd & Byrd, I think the group will have several weeks at that point to work through that and to identify if there is common ground and a path forward. Even if it's just consensus on some guidelines or some recommendations, some voluntary things, that's something, right?

I do think that the path towards consensus on new consensus policy recommendations or amendments to previous consensus policy recommendations from Phase 1 and Phase 2 is a much, much diffi- -- much more difficult road. And so I don't want to sort

of raise hopes or predict, but it is premature at this point, I think, to say that it's not possible.

And so, Pam, I think to answer your question, absolutely. I think regular updates to Council are warranted. And Philippe and I will work very closely together to make sure that, you know, if it appears that the group is simply not going to come together, that there's no point in wasting everybody's time. And that we will make sure that the Council is aware of any developments, but recognizing that, you know, sometimes these discussions do take time and consensus can take time. But if there's a clear indication one way or the other, I'll be happy to communicate that through Philippe.

Thank you, Pam.

PAM LITTLE:

Thank you, Keith. And we're glad you're there chairing this very challenging effort.

Thank you.

PHILIPPE FOUQUART: Thanks, Keith. And just -- this is Philippe here. Just to add to what you said, I think the April Council call would be a good opportunity for that. Obviously it all depends on how much time this is going to take for Byrd & Byrd to provide their guidance. And as you said, sometimes the convergence loop takes a bit of time.

But certainly an update during the April Council call would be a good thing, and happy to do that, obviously.

KEITH DRAZEK: Thank you, Philippe.

And I don't have anything else, I think, for the group today. If there are any other questions, I'm happy to take them, but in the interest of time, at this point, it's great to see you all remotely. Look forward to seeing you all in person sometime soon. And good luck with the rest of the work of the Council. And congratulations on getting some things approved today. It's nice to see positive movement on some things that we had been working on for quite some time.

So thank you.

PHILIPPE FOUQUART: Thank you, Keith. And thanks -- thanks Tania. This is Philippe again. Speak to you soon, Ketih. Thanks again.

And so let's go back to our agenda. And the conclusion on this is that we'll see, depending on the feedback from Byrd & Byrd, how the group progresses and whether or not update is April is -- would be appropriate in advance of the May -- the May update that Keith committed to.

Let's go to item 8, I think, on our agenda. That's the debrief -- debrief on the consultation with ICANN Board on the financial sustainability of the SSAD.

So this results, as you would recall, from the Council's vote on Phase 2 final report and request to have a consultation with the Board.

In the interest of time, I'll hand over to Tania just now. We have another half an hour for the rest of the agenda. I will do our best to keep in time.

So back to you, Tania.

TATIANA TROPINA:

Thank you very much, Philippe. Tatiana Tropina for the record. I'm not sure about interest of time. I'm just trying to be mindful of time and trying to provide as condensed information as I can.

So to follow-up on our correspondence with the Board and our last call with the Board on the financial sustainability of the SSAD, the small team of councilors was trying to create -- to draft a response to the Board, and I don't know how many of you had a chance to look at the document. And if you did have, I hope that you enjoyed it as much as I do because I like colorful text, I like strike-through text. However, it doesn't seem that the small team reached a real agreement on this.

While some of the points where councilors are trying to rewrite each other's text I see as rather, you know, editorial changes. Like, for example, we have our fellow councilor who is at war with redundancy, and I can totally understand this. This is something, I believe, that we can easily agree upon.

However, I do think that there is one important point where I see still some lack of consensus. And this point is how do we ask the Board to handle their consideration of financial sustainability

concerns. And I think that it was my impression from the small council team call that we had agreed that if the Board decides under their fiduciary duty that SSAD is not financially sustainable that the Board will consult with the GNSO before rejecting the recommendations. The Board cannot send them back to the EPDP.

So my impression was that we want it ask the Board to get back to the GNSO Council if they consider the system not financially sustainable. However, it looks to me like the councilors from the team are rewriting each other's text because there is lack on clarity on what we want to ask the Board about. It seems to me that the text -- and I don't know who -- whose opinion of this and how much it is supported -- that the Board should come back to us in any case.

I personally do not see any feasibility in this, and I see that it's not only me. However, there is a lack of consensus.

So now, the way forward, what we can do.

So we have a meeting with the Board on the 1st of April. There is another magic rabbit out of the sleeve because the Board is going

to actually kick off the OPD on SSAD I think tomorrow. Correct me if I'm wrong, please. I'm relying on our beloved ICANN staff here and information.

So we have several options. The first option is that the small team can try to resolve these differences and try to reach consensus and sometime soon on the mailing list. So, please, maybe reach out to each other. Just accept the changes where somebody has overwritten your text. I'm sure that these changes can be easily solved.

I think that the main point for us is that the Board actually gets back to us and consults with us if the system is not sustainable, because otherwise, if it is sustainable, isn't it what we actually wanted? So this is the first point.

The second point is purely editorial. I think that these differences in the opinions about how much text we should -- we should convey to the Board's -- to the Board with regards to roles and responsibilities, I do not see a big problem here. So I would urge the small team, if I may -- right? -- suggest that you can try and find some consensus. It doesn't really matter, because this is not the main message out there.

If the small team is not able to reach consensus, so perhaps we can just convert this letter, this draft into the talking points with the Board on the meeting -- at our meeting on the 1st of April. I think that this is all one or two options, not really several. Of course, there is another option not to do anything, but it's not an option at the end.

So I will pause here, and I will ask any members of the small team, do you have any comments? Or perhaps anybody who read this - - this colorful document outside of the small team. Happy to hear from you.

Kurt, you go first.

KURT PRITZ:

Yeah, so I think that, you know, if the Board performs this cost/benefit and sustainability analysis, there are three different outcomes, right? One is that the Board finds or the analysis shows, better way to put it, the analysis shows that the SSAD as configured is sustainable and with benefits outweighing its cost. So the Board decides to go ahead with it.

Another outcome could be that the Board looks at the analysis and gets back to the GNSO Council and says, okay, now what do we do?

And the third outcome is that the Board looks at the analysis, says it's not feasible or sustainable, so let's -- let's decline to do it. Let's reject the Council recommendations.

So I think in the second two events, you know, that -- that event, the Board rejecting the Council recommendations, triggers naturally, as I understand it, a consultation between the Board and the Council because they have to iron that out.

So I think, you know, if those are the three possibilities, all those three possibilities are all okay, however it shakes out. They'll either approve it or they'll come back to us one way or the other.

I think the important thing is that this analysis be done in some transparent or iterative sort of way so that when the analysis is done, there's not a voila moment where we're all shocked by the outcome of the analysis but, rather, you know, there's enough transparency so observers can see what's going on along the way so that there's no surprises at the end.

So bottom line, I think there's three different outcomes to the analysis. They're probably all okay and kind of go to the same point, but the important thing is the transparency for how the thing is done, in how the analysis is conducted.

So maybe -- maybe our input to the Board can be skinned down to that.

Thanks.

TATIANA TROPINA:

Thank you, Kurt. Actually, my impression from all this was that we are trying to prevent this third outcome, that the Board is going to reject the recommendation and never get back to us and never consult us. And I think that that was the main point. Like, please be transparent, and if you want to reject it, please get back to us. Because I think the first two options are more or less all right for us, right? Because they include some recommendation.

Pam, you're the next.

PAM LITTLE: Thank you, Tatiana.

I believe if the Board chooses to reject those recommendations, then the bylaws requires the Board to send us a statement, give us the reason why they reject those, and there will be the consultation mandated by the bylaw automatically triggered. So that is a possible outcome.

And I -- I tend to agree with Kurt. So it really -- it really doesn't matter what these three option, how it -- which one pans out. But for me, the current draft, really, the point you made earlier, Tatiana, is what do we want the Board to do?

I just feel the Board needs to make a decision. We already stated what we wanted to say. Just say approach this with caution because of all these concerns from the various groups made in the minority statement about cost and benefit analysis, about the financial sustainability consideration.

So the Board needs to take all that on board and do the ODP -- is that ODP? Operational Design Phase thing, and hopefully they -- apart from what's covered in the ODP, which is supposed to do

analysis on impact on ICANN org, I hope it particularly also covered those issues or topics that Council previously communicated to the Board in this particular consideration. Because we -- we really didn't contemplate or didn't envisage. We had no ODP in mind when we were asking the consultation about the sustainability of the SSAD.

So I just think what the Board needs to do is do the ODP and add on what the Council has been asking, and then make a decision, and we'll take it from there.

Bear in mind, we do have the bilateral with the Board on the 4th of April. So, yeah. And maybe the letter can be sent before then or maybe not. So we can just be prepared to reiterate those talking points, I guess.

Thank you.

TATIANA TROPINA:

I agree with you, Pam. I also -- I see no urgency to send this letter, taking into account that the ODP is going to be launched and everything. But of course, like, we can see if the small group still wants to send to. I mean, we are the small group in a way, right?

I am personally fine with the message as it is with all the strike-through and everything, but I assume that some people might not be. Maxim, you're the next.

MAXIM ALZOBA:

Maxim Alzoba, for the record. I have a question. Given that ODP is going to be an important part of the equation here, I would like us to request that ICANN about the design of the ODP now. Because after the feedback, there was some blocked. I don't think it's a good method of interaction, but okay. And in the first design we saw some diagrams saying -- showing us what's going to happen after we step, et cetera, et cetera.

And currently, we don't see it. We just have a bunch of text. And I recommend us to request such diagram so we could understand better what's going to happen. Without it, it's going to be a black box. Thanks.

TATIANA TROPINA:

Thank you very much, Maxim. I am wondering when you say you would like us to amend, the GNSO Council, right? So I think we'll have -- I guess with this agenda item we will have an extraordinary meeting. So perhaps there is something to discuss. So yeah, I see

-- I see some comments in the chat. Kurt saying that we should concentrate on the analysis and not get into a discussion regarding the content of the ODP. I'm actually inclined to agree with Kurt here.

So mindful of time right now, are there any other questions or comments about this letter? Any suggestions from the small team members? And I will count to three -- not aloud -- and if -- if there are no hands and no comments, I'm going to close this agenda item for now. All right then. Back to you, Philippe.

PHILIPPE FOUQUART: Thank you, Tatiana. So just to close on this -- this is Philippe here. Just to close on this one, so as you've seen, for those of you who went on the small team, the letter was shared with Council, so we have some text. The initial goal was to share this with the board prior to our meeting. I think this is still the goal. People who will not be familiar with the text would have two days to have a look at it. Three days essentially. And -- but as we said, if people would rather just use this as elements to consider for the -- for our meeting with the board, that's fine, too. But just let us know on the list. Without such feedback, we'll consider that this is good to be shared with the board.

So with this, I think it closes our item 8. So it's now 14 minutes past. As you would have noticed, the other -- the other items are essentially discussion items. Those were originally five minutes each, essentially updates. That -- so obviously we're not going to have time to go through these in detail. What we will do is -- and I do want to keep 10 minutes or so for the open mic which we have at the end of our council meetings. So what I would add to that is that we will have -- as I alluded to at the very beginning, we'll have an extraordinary council meeting to review those four items, and that is the EPDP rec 27 Wave 1.5 report and the next steps for this. The second item is the accuracy briefing doc that we received from org. The -- the third item -- discussion item is the potential feedback that we want to provide on SSAC114 report on sub pro. And the last item is the framework for continuous improvement. Those are the -- the four items that we will have for our extraordinary meeting. The -- the other items that we will put on the agenda is DNS abuse as well, given the -- the sessions that we had during this ICANN70 and the discussions that we had with the board notably. So this is just for you to be prepared for that extraordinary meeting that would be held on April the 19th.

So with this, I do not want to take too much time on this. I'll turn to Pam and Tatiana. Is there anything you would like to flag on

those four items that we had as briefings -- briefing points for this meeting? Pam, please.

PAM LITTLE:

Not as a briefing point. Maybe just as kind of a prelude for the proposed extraordinary meeting, I guess we have to follow the procedure to give councilors advanced notice and all that. But my point is really for councilors to read these reports, the Wave 1.5 report, and that contains two topics. One is the proxy and privacy implementation issue. The other one -- that one is kind of on hold, or has been on hold for a while. The other one is translation and transliteration policy implementation. That's the Wave 1.5 report. I'm sorry that, Tatiana, I might be -- might be stealing your thunder. And the second one is about accuracy briefing paper from ICANN org. And that was covered briefly also with our conversation with the GAC just a couple of hours ago.

It is really important our councilors read these reports, discuss within your stakeholder groups so you are fully informed when you come to the extraordinary meeting so we -- hopefully we need to take decisions on some of these items. You -- Berry has been wanting us over the last -- I don't know how long, last year or two years, our action/decision radar has really built up. And I can see

the bottleneck. If you see the one -- the zero to one-month time frame, there are so many items and then three months and so on. So we -- it's kind of a high time, we need to step up to the plate to make some decisions and actions so hopefully we can achieve some of these in the proposed extraordinary meeting. So that's just my message to urge and implore our councilors to do the homework before you come to the extraordinary meeting. Thank you.

PHILIPPE FOUQUART:

Thank you, Pam. This is Philippe here. I'll just second what you said. And I think the fact that we couldn't get through our original agenda is just an indication of the amount of work that is before us.

I would add to what you said on the item 11 that we had, that's on the SSAC report. I posted this to the Council list. I saw, Maxim, you had one comment on this. Please have a look at this and consider whether there's a need to further comment on this. That's the sub pro report from -- well, it's the report from SSAC on sub pro.

I'll turn to Tatiana, possibly a word about the framework for continuous improvement?

TATIANA TROPINA:

Yes, a very short word. Sorry for putting more reading on your table or on your computer screen, but if -- even if you do not have time to read GNSO framework for continuous improvement, which by the way was sent out already three weeks ago, at least please do reach out to your constituencies and stakeholder groups because the Council is also waiting for their comments on this and this is very important for us to collect this feedback and to see how we can move on or not on this framework. Thank you very much, Philippe.

Thanks, all.

PHILIPPE FOUQUART:

Thank you, Tatiana. This is Philippe. So it's now 21 minutes past here and I think we -- we can have -- we have time for an open mic, as is the custom. So I'll turn to the -- the panelists, and I see that Susan, you have -- you have your hand up.

SUSAN PAYNE:

Yes, thank you. Hi, it's Susan Payne. Sorry, it took me a while to work it, how to unmute myself in this strange format. So I put my hand up to make a comment about the sub pro, the recommendations report, but I just wanted to make a comment before that. About this format for this session.

I have to say that I'm absolutely shocked to discover that this meeting was set up in a format whereby the non council members can't see attendees and can't write in the chat. That chat was disabled for everyone apart from councilors. I think it's -- as I say, I think it's shocking. I wasn't the only one who expressed concerns about this when there was a webinar the other week that was meant to be part of the prep week preparation for the community, and to go into this ICANN meeting, this open Council meeting, and have a meeting that is not transparent and doesn't allow for participation by the wider community is -- Volker says he's not shocked. I still think shocking is the right term. I've just been in the GAC. I mean, even in the GAC, anyone can write in the chat. Everyone can see who is attending. If the GAC can be transparent and open, then I just think it's disgraceful that the GNSO Council can't.

Anyway, moving on. I did want to comment particularly about the sub pro recommendations report. And I do really appreciate as a result of the discussion that you've had earlier, staff have said that they'll send the full report to the board when they send the Council's recommendation report. And that's great, but I'm still really concerned that the actual report itself is not what is annexed to Council's recommendation report when it goes to the board. I had not appreciated that sometimes the full report from a PDP doesn't get annexed. It seems that that happens sometimes. It seems that sometimes it doesn't. So for the EPDP phase 2, the full report has been annexed but for phase 1, for example, it wasn't.

But regardless of that, the sub pro, I think it sends a really bad message to the board that the full text, that the full report, is of a kind of lower priority and lower importance when, in fact, the full report sets out all of the various issues that were considered, some of which were discussed but didn't go forward and the reasoning for why things were or weren't converted into recommendations. It identifies various considerations and changes that came out with public comment input. And so it's incredibly important to read the outputs of sub pro in the context of the full report. And I think given that the board themselves sent

quite detailed comments into sub pro and that there's been a suggestion by some in the community in one of their minority reports that the -- that there wasn't adequate consideration of that board comment, this makes the submission of the full final report to the board even more important. And again, I -- this is my day for being shocked. I'm -- frankly I'm shocked that it's even a debate. Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Susan. Any reaction for that, councilors, as to having the full text not annexed to the recommendations report which is sent with and relying on staff with the -- with that report?

Okay. Seeing no other. All I can say is speaking on it personally, I think I can appreciate the desire for transparency, and I subscribe to that.

I -- and again, speaking personally, I'm not sure I totally see the subtlety between the annex versus sending the report with the recommendations report, but I -- I can un- -- well, I understand that you do, and that's -- that's a fair concern. And I think that maybe moving forward, we may want to come up with a rationale

for doing one or the other, especially if that's not -- there's no rule in that department.

I certainly agree that transparency is a good thing, even if there's caveat in the motion to the final report. I think transparency is something that we should exercise.

Any comments from councilors on this?

Okay. As to the former, Susan, we debated the webinar format, indeed, and we thought that the question pad might -- might have been a bit confusing. Maybe that was the wrong decision with hindsight. And the sort of feedback that you gave is really useful to us. We'll see how we can accommodate that and whether that's a general sentiment. But that sort of feedback is really useful in our virtual remote participation mode.

Any other questions?

Jeff?

JEFF NEUMAN:

Yeah, thanks. I'm asking this as an attendee, I guess.

So on that, I think there's a lot of -- what's it called? Mystery as to what and when the Board is sent. And so I think on this question of final reports, and I know Mary and others are putting into the chat things like we send the final report as soon as possible after it's done, but, you know, we've come to find out that it took a month to send -- or more to send the UDRP final report.

It's always been my assumption, and I've been doing this for 20-something years, that as soon as the Council approves a report or recommendations, it gets sent to the -- to the Board immediately. But I've come to find out that it's really sort of within staff's discretion. And I think the issue there is that we have bylaws, and the bylaw deadline requirements are based on when the Board receives the report.

So I guess the question then is, you know, it's always been my expectation, then, that if we approve the recommendations report or any recommendations report, let's say it's the RPM one, that we approve it in February, that it will be sent to them before -- in that case it was actually before their February meeting, which meant that March/April, by the April meeting they would have to discuss it. But now since they've only been sent the report this

week and it's after the March meeting, technically they don't have to discuss it until April/May, right?

So, you know, they're sort of playing with the bylaws and deadlines, and I just think that we just need to know what the process is, why there's a delay if there's a delay, and why it needs to -- you know, what are the factors that go into it.

So -- and I know, Mary, you're providing things, explanations, but I think here there should always be an assumption or the default should be that unless the Council says hold it for a period of time, it should get sent that day, the next day, you know, maybe a day or two after the ICANN meeting, whatever it is. But a month -- You know, those are things that I think transparency around that should -- I think we should have transparency around that.

Thanks.

PHILIPPE FOUQUART: Thanks, Jeff, this is Philippe. And I agree with this. I think -- I didn't want to, you know, double guess whether there was an intent or not or -- but certainly the triggers should be just as clear as possible. And make sure that it is -- it is known to everybody. I

had a slightly different understanding as yours -- than yours, but there we are. I think it should be clear for everyone. I certainly agree on this.

Flip, to this point.

FLIP PETILLION: Thank you, Philippe. Flip Petillion here.

Just to end on this one. I raised this because of actually I have a legal reason. I want to share it with you. There have been requests for reconsiderations. There have been IRPs where the claimant had to argue that the Board did take decisions, actions while was not fully informed. And the Board must take informed decisions. That is why this is so important.

Thank you.

PHILIPPE FOUQUART: Thank you, Flip.

And just to close on this one, maybe can I ask staff to sort of help us -- not now, obviously, but help us go through this timing

process and the triggers, what goes when and the time frames. I think that would be most helpful. I think some of the councilors may be confused or surprised or whatever. Just an indication on those elements would be useful, I think.

So with this, we're two minutes over. I think we -- we have to adjourn now. I just want to remind you of the extraordinary council meeting that we will have within a couple of weeks. I want to thank you again for participating. Thanks, Tania, thanks, Pam, for your hard work, and to staff for your support.

And with this, I will adjourn the meeting.

Thank you all. Bye, everyone.

Bye-bye.

NATHALIE PEREGRINE: Thank you. This concludes today's council meeting. Have an excellent rest of your day's meetings. Goodbye.

[END OF TRANSCRIPT]