
ICANN76 | Prep Week – GNSO Policy Update
Tuesday, February 28, 2023 – 16:30 to 17:30 CUN

NATHALIE PEREGRINE: Hello and welcome to the GNSO policy webinar. My name is Nathalie Peregrine. I am the remote participation manager for this session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments submitted in chat will only be read aloud if put into proper form as noted in the chat. Questions and comments will be read aloud during the time set by the chair of this session.

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with that, I will hand the floor over to Sebastien Ducos, GNSO Chair.
Sebastien, over to you.

SEBASTIEN DUCOS:

Thank you, Nathalie, and good evening. good afternoon and good morning all. Welcome to this policy GNSO policy update session in preparation for ICANN 76. I'll do a few remarks on our policy process to start with. And then we will have a number of presentations on the different work in progress. We are trying to do this in a conversational way. We'll have, for each presentation, a person representing the working group and a person asking questions and interviewing them.

And then we'll come back to me at the end to discuss some non-PDP work and we'll have a Q&A at the end. I think I have three slides just to review the process. So we will be looking at today two ongoing PDPs— a PDP and an EPDP, as you see on the left—and some ongoing non-PDP work in terms of the GGP on applicant support, and we will have somebody from that group presenting, and then updates on the SSAD ODA from last year and the work that is happening in terms of closed generics. And next slide, please.

So you've seen this graph many times before of the PDP or EPDP process. Possibly, one added item—I can't remember if it was already in there during the last ICANN—is the operational design phase that you see at the bottom, which is a part of the development that has been added in the last 24 months and doesn't occur for every PDP or EPDP that we run but occurred twice in the last 18 months for the SSAD and for the SubPro ODP.

But more to the point, today we're going to talk about the Transfer Policy Review PDP and the internationalized domain name EPDP which as you can see are both at the same stage of the process with the working group initial reports being prepared for public comments, and we will have those presented in a minute. Next slide please.

So we have a continuous—and that's why I also mentioned the ODP—improvement of our processes. We follow the guidelines that we have for all these processes, but these themselves are in constant improvement, making sure that we're able to work more efficiently and faster. And in any case, in full visibility of the community and in the bottom -up consensus and decision-making process that we've all agreed this community should lead by.

Specifically, we have CCOICI, a Council Committee for Overseeing and Implementing Continuous Improvement, which works on a number of items, but more notably, of late, one on the work that's been done on the review of statements of interest. This is ongoing, not directly from the Council, but with the participation of the CCOICI chair [inaudible].

And other recommendations, and particularly lately, the group has been working on the self-assessment surveys that we do for the working groups. And this has been applied as we speak right now. For example, on reviewing the process of the accuracy scoping team, we ran a survey to see how things went from the different participants. And this is ongoing.

We also have a PDP improvement tracker, where we track possible improvements that we could bring to the PDP, these are discussed within GNSO and implemented where and if need be.

One of the latest development I'm thinking of is, for example, the fact that after voting the resolutions for the IGO PDP, we agreed to present these to the Board, helping the handover from the GNSO to the Board, and indeed had such a meeting for the first time in the last month. Next slide, please.

So we are doing this in a webinar format. But the chat is open. And I hope that panelists and participants are able to change the ticker to everyone so everybody can see everybody's comments. During the presentations, we will take the questions that you may have. And please note them with question marks as is put already in the chat in the comments. Do differentiate your comments and your questions, and your questions will be read aloud.

I'd like just for the smoothness of the presentation to keep questions to the end. But there will be time at the end for Q&A, at which point you'll be able to raise your hands and ask your questions verbally or we will go through the questions that were given in chat and run through them. And if that is all clear, I would like to pass on the hand to the next speaker to discuss the transfer and I will ask the speakers to hand over to the next speaker directly. I'll only come back at the end for my portion if that's okay. Thank you very much.

OSVALDO NOVOA: Hello. I will ask Roger some questions. Hi, Roger. Can you tell us a bit about what your group has been working on since your last update before ICANN 75?

ROGER CARNEY: Absolutely. Heading into ICANN 75, we had just closed our public comment on our initial phase A1 work. So we spent actually ICANN 75 and October, November, December and even into January going through the comments from the public comment period. A lot of work, a lot of changes, some small, some larger changes like the reintroduction of the losing FOA. So yeah, we spent most of the time between now and then working on the public comments and getting those wrapped up. We did finish those in January. So we moved on and have started our phase two work on transfer disputes, the transfer dispute resolution and the TEAC, the emergency contact. We've started working on that.

One of the big changes, I guess, between ICANN 75 and now is we had a project change request go through that reordered some of our work. We didn't change any of it, we just reordered and moved some work forward. And this transfer dispute work is something that we moved forward. And it's been a positive in our discussions already over the past few weeks. And it actually—maybe the first project change request actually cut the timeline on the PDP. So we've shortened the timeline as well. So I think those are the big things since ICANN 75.

OSVALDO NOVOA: You talk about the change in the approach to the phases of the work. Can you please provide more details about the change?

ROGER CARNEY: You bet. Yeah, so the change really came down to in our Phase 1A discussions, we kept hitting some barriers on dependencies, and dependencies on a lot of those stuff that was scheduled to be done in phase two. So that was our big change, was moving from working on change of registrant, which was our next subject to talk about, to actually working on the dispute mechanism so we can get all the dependencies worked out before continuing our work on change of registrant. So that's the project change request.

OSVALDO NOVOA: Are there any new or recurring challenges that have emerged since your last update to the community?

ROGER CARNEY: I don't think anything big. I think the big thing for the community to recognize is we did change the schedule around. So if people are waiting for us to talk about change of registrant, they're going to wait a little bit longer for us to do that. And those that weren't expecting us to start talking about disputes, please jump on now, because we're talking about those now. But no stumbling blocks or anything.

OSVALDO NOVOA: And can you tell us a little bit about what you're going to be discussing during ICANN 76?

ROGER CARNEY: Absolutely. We have two sessions, actually, on Saturday and Sunday. So we'll be working through the TEAC, emergency contact, charter questions, which we've actually started working on on our weekly meetings. But we'll focus our first meeting on continuing those discussions. And then we're hoping for our Sunday discussion to maybe talk about what some in the community have felt like was missing out of the transfer. And that's maybe a quick reversal process or a quick undo if a transfer's impacting something. So we're hoping to get some good community input on ideas around that and concerns and knowing what's driving that. So that's what we're hoping for on Sunday.

OSVALDO NOVOA: Anything else you want to update us on?

ROGER CARNEY: I don't think so. I think everything's good. I'm just looking forward to seeing everybody in Cancun in a week or so.

OSVALDO NOVOA: And now we pass to Mark.

MARK DATYSGLED: So today, I'm going to talk a little bit with my boy Farell. How do you do, man? So here's the thing. I want to know what's going on with the working group and what have you guys been working on and what has been the progress since ICANN 75. Could you tell me that?

FARELL FOLLY: Thank you very much, Mark. And hello, everybody. So as you know, we've reached a cornerstone at the end of last year where we introduced project change request to the GNSO Council to propose to complete our work in two phase. With phase one, focusing on top-level variant definition and management, then the phase two, focusing on second-level variant domain-related topic.

So, the idea behind proposing the two-phased approach is to facilitate the current implementation, planning of SubPro PDP output which are primarily focused on the top-level. GNSO Council approved the project change request in November 2022. Then, our team has been working to complete the Phase One deliberation. We did that. And we completed our discussion of all Phase One charter question, as well as [inaudible] operation input for a subset of the draft recommendation. And currently, the EPDP team is in the process of conducting review of these draft tests for the last batch of phase one recommendation of which deliberation were completed in the past couple of months.

Moreover, the EPDP team met with the ccNSO ccPDP4 Working Group, which is tasked to develop country code top-level domain IDN-related policies. So here, the purpose is basically for those joint meeting to discuss the similarities and differences between recommendation on

the overlapping topic addressed by both groups in order to seek for consistent solution for the management of IDN and gTLDs and ccTLDs.

So earlier this month, EPDP met with the GAC, and we conduct an outreach a webinar for them because IDN is an important topic for GAC representatives and this was the opportunity to provide a history of the introduction of IDNs and explain the significance of the GNSO policy work on IDN. So basically, this is what we have been through, what we did last year, where we are now and what are our plan for the future.

MARK DATYSGELD:

Yeah, that sounds like a lot of progress, actually. I'm glad that the group is moving at a nice pace. But then this brings us to the question, right? Is there anything the Council or the community can do to help the group along? Do you have any suggestions?

FARELL FOLLY:

Yes, we are publishing soon our phase one initial report. That means it will be open for public comment. So it's expected to be published in April 23. So we will welcome comments from the community to participate and provide input for the recommendation so that we can take them into account for the final version of the final report.

In addition, we are now conducting also consultation and exploring mechanism to speed up the phase two deliberation. And one of the challenges is the need to collect second-level IDN-related data to assist in the analysis of phase two charter question. And here, the team will, again, appreciate the ICANN community's help, especially from

registries and registrar for the collection of this relevant data so that the team can proceed with the phase two deliberation in a timely manner.

MARK DATYSGELD:

So as somebody who will be attending your session, as for myself as well as for the community, what do you guys intend to discuss during the session at the ICANN in person meeting?

FARELL FOLLY:

So as the format allows, every time, every ICANN meeting, we hold like two back-to-back meeting sessions. So this will be an opportunity for any member of the ecosystem or any person who is interested about this EPDP on IDNs to come and contribute or to know more about what we are doing. It will happen on Saturday. So just feel free to join the conversation. Ask any question, meet with the team, meet with the chairman, Donna, and vice chair, Justine Chew, and myself or any other member of the working group. I think everybody will be willing to help. And also, people from ICANN staff, especially Ariel could help answer any question related to IDN.

So we are expecting to use this opportunity to finalize the phase one preliminary recommendation, and members are asked to conduct a second reading and provide input on the draft text that has been proposed for the last [inaudible] of recommendation which was circulated two weeks before ICANN 76, and also expected to have a full view of our phase one preliminary recommendation to ensure that they consistently follow the same principle and that they are already in a logical sequence and do not change significant gaps. So yeah, basically,

everybody is expected to contribute and to help. The community is warmly encouraged to drop in the conversation so that the final version of the report could be of the quality that we all expected.

MARK DATYSGELD: Perfect, thank you so much, Mr. Folly. Any final words for the community?

FARELL FOLLY: So far so good from my side and from the team. This is the most important thing that we'll have to report at this stage. And as I said, we will welcome feedback from the community and from anyone who would like to improve the quality of the phase one report that we'll publish. And we will use this ICANN meeting to provide two back-to-back working sessions on Saturday. Feel free to join this. So this is how I will close this presentation today.

MARK DATYSGELD: Awesome. And with that, I would like to call upon Susan to carry on. Are you available, Susan?

SUSAN PAYNE: I am available. Thank you. Hello, everyone. I'm Susan Payne. I'm an IPC GNSO councilor, and we're pleased to have Mike Silber with us who is the chair of the GNSO guidance process on applicant support. Mike, this is the first time that the GNSO has actually used the GNSO guidance process or GGP, isn't it? What can you tell us about the scope of the work

and how is it different from a traditional policy development process or PDP?

MIKE SILBER:

Thanks, Susan. Well to some extent, we have a little bit of an interesting situation, being the first time that the GGP is being used. But I don't want to get too stuck in the fact that this is new or novel. It's been around for a while, it just hasn't been used before. And we're operating pretty much in the way that working groups generally do, except that we have Council having given us very specific items that they're asking us to respond on and where guidance has been requested.

So we are somewhat limited. It's been interesting trying to channel the group to actually recognize that we don't have an open scope and we don't have the normal, broad scope that one would expect within a working group and within the PDP but that we're very limited and restricted to what Council has asked us to attend. So we're focusing on answering those questions. And at least in my view, and I think the view is shared with the staff support as well as [inaudible] is that the tasks we've been assigned are not particularly difficult. But there's a lot of interesting material that goes beyond the tasks assigned to us or the guidance requested by Council.

So our focus is answering the questions, coming as quickly as possible with responses to the queries raised, and then to the extent that the working group feels that it has more to say, will then approach Council and ask if we can supplement our report. But the priority at the moment is not to answer anything that we haven't been asked but to come up

with the answers to the tasks assigned to us. And to the extent that we remain useful, having started this work in providing additional input around implementation, then we'll stand ready for that once the primary task has been attended.

SUSAN PAYNE: Thanks for that, Mike. I think you've alluded at least partially to the answer to this, but I was going to ask you if there are any particular challenges that the group's encountering.

MIKE SILBER: So I think the big challenge has been getting people to understand the very limited scope of the guidance that has been requested and the very limited scope of our mandate. And a number of our colleagues started off thinking that we were going to design the applicant support program. And we've had to disabuse them of that impression and really focus on the tasks assigned to us by Council. But I think we're back on track. And I think we're making reasonably good progress.

SUSAN PAYNE: Great. And at this time, is there anything that you think that the GNSO Council or wider community could do to assist your work in this group?

MIKE SILBER: Susan, thanks. At the moment, I don't think so. I think the key thing, as I was saying earlier, the key thing is we want to deliver responses. Then to the extent that people feel we could expand on the work, and if it's

worthwhile having that working group continue, then we'll approach Council at that stage to say there's more that we can do. But for now, the key thing is to focus on the delivery that's been requested, which is very much set out in tasks. And maybe the tasks are a little narrow, but I certainly don't want to start getting off track and trying to broaden scope before we've actually answered the key questions that we've been asked to address.

SUSAN PAYNE: That sounds very sensible. So I know you're meeting during ICANN 76. What particularly do you think you'll be discussing at that time?

MIKE SILBER: So at the moment, we've been working on a set of tasks, and in particular, we've done some good work so far on the outreach elements. And we're going to continue with that engagement. There's a straw proposal that has been put together, and we're engaging and interacting on that, trying to nudge this forward and get us to knock off these tasks as quickly as possible.

SUSAN PAYNE: Great, thank you. Okay. The catch-all question then. Is there anything that we haven't covered already that you want to share before we move on back to Sebastien?

MIKE SILBER: I don't think so, Susan. This is a limited-time working group. The guidance is pretty clear. And I'm hoping that we'll come out of it and have a successful model that Council can use going forward for discrete tasks that don't require a very broad ranging working group to look at it, but rather, trying to address specific issues that require an immediate and relatively prompt response to allow other processes to move forward.

SUSAN PAYNE: Great, thanks. Thanks again. And I think we're all watching this with real interest. And you guys are the guinea pigs of this particular process. And I think we'll all hopefully get some really useful learnings from your experiences. So I think it's time for me to pass back to Sebastien now.

SEBASTIEN DUCOS: Thank you, Susan. So I will go now through two processes that are not policy development per se. The first one is the SSAD ODA small team. So that was the small team that ran most of last year, started in February and concluded in November to study the result of the SSAD ODA, which, if you remember well, studied the feasibility and cost of developing an SSAD according to the recommendations that have been voted by Council and sent to the Board, and came with an astronomically high cost for the exercise.

So the Board came back to the GNSO and asked for the GNSO to review the possibility of reducing the recommendations, if only temporarily, in order to maybe have something smaller and less costly to be able to test the concept and the market. So the small team proposed to develop

what was temporarily named the WHOIS disclosure system and proposed its final input for the time in November.

ICANN Org has been working on this. We will have an update on the progress. And if I understand well, a number of questions that Org needs to ask the small team. So the small team was put on ice, so to say, in November, with the intent of reviving it at some point this year in case ICANN Org had questions. And it seems to be the case. And also because there were a few items of work that were not urgently needed to start to develop but that were still needed to be completed before the launch of the system.

From memory, for example, finding a final name for it, I think that it went through three or four iterations of different names, but also a bit of setting the metrics for success for such a tool, making sure that we're all in agreement with what we expect from it, what sort of results we expect and what we expect to learn to make sure that everybody's on the same page. So that's the SSAD ODA small team. And again, meeting with ICANN Org on Saturday 11th. Just lost time, but it was on this slide. And we will all know a lot more about the progress then.

The second non-PDP work is the facilitated discussion on closed generics. So the ICANN Board asked the GNSO and the GAC to put a team together to discuss and find possible outcomes to the closed generic issue. This is something that came directly after the 2012 process that wasn't resolved during the SubPro EPDP and remains unresolved.

So we have put a team together. The team started working in Kuala Lumpur and met regularly online and had the opportunity of actually meeting everybody a month ago now in DC to continue their work and, as these things happen when everybody's around the same table, to fast track the work.

Now, this is not a standard process, a policy development process in many ways. They're not developing policies. They're trying to find and suggest solutions to resolve this problem. And one of the ways the problem has been tackled that is different from a PDP is that whilst there is a model where we gathered members from different parts of the GNSO and community, this is not a representational model. The members of the group speak in their name and have also decided to do their work under Chatham House rule. And as such, these are not meetings for which the recordings are available. And they work in closed sessions.

This is not to say that they do not report—they've reported verbal reports and written reports on their progress so far. But we will keep the process as is until they come up with their recommendation. So they will meet during ICANN on Saturday too. But this is a closed session just for the current members of the group.

With this, I think that we've closed the presentation part of this session and we can go to a Q&A now. I have monitored lightly the chat. I have not seen any questions so far. But if anybody has any question, the mic is, I believe, open. Please go ahead. And we're putting the speakers back on screen to make sure you know who to target your questions to. But I see no hands.

NATHALIE PEREGRINE: We have Nigel Hickson who's put his hand up.

SEBASTIEN DUCOS: Okay. Thank you very much. Nigel, go ahead.

NIGEL HICKSON: Yes, thank you very much. And good evening to everyone. And thank you very much for the overview of all the work that's going on. It's very impressive. The question I really have is on the applicant support work. And Mike rightly said that, obviously, the group can only work in terms of the mandate they've got. But given that applicant support and its generic self, and the real outreach that will need to be done to ensure that developing countries apply in larger numbers than they perhaps were able to back in 2012, I was wondering, who will carry out the wider work on applicant support after the group have done their work? Thank you very much.

MIKE SILBER: Thanks, Nigel, if I can respond to that. So ultimately, the actual outreach is an implementation issue which staff will perform with support from the community. We've been asked specific questions around it. But we already have some ideas that we will certainly include in our materials either in the initial responses or as supplemental responses of ways in which we think the community can also assist and participate in supporting staff in the outreach efforts. But ultimately, it

needs to be staff outreach so that we can keep focused and we can keep it as objective as possible.

SEBASTIEN DUCOS:

Thank you, Mike. And thank you, Nigel, for your question. Now hoping that that would start a flood of other questions, but I see no hands up. We have another 20 minutes on this webinar. So any question, please take the opportunity. Okay, seeing none, I'm not going to insist. And I personally have no questions to the presenters. I think that the presentations were very clear. And thank you very much for joining us today.

I believe everyone—I can't think of anybody that we have seen tonight that is not coming to Cancun so you'll have the opportunity if you go there to ask questions live. Indeed, cordially invite you to join the sessions and see how the work is going for those that are open. And if that is all, then I would like to thank very much the speakers today for the great presentation and the work that you do year-round. I would like to thank everybody and wish everybody a good rest of your day and prep week. Thank you very much.

NATHALIE PEREGRINE:

Thank you all for joining. This concludes today's GNSO policy webinar. Have an excellent rest of your days and evenings. You may now stop the recordings. Thank you.

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