ICANN76 | CF – Joint Session: ICANN Board and CPH
Tuesday, March 14, 2023 – 10:30 to 12:00 CUN

WENDY PROFIT: Welcome to the session between the ICANN Board and the Contracted Party House. This is a discussion between the Contracted Party House and the ICANN Board, so we won't be taking questions from the room, but attendees in the Zoom are welcome to chat among themselves.

To view the real-time transcription, click on the Closed Caption button in the Zoom toolbar, and please note that chat sessions are being recorded and archived and are following the ICANN expected standards of behavior.

Lastly, a reminder to the speakers today. Please state your name for the record every time you speak, and please speak slowly and clearly for the scribes and interpreters.

And with that, I hand it over to Becky Burr, who will be chairing this session on behalf of the ICANN Board.

BECKY BURR: Thank you, Wendy. This is Becky Burr for the record. I never say that I'm really trying hard to do it. And thank you all for coming today to this session. We're on Day 2 of ICANN76 and ready to go.

Ashley and Beth are here. So Ashley and then Beth. Would you like to say a few words of welcome?

ASHLEY HEINEMANN: I won't say a whole lot, but thank you. Thank you especially to the registrars who are here today. Once again, I am Ashley Heinemann. I am the Chair of the Registrar Stakeholder Group. And as always I really appreciate the opportunity to meet with the Board. So thank you for taking the time.

BECKY BURR: Beth?

BETH BACON: Hi, I'm Beth Bacon. I am the Vice-Chair of Policy for the Registry Stakeholder Group and appreciate the time as well. It's always a good opportunity to chat about our issues in a nice, frank way.

BECKY BURR: Thanks. And thank you for your famous imitation of Sam Demetriou.

Okay, do we want to go with the Board's question first or your question first?

BETH BACON: [I think the Board's] because [inaudible]

ASHLEY HEINEMANN: The Board's.

BECKY BURR: Okay, so the Board's question—can we get that up?—is something you'll be familiar with. The SubPro report assigns a resolution of a lot of complex issues to the IRT. We know that IRTs have, in the past, sometimes been bottlenecks. We know there have been efforts to relitigate policy outcomes, and there are sometimes gaps in policy. Our question is really, what can we do—Board, Org, community, different parts of the community, individually, and collectively—to improve the IRT process? And we'd really like to get as many concrete suggestions as you have for us.

BETH BACON: So we'll do a little introduction and then we have a few of our stakeholder group members here who have specific recommendations and thoughts to share. But as a foundation, we do appreciate the focus on transparency and efficiency—that is the theme of the Board's question—and recognizing that this is something where every part of the community has a role in the process, and we can all make changes to do better and be more efficient. So we're happy to talk about that more specifically.

We do, just as a baseline, realize that many of the issues of the complexity of recommendations really stem from the scope of work that we start with. If you start with something that is—to use a term that I hate but works-"boil the ocean" in one PDP scope, the recommendations to the Board are going to be necessarily complex, which is a challenge we understand for the Board as well, and really impedes the ability to move in a speed-efficient way.

So we do think that, as a foundation, some discipline on our end can help us with having well-scoped PDPs, delivering efficient work to you so you can do you're work very well.

But with that, I'm going to it up. I think Mark and Owen, I think, and Eric have some specific comments from the registries and registrars. Thanks.

MARC ANDERSON: Hello, everyone. I volunteered from the registries to represent our views in response to this question, and nobody else raised their hand. So that's why I'm sitting here at the table.

If I could just speak a little bit on how we came to these responses, when we received the Board question, we circulated it to our stakeholder group and discussed it during one of our stakeholder group calls. It was circulated to our mailing list, and then we discussed it as a joint Contracted Party House group between registries and registrars yesterday, which is to say this has been a small discussion among our stakeholder group and not any kind of formal consensus position or anything we voted on but something that we've discussed. And there weren't any objections about anything I'm going to represent or present here.

I'll be drawing a little bit on my own personal experiences as somebody who has participated in a number of working groups and IRTs, again doing my best to represent registries here. I also recognize, if it's just me talking here, it's going to be boring for everybody. So please, if there's anything I say that you're interested in jumping in for—same goes for my registrar colleagues—just flag it and I'll stop. It'll be a much more fruitful conversation, I think, if it's a two-way dialogue rather than just me talking through our bullet points.

So with that, let me get into some of our bullet points. Beth teed it up very nicely, I think, to start off the conversation. When we as registries started talking about it, much of our focus was not on the implementation phase itself but what happens before the implementation phase. I think our view is that, by the time it gets to implementation, we're very far along in the process, and there's really less we can do to affect the process at that phase or that stage in the work. And so the more we can do earlier in the process, the better.

And Beth spoke about the scoping. And I think that's extremely important. That was one of the things that the registry group focused on: scoping the work. If we have a very broadly-scoped, boil-the-ocean approach to a PDP, then, when it gets to implementation, it's going to be hard to implement, and it's going to take time to implement.

So I think the first response from the registries is really focused on much more narrowly tailored PDPs having a very clearly defined charter. Again, having participated in many working groups, that charter is your handbook. That's what you'll refer to in the working group regularly. And if it's vague, ambiguous, and has a lot of wiggle room in there, then it's a lot of work for expanding and having a more unwieldy working group, which leads to more unwieldy recommendations and a longer time implementing.

So that's maybe the first item. I'll pause there and see if there are any reactions.

Okay. So one of the things that we also—sorry. Is there a hand? Okay, sorry. Another item we talked about was having both Board and staff involvement early in the process. I know we have liaisons, and we've had Board and Org liaisons in working groups, but we think that that is an absolutely critical component of having a successful working group. There's a number of advantages to this. I've had some very good experiences recently with both Board and Org participation in working groups. In fact, we have two people I've worked with recently, Becky and Chris at the table here, who are very strong and positive contributors to working groups that I've participated in. So thank you both for that.

But I think there's a lot of advantages to that. Having the Board's perspective in there, in the working group, can really help with the working group's task. But it can also help when the Board gets those recommendations later on. They're not looking at them for the first time. So you have some subject matter expertise on the Board. Part of that can explain the thinking and give some background.

The same thing goes for Org. Currently, there's two separate groups within Org. You have one group that helps develop the policy, and a separate group that helps implement the policy. And here one of the things we spoke about is it would be very helpful to get more dialogue and more interaction between these two different groups. Having a representative from the organization within Org that does the implementation of the policy, having them represented in the working group, having them a part of the working group, and being able to provide feedback on what a recommendation would mean to an implementer, I think, would be very valuable.

And likewise, when you get to the implementation phase in the IRT, having somebody from staff who was a part of the support staff that helped develop the policy, having that expertise, and being able to provide background and help that process, I think, would be very beneficial.

We'll talk for a little bit … I know there's some sensitivity around having the Board and Org as part of a working group, involved in the working group. There's maybe concern about the perception that the Board and Org maybe have the thumb on the scale or are trying to influence the outcome. And in my experience, working group members are very quick to push back if they perceive that the Board or Org are trying to influence the outcome at all. And so I understand that that's a concern, and I think that's a valid concern, but I think that shouldn't stop the Board and Org from participating in the working group, giving their perspective. I think that's very valuable and only helps improve the outcome of those processes.

So let me again pause there and see if there's any reactions. Anybody want to jump in?

Okay. I'm getting thumbs up, which I'll take as a good thing.

I guess something I should have mentioned at the get-go is that the question for the Board specifically mentions SubPro. Our comments are not going to focus on SubPro at all. We took that as an example rather than an ask that we specifically talk about SubPro. So our feedback and comments are not specific to SubPro but generic about how to improve the implementation process.

I did listen to the previous session with the GNSO Council, so I realize there's a little bit of overlap here, but one of the things we talked about was the ODA. And here I think the thing we talked about within the Registry Stakeholder Group is that some of the outcomes of the ODA would have been very useful to get during the working group, during the policy development phase, rather than after those policy recommendations had been baked and went to the Board. And I realize there's a little bit of a chicken and an egg here. It's awful hard to do the ODA until you have baked policy recommendations.

But on the other hand, with my recent experience with the SSAD policy recommendations, I would say, having had the operational design assessment before we finished our work would have been very useful. I think we would have ended up with very different recommendations.

And I don't know what the process for changing that would be—how to get the operational design assessment done earlier; how to actually go about doing that—but that, I think, would be a dialogue in the community. And I think certainly the registries would like to see a dialogue about, would it be possible to move that forward?

And I know we've heard that the operational design phase, that assessment, is very much a proof a concept, something that was tried out twice, and that there's an intent to evaluate if it was successful and how to improve it. And I think we'd like to see some discussion about how to move that earlier in the process. It's very difficult to reconstitute a working group, if not impossible, once the recommendations are done, it's gone through the GNSO Council process, and it has gone to the Board. That working group has moved on.

And so if there's a way to move that operational design assessment earlier, I think that would be very useful. And certainly, from my perspective, I would like to see that trialed, see if that's something that could be done maybe in a future working group.

Again, I'll take a pause there.

BETH BACON: Sorry, I just wanted to make sure that we also have time to hear from the registrars, Eric, if you have any comments—not to wrap it up just to remember that we have to speakers. Thanks.

ERIC ROKOBAUER: Hi, this is Eric Rokobauer for the registrars. A I will start off by saying I'm not going to be as eloquent as Marc was. He's very tenured. So I appreciate the comments he started really well for us. Lot of overlap a little bit, so I'll try to be brief in some of the differences from the registrars.

We also in a similar manner took the time to share within our group, and we had a few members speak up and share some feedback. And we specifically got some in regard to IRTs. I haven't been in as many as Marc has, but what we did collect was some of the recent registration data policy.

And I think one of the great things we found with this question, just to take a step back, is that concrete steps we think very much so are collectively. This is nothing that has targeted anyone specific or any part of the group.

But some of the things that we thought would be helpful from an IRT process initially would be mostly just standardization with the meetings themselves. It sounded silly when we were thinking about it and saying it out loud, but one of the areas is just having a regular cadence. We're all busy, right? So one of the things to make sure at the outset: let's have a set schedule. Let's sure we follow it. If an IRT meeting is going to occur, let's stick with weekly and not try and change that unless there is an emergency that occurs later on but then also have an agenda and make sure it's posted ahead of time, giving as much time for the group to make sure they're prepared during that IRT session.

Another comment we had was in respect to just making sure that, whenever we do get ready for the IRT, the default language comes from the PDP. The PDP spends enormous time putting together the language that gets used in the final recommendations. So IRTs should just by default start with that and then can build off from there.

During the IRT, we found that we would spend a lot of time trying to maybe get new language inserted before we had default language set up.

And then finally the last one I'll make mention of is that, of course, when consensus is not met, that's where we had the liaison that comes into play. This is something collectively we definitely we felt we should move quickly to escalate on if necessary to the council and the Board, recognizing if there's a need to notify them, and get ahead of that and not let it sit. We found that there were times where maybe there was no consensus found, and we could have acted quicker collectively. We could have acted faster to just make the Board and council aware and then determine how to approach that. It's not re-litigating policy, of course. That's not supposed to happen in the IRT but maybe just by defaulting it's thinking it could come up. And so staff and those members of the IRT could be prepared for that and should just be thinking of that.

I hope I wasn't too fast. I came in last minute here, so I appreciate the time. And I'm happy to be corrected or if any other registrars members want to speak to the comments I made if I messed it up. But thank you very much. And I'm looking to have feedback. So I appreciate the time.

ASHLEY HEINEMANN: As you can see, we have a lot of input. And you asked for concrete input. And I think, if possible, it'd be helpful for us to put it in writing to get it to you because, rattling this all off, I'm sure you'll get little kernels here and there, but it won't be as helpful as if we get to you in writing. So if that's something that's feasible, I think we would be happy to do it.

BECKY BURR: Thank you very much. And thank you for being concrete. We really tried to get a question that was topical, and we absolutely didn't want to focus on SubPro. We were looking for generic input. So that's great. I would love to have the suggestions in writing, absolutely.

SALLY COSTERTON: You read my mind, Becky. I was going to say exactly the same thing. That would be extremely helpful because there's some very specific—thank you for them—operational recommendations in there, and we had something not dissimilar in the conversation with the GNSO that we just had from Thomas about how we make sure that the liaisons to the Board are providing some of the work streams and the organization were structurally coordinating. So this to me feels the same kind of solution. I'd like from an internal perspective to pull those together in a way that makes sense. Thank you.

BECKY BURR: Yeah, I do want to say that resonates. There's a lot that resonates with my thinking, a lot that resonates with what we heard at the GNSO, including taking the opportunity that we have now with reviewing the ODA/ODP process now that we've done two of them to think about what aspects of that work we can push into the policy development process to simplify that.

And nobody talked about re-litigation, but I do want to talk about that at some points.

Any other comments from anybody?

Go ahead, Marc.

MARC ANDERSON: Thank you. I do have one more item from our discussion yesterday I want to bring up. And this is maybe building our discussion about having well-scoped and well-chartered working groups.

But I think also it's important for the working groups to be disciplined as well with the recommendations they send to the Board. And I do find it interesting that the Board asked what can be done on the IRT, on the implementation phase. And most of what our focus was on was making sure things are really tidied up before it gets to the implementation phase. So this is another one of those, and I think a lot of it is on us, the participants of the working group, to be disciplined in our recommendations and clear in what we say in the recommendations.

But what we specifically discussed here on this point is that it's maybe our perception that the Board is hesitant to reject or say no or push back on recommendation that they get. But I think, if the Board receives bad or poorly written recommendations, it should push back on the GNSO Council and send them back. And that shouldn't be viewed as a failure but rather the process working as designed. And I don't know if anybody wants to speak to whether our perception is accurate or not, but it's our perception that maybe there's a hesitance or a reluctance to push back or say no to a recommendation, whereas maybe if you get a poorly written recommendation or something that's unclear, that's a feature of the process and not necessarily a bad outcome.

So that's maybe the last point I had in my notes that I wanted to bring up with the Board. So thank you for that.

BECKY BURR: Thank you.

Does anybody want to respond to that last point? I'm looking at Avri.

AVRI DORIA: Yes, thank you for looking at me. It's something that I've been saying since long before I joined the Board and even said within the Board. We are reluctant, and I don't think there's any getting around to it. But I think we can get over that reluctance and appreciate people saying so.

BECKY BURR: Thanks.

Go ahead, Matthew.

MATTHEW SHEARS: I think what's interesting about this conversation is that it also suggests that we need more discussion before we get to that point where we feel that a recommendation … Ideally, we wouldn't feel the recommendation was poorly framed or whatever. So before we get to that point, it'd be good to have further discussion to identify those areas where there may be need for further clarification so there may be need for further discussion. So I think that's an integral part of being able to move those recommendations forward when it gets to the Board. Thanks.

AVRI DORIA: I think some of the times also—and this is something that came out a little bit in the earlier meeting with the GNSO—the Board has sent the letter saying, "We have issues. We have difficulties with this or that," but then we don't follow that up with conversations where we really make it understood. And so I think that new trend that we're starting to see now—when there's an issue, we actually talk as opposed to just throwing the letters over the wall—is a good thing. Thanks.

BECKY BURR: Go ahead. I just want to point out … Oh, no, we've got half-an-hour more. I'm sorry. I was thinking, "Oh, my goodness!" Go ahead, Marc.

MARC ANDERSON: Thank you. I couldn't agree more. With our experience with the SSAD ODA/OPD, I remember very distinctly we had a joint meeting between the ICANN Board, GNSO Council, and working group members. And it was a productive meeting. At the end of that meeting, the consensus was "Let's not just sit here and exchange letters back and forth. Let's have an actual dialogue." That ultimately resulted in a GNSO Council small team that had representatives from the ICANN Board and the SSAD working group. And I thought that dialogue, again—not just throwing letters back and forth but having an actual open dialogue—was extremely productive. And I couldn't agree more. I think that would be a good model with how to deal with some of these thornier issues in the future.

BECKY BURR: Any other comments from anybody on that?

BETH BACON: I think, just to close it out, we will do our very best, as Ashley suggested, in capturing all these in writing for you. And it's nice to hear that I think the theme emerging is that cadence of interaction that we could revisit and maybe codify a little bit to make it more part of the process as opposed to only if, "Uh oh, this is a weird recommendation. We have questions." So I really appreciate that from the Board very much.

BECKY BURR: Thank you. I don't think we need [inaudible] go back to the beginning to the questions from the Contracted Party House. And the first one relates to what—it does follow nicely on that—essentially are the specific challenges from a Board perspective when it comes to [liaising] with reviewing outputs of PDPs and IRTs?

Do you guys want to introduce that question?

BETH BACON: Yeah. So we appreciated the theme, and we figured, since we are saying every part of the community has a role to play, we wanted to understand what changes we might think about that can help the Board and the challenges that you seek. So we wanted to make sure that we were understanding the specific concerns of the Board.

And we do appreciate that theme of transparency and efficiency. And that is to note the second part of the question that Ashley is going to speak to on the SOI task force. We wanted to incorporate, along with improving efficiency, making sure we are focused on the transparency of the work within ICANN as well. So I will pass that to Ashley to talk a little about the SOI.

ASHLEY HEINEMANN: That was essentially all I was going to say: the importance of transparency. And just to make sure you all were aware of this effort that was underway, the GNSO Council this look at the SOI process (Statement of Interest). And during those conversations, there's a group looking at it, and we have members of our respective groups participating there.

And there's a bit of a hiccup in that process—the hiccup being that, in that search of transparency, in particular understanding who people are representing, whether they're consultants or lawyers, knowing what they're advocating for and on behalf of their speaking. And there are those who do not want to divulge that information. And there's a willingness to try and work around concerns, but it doesn't seem to be getting to resolution. And there's concern within our stakeholder groups. If this is really at the crux of the multistakeholder model, transparency … And if we can't find a way to understand who's being represented in these conversations, it really leads us to wonder of the efficacy of some of these processes. And if we're going more towards the representative model in PDPs, it really is critical to know where their positions are coming from.

So I wanted to make sure that you all were aware of this. It's not entirely clear to me how things will ultimately get resolved, but we do have members of council here if you have any questions about that. But I wanted to make sure that, at a minimum, you were aware of that concern.

BECKY BURR: I think Sarah is going to start us off on the Board's response.

SARAH DEUTSCH: Yeah. I'm just going to touch on the role of the Board liaison in all of this and point out that we have Board guidelines that we created in 2021 after seeking input from the SO and AC leaders. And we spoke to them, and as Marc mentioned, we heard those exact same pros and cons, Marc, that you were elaborating on. A more active liaison would participate and be more, from a Board level, problem solver, an early warning system, and facilitator back and forth between the group and the Board. But we also heard from some SO/AC leaders that they wanted a passive liaison who did not put their finger on the scale, as you said, of policy matters. So we created this policy and … Oh, and by the way, we heard this morning in the GNSO session that they want a more active Board liaison.

So right now, the way the guidelines are written, it leaves the discretion really to the group to put the Board and the exact scope of the Board liaison in the charter of the community group.

So you had mentioned, Marc, the need for a real-chartered function, and one idea we'd throw back is that, if you want a more active liaison, you could specify that in the charter. And that would give us the flexibility to make sure that the liaison that's appointed would really be serving that role in a bit more active way.

But either way, the role of the liaison is to help avoid these bottlenecks, at least at the Board level, both to bring information back to the Board and also to come back to you with feedback, etc.

The two scenarios that we flagged that impede progress are, one—and we heard this in the GNSO Council meeting this morning, especially for IRTs—participants re-litigating or reopening closed discussions without new information. And then the second scenario, which I think is bad for anyone, are positions with little room to maneuver to reach compromise or to be open-minded in finding solutions.

And we encourage you all to ask for Board liaisons. We can also ask that they be appointed, but it's always nice when we know clearly you want them.

Back to you, Becky.

BECKY BURR: Thanks, Sarah.

Chris, I saw your hand.

CHRIS DISSPAIN: Thanks, Becky. Sarah, thank you for that. I just wanted to pick up one particular point, which I know Marc has also mentioned in other fora when we've been discussing this. You talked about active and passive and putting your finger on the scale. I think it's really important to be clear about what we mean about active and passive. I think an active Board liaison shouldn't be saying, "Well, the Board is never going to agree to that." That is completely inappropriate. But an active liaison could be saying, "I'm not sure the Board is going to understand what you're saying here. You may want to think about wording it in a slightly different way," or, "In order to get it into the right format, maybe you should do this." That, I think, is active as opposed to just sitting in the background and not saying anything.

So if a liaison realizes that a recommendation or whatever that's going to go forward to the Board is just not clear enough for the Board to act on, and they're going to have to spend hours trying to explain what it means and then get questions about what it really means, giving some guidance to the group about how it should be worded is probably useful.

And if that's what we mean by "active," then I think that's really useful and important. Thanks.

BECKY BURR: Thanks. And we are very much aware of the SOI discussion that's underway. I just wanted to make sure we were clear on that. Obviously it's a discussion that is underway, so we're not weighing in at this point, but it is something we're looking at. And transparency is fundamental to the multistakeholder process here. So we hear you on that.

Okay, should we move to the other question? My favorite question. Does anybody want to tee that one up?

CHRIS DISSPAIN: Becky, may I start with that?

BECKY BURR: Yes, you may.

CHRIS DISSPAIN: So I want to just say I saw—and I think most of us saw—the session just before with the GNSO Council when you provided a really transparent and very useful explanation as to where you're at. And thank you for that. So if that hadn't happened, we'd be having that discussion. I'm not sure that we need to do it. Those that weren't in the room can find it in the transcript, and it clearly sets out where the Board is.

I just have one suggestion, which is that, if I understood it correctly, your current thinking is that there's GAC advice outstanding which deals with the requirement to have a prenotice of a registration. I know that the IGOs and the GAC walked away from that because the whole of the curative rights thing was based on, "This is how it will work." So my suggestion is that, rather than trigger the process, maybe just go to the GAC and say, "Could we just agree that this advice is no longer relevant?" because that saves the whole six months whatever-it-is-that-has-to-happen thing. Now, they might say no, but I doubt that they will. Although the bylaws say you have to do it, you can always agree to bypass that by agreement. So that's just a thought that might help to speed things up a bit.

BECKY BURR: So that's a very useful input. I think our hope was that, if that was really the case, that would come out as part of the advice on curative rights. I don't think that is, but to be perfectly transparent, even if we did that, we still don't have the post registration notification system available.

CHRIS DISSPAIN: I completely understand that. And I agree that it would be great if it came out of advice, but sometimes you actually have to ask the direct question rather than assuming that everybody understands what needs to be done. So I just think a straight discussion with the GAC leadership to say, "Can we just agree to move on with this?" might work.

BECKY BURR: That's a good suggestion, and we should take it up. I'm going to look at Mary because I know she's taking notes on it. I know actually Mary has probably already thought of it.

Any other comments on any of that?

Would it be helpful for us, since we've gotten to the end of our discussion, to talk a little bit about where the Board is headed on new gTLDs, on SubPro, unless there are other topics that anybody would like to introduce?

Tripti, do you want to kick it off?

TRIPTI SINHA: Sure. So first I'd like to extend my thanks to the GNSO Council. They've been working very closely with the Board to move the ball forward. We have made significant progress. And by the end of this meeting, you will see that we will have many resolutions in place that clearly show that work will begin on many recommendations. And we are also arriving at commitments with the GNSO Council to deliver on some other items—and Becky will go into the—by ICANN77 so that, sooner after, we will be able to share with the community an actual potential implementation and launch date.

So with that context, I'll turn it over to Becky. Thank you, Becky.

BECKY BURR: Thanks. And since you are all here in the previous session, you know what these are, but there are four pieces of work that are essentially information gathering that need to be done Org can have the information it needs to go off, set up a plan and timeline, and come back ultimately with a recommended launch date.

The first is obviously that we need to agree that the Board and the council need to agree on how and when we're going to work through the 38—I think it's 28—recommendations that we will defer decisions on. We've already started our conversations with both council, council leadership, and feel very good about where that's going. But the goal will be to deliver a plan by 77 that explains how we're going to work through all of those issues. And obviously, to the extent that we can identify areas of agreements that just need clarification, that is the first priority. There may be some areas where we need changes, and hopefully those will be limited and fit into the mandate of the GNSO Council itself as opposed to requiring new PDPs.

The other is that Org and the council need to agree on the methodology to expedite the policy implementation work. We're going to for creation of the IRT as soon as practicable. We do have guidelines for implementation review team guidelines and consensus policy implementation framework that are all part of that. But to get this work done in a timely manner, there's going to be a need to figure out how to expedite that. And so we've asked for a plan for that. Expediting does not mean cutting corners. It doesn't mean eliminating steps. It means, how can we move quickly through?

One of the things—and this is an IRT thing—that I think is worth talking in that—and, Marc, you sort of triggered me to think about this when you were talking about the IRT issues—is, in something as complex as the SubPro recommendation, whether it has sense to have multiple IRT implementation streams. There are a bunch of different moving parts here. It may not be that you need one monolithic IRT. You may be able to break it up into smaller, more manageable, bite-sized pieces.

The third thing is there's an ongoing dialogue on closed generics, and we need to understand from the GAC and the ALAC and the GNSO participants what their plan and timeline for getting to closure on that is.

And then, finally, there is a very important work on the EPDP on IDNs. We understand that Phase 2 is there. There are some aspects of Phase 2 that need to be addressed before the Applicant Guidebook can be completed. It's not everything in Phase 2. And Edmon can speak to this. But we'd like the EPDP to come back with a plan and a timeline for getting work done on those items that we need to nail down before the Applicant Guidebook can be completed.

So those are the four things that we will ask various parts of the community to come back to us by the end of ICANN77 [on]. And then, as Tripti said, we expect that, thereafter, Org will be in a position to make a recommendation to the Board about a timeline, including a launch date. Obviously, there are dependencies here. And Avri says this best: our ability to make any timeline that we come up with is dependent, and we can make that timeline—I think, in Avri's words—if and only if everybody sticks to the timeline that we develop here.

So this is not something that the Board can issue a proclamation on—the timeline and the launch date—and consider it done. We are all in this together, and we're going to need to be very disciplined, rowing in the same direction and working hard to adhere to the timelines that we agree on.

Comments? Questions? Anything on that particular issue?

BETH BACON: I think just to say we appreciate the update. I know this might actually be the first CPH-Board interaction where we didn't ask you a question on SubPro. So you just brought it in anyway. So I think we appreciate that update. We're looking forward to seeing the action the Board takes at the end of the week. And as you say: rowing in the same direction. It's helpful to have that bit of a roadmap.

BECKY BURR: So we actually have 15 minutes left, and I open the floor for other things.

Chris, do you have something to say?

No?

CHRIS DISSPAIN: [inaudible]. It's an hour-and-a-half.

BECKY BURR: Oh, it's an hour-and-a-half? Oh, my God. So this is probably a first-in-history kind of event. I don't want to walk away from this, but if everybody wants to go to lunch earlier, that's okay, too.

Go ahead, Beth.

BETH BACON: Is this the Board's new plan? You let us think we only have an hour, and we only ask you one question?

BECKY BURR: It is. Yes, it is an hour-and-a-half.

Yes, Marc?

MARC ANDERSON: Since we do have time, I'll just take a moment to react to your point about breaking up IRTs for SubPro. I had a similar thought. And not for nothing but the SubPro Working Group itself, I believe, split their work into five different tracks. And I think that was a wise move. They had a lot of ground to cover. And so maybe asking a single IRT to cover five tracks' worth of working group material is not reasonable. And breaking up an IRT is probably worth looking into. I get there's a limited number of community and staff resources. So some reasonable middle ground will probably need to be found. But I think that suggestion makes a lot of sense.

CHRIS DISSPAIN: Different subject. As one of the lead negotiators on the DNS abuse amendment thing, I just wanted to say thank you to Tripti specifically, and Sally and the Board generally, for the comments that have been made over the last few days and before that that have been incredibly supportive. That doesn't go unnoticed, and it's very much appreciated by the community generally. So thank you.

BECKY BURR: And we do appreciate the way in which Org and the contracted parties have been able to work together on this. So I think it's been really very appreciated by all of us on the Board. We think this is actually an incredibly important moment that we would like to make sure we capture quickly.

SALLY COSTERTON: Can I just make one other comment on that?

Thank you, Chris, very much.

I absolutely agree with you, Becky, and I think it is something that we should acknowledge as a specific thing/moment in time.

And I'd also like, if you're comfortable—we'll see how we go; we're not quite there yet … But we're getting well through a process. And to me, it feels a little bit like what Tripti was talking about when we were in the opening ceremony yesterday and had comments. To me, this feels like a shift, an incredibly positive shift, about the way we work collaboratively together. And we've all talked about the challenges that face ICANN and the headwinds of risk and threats that are very hard for us to control. And we are going to have to be … I mean, when we say in the open speeches, "We need to be collaborative and resilient," these are not just nice words. This is real, and it's real right now.

And what I'm taking a lot of confidence from—and I'm sharing it very much within the organization, within the team—is that we can do this. We're doing it here right now. Let's take something that's working and let's remember that we now know how to do this like this. And it does involve trust, and it involves trust from you to lean in at the beginning. And you're very aware of that because anything new involves trust because it's a risk.

So I hope that we can reinforce each other as we go along, both for you in the CPH but also for us inside the organization, to say, "Look, this is an in-good-faith process." But in-good-faith works. It doesn't always work, but it can work. And it's working here. So let's build that muscle memory.

ASHLEY HEINEMANN: And just to build off that really quickly because you raise a really good point in terms of that we can do things quickly. We can trust each other. If can prove that this is a possibility, I would love to see us continue down this path of doing things, back to what Marc was saying, in a very targeted manner because we have seemed to have found ourselves in a position where we're tackling these ginormous issues that are seemingly impossible to solve, and everybody walks away unhappy. It would be great if we could shift to more targeted efforts that are achievable in a reasonable amount of time so we can feel good about ourselves and reassure ourselves that this model does work.

So I'm really hopeful, I'm really confident, that we will be successful at this. We're not there yet. We have a lot of huge hurdles to overcome still. But this feels good. While I usually find myself in situations feeling desperate and down, I feel positive and hopeful. So hopefully this will continue.

CHRIS DISSPAIN: Can I just respond? Thank you. I agree with you, Ashley.

So, Sally, I agree. I think it is a demonstration of collaboration and trust. And it's important to remember that this is a longer-term process than just negotiating these contract amendments. If we are successful, then they will go out for public comment, and there will be doubtless be people who think they don't go far enough or they don't do enough, etc. That's all fine. That's all part of the game.

But everybody needs to understand that the people involved in this contract negotiation are all very well-aware that this is a [stair] and that there is stuff that needs to happen afterwards. There's stuff that needs to happen in the community in a policy format once we've dealt with the contractual amendments. So as long as everybody is happy about that, then we'll be able to move forward, trusting each other collaboratively.

SALLY COSTERTON: Yeah. And it's an important point, so I want to go on the record and endorse it. That is so important—what you said, Chris. It's a building block. It is not the destination. It's the beginning of the journey. But it's a critical building block. And that's what we should recognize it and celebrate it for but not make it more than that.

And the other point I would make—seeing Avri on my right makes me think about because she always reminds me of this and she's so right—is also we shouldn't let ourselves become so efficient—no, that's the wrong word; so fast—that we don't use our own processes effectively in terms of inclusion and consultation. This is a multistakeholder process. And this is where you point to the public comment. That is a multistakeholder activity.

So I think it is important at this stage that we do make these kind of summary comments because they will go on the record and they will be remembered and used. And they're important. So thank you so much for flagging it.

BETH BACON: Just to build on Chris and maybe bring it back to the theme of the questions that we've been discussing already today, the carry-on work, the follow-on work, that we very much look forward to doing after the negotiations I think is a great way to implement some of the things that we talked about—and doing those very tightly-scoped PDPs. If we can do things in bite-sized … I always say I'd rather have ten PDPs that are a year long than one five-year-long, 14-issue PDP.

So I think, if we can start operationalizing some of these efficiencies—and that's on the GNSO—and our responsibility to make sure—I point to me, but really they're out there, with a couple over there; pointing at my councilor—we have that discipline and scope those PDPs and make sure that we can really keep the momentum going that I think we've all appreciated so far …

BECKY BURR: Any other?

Let me just raise one question. Chris, we ran through the IGO issue, but one of the points that we raised when we were talking about the IGO issue with the council was that we're really interested in and stand ready to brainstorm on some interim solutions that are creative, fair, and don't create rights that don't exist. I mean, I think the registries and registrars are a critical part of that discussion. So if you have thoughts on that—how we should proceed or what the steps we should take are—that would be good. You don't have to give them to us now, although I would welcome them if you have them. But I just wanted to extend that to be sure you guys are aware that, if there is a way to get some of these things released appropriately prior to the launch of the post-registration notification system, we are open to that.

CHRIS DISSPAIN: Thanks, Becky. And, yes, I'm sure we can come back with some thoughts. You touched on it partly in the previous discussions with GNSO about rights effectively providing first refusal, which is not really what's supposed to be happening.

There is of course an additional point, which is that if the curative rights mechanism isn't in place, then one that is registered that an IGO wants to complain about they can't necessarily deal with. So I'm all doing it as quickly as possible, but equally it's got to be done in a way that is fair and works.

And the upside for the IGOs if we release them is they can register them if they want to. The downside for the IGOs is, if we release them and the curative rights stuff isn't ready yet, there's nothing they can do.

So it's a very fine line, and we'll talk about it and see if we can come back to you with some thoughts.

BECKY BURR: I am not seeing any other hands or thoughts or anything like that, so before we close, I just want to note I don't think Sam is on the … No, she … I looked. She's note. But I hope everybody will extend our congratulations to her and our welcome to the newest NextGen person that we have.

[END OF TRANSCRIPTION]