
ICANN78 | AGM – GNSO Council Wrap-Up
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MODERATOR: All right. Hello, and welcome to the GNSO Council Wrap-Up Session. Please note that this session is being recorded and is governed by the ICANN Expected Standard of Behavior. Please state your name for the record and speak clearly and at a reasonable pace. Mute your microphone when you are done speaking. To view the real time transcription, click the closed caption button in the Zoom toolbar. To ensure transparency of participation in ICANN's multistakeholder model, we ask that you sign in the Zoom session using your full name. With that, I'll hand the floor back over to GNSO Chair, Greg DiBiase.

GREG DIBIASE: Hello, everybody. This is the GNSO Wrap-Up session, concluding this week's ICANN meeting. We have two tasks on our plate. First, we're going to review next Council meetings agenda because it is happening relatively soon, like November 16th, mid-November. And then we are going to look at our current liaisons to other working groups and make sure we have the appropriate coverage to do that work.

Before I get general thoughts on this agenda, I did have two points I wanted to touch on, and that is regarding Xavier's letter regarding the CCWG on auctions proceeds, and then to circle back on the diacritics discussion and make sure we're all aligned on what the next step is there.

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So first on the letter from Xavier. If you'll recall, they sent a letter informing us that there was a recommendation that they seek a fundamental bylaw regarding limiting remedies of applicants looking for grants. And they said, we don't think this is necessary to go through the bylaw amendment. We may do this by using terms and conditions. I think I have that right, but anyway.

We wrote back citing some concerns with that approach, namely that contracting out of obligations under the fundamental bylaws caused us some concerns. And they wrote back to us and from, at least my reading of the letter was, thank you for the input. We may proceed with this path anyway, or at least we don't require your approval take this step.

Thinking about this letter, at least in my personal capacity, I'm kind of noting that this was a CCWG effort. And I talked to Justine initially, and I'm wondering if as a first step before we respond, it might be worth reaching out to the other groups in the CCWG and seeing if they're on the same page as us with regards to our position. And then maybe if we do a follow-up letter, it can have a little more force if we are in alignment with other SOs and ACs in the community. I'll stop there and get thoughts on this proposed approach. Okay. Justine.

JUSTINE CHEW:

Well, this is Justine for the record. It's up to Council to decide what they want to do, right? So you post the question to me, I will take it back to ALA, and I will try and find an answer for you in due course.

GREG DIBIASE: And so, I think the other groups are ccNSO and GAC, I suppose. Am I missing one? Marika.

MARIKA KONINGS: Yeah, thanks. I think this is actually one of the efforts where I think we had representation from all the SOs and ACs. If I remember well, I think we had ASO, RSAC, so I think it was basically all SOs and ACs were represented there.

GREG DIBIASE: Okay. So maybe I'll take that offline and try to figure out the best way to coordinate feedback, and we'll see if thoughts or alignment on our position and go from there. Any other questions on this topic? Great. Moving on to our conversation regarding diacritics, formerly known as Quebec issue.

I'm going to start with my takeaway, which I'm not an expert in this field, so forgive me. But I think I heard three opinions. The first was this is not an issue. We don't need to do work. The second one was this is an issue, but we can solve this easily. And then the third opinion was this is an issue, and it's going to be difficult work.

So then we tentatively assigned Mark as leader to request a study. And I think that means that Mark will start a draft and then get input from Council, and this letter would come from Council. But the question on my mind that I think we need to sort out is what is the scope of the request of this study. And I think the scope is applicants like dot Quebec who applied in the first rounds when the guidance was unclear and now

are unable to apply for the equivalent, with the diacritic or not, as opposed to a more general effort on diacritics since going forward, the recommendations are clear that it's one or the other. So kind of spitball in here. That's my initial thought. But I'm opening it up to Council. I'll start with Justine.

JUSTINE CHEW:

Thank you. This is Justine for the record. So pardon me, but I have a leg in this, right? Just correction. It's not about them not being able to apply. So someone in the case of Quebec, they can still apply. The question is whether the second application that they put in in the next round is going to get caught in string similarity. So there's nothing about preventing them from applying. They're just concerned that they might get caught with string similarity, and it will then be told to go away because if the string similarities panel says that they are the two strings or the TLD that they already have and the string they're trying to get is confusingly similar, then they can't have both. That is the issue that they're trying to resolve. Thank you.

GREG DIBIASE:

Right. Thank you. That's a much more eloquent-- I was trying to say that, but in in less eloquent words. Kirk, I think I saw your hand.

KURT PRITZ:

Thanks. In your prelude to this, I think you said there are three choices. It's not an issue or it's an issue or it's an issue. I think the subject of the report is, is this an issue? Is this an issue worthy of GNSO focus? Is it a

one-off that should be dealt with in some way? Is it an application where there was a clear set of rules and still is a clear set of rules? Or is there some sort of disenfranchised language groups? There some types of disenfranchised language groups where we have failed to address that. I think the issue of the report is, is this an issue? And there are some questions under that, some of those you listed in your introduction to this.

GREG DIBIASE:

I think I understand that, but that still seems subjective. I don't know if a study would be able to decide that, whether it's an issue. That seems like the Council's job, but Jeff.

JEFF NEUMAN:

Thanks. I understood a study would be what it was at the end of the meeting was more about okay, yes, we have the main issue of if it's confusingly similar, it won't be a lot. But after that, what are the other issues that also need to be considered either that are tangential to that or related to that? At least in my mind, it's not just about, do you allow or not allow it? It's okay. What do you do with the second level registrations? Do you require that it's same registrant? Do you require that it's got to be used in the exact same way? I mean, there's all these issues, similar type of issues that you dealt with variants.

I think we need to understand that-- I agree with you. I think it's subjective as to whether it's worthy for policy. I think what we really need to know is if we move forward with some sort of process, what are

all the issues that need to be considered in accordance with the big issue. I thought that that's what we were supposed to look at.

KURT PRITZ: Can I respond?

GREG DIBIASE: Sure.

KURT PRITZ: Thanks. Yeah. So a whole lot of pronouns in what you said. I think you're right. I think it's up to Council to decide whether it's an issue that should be pursued. So the report should provide enough information to inform that decision. I think that's correct. And we are talking about a one-off request through a common period that's triggered this. And our job is to decide whether it's really more than that, whether it's a systemic issue that deprives language groups have been able to participate in the TLD process.

GREG DIBIASE: I'm sorry. I was going off queue because I wasn't in the Zoom room yet. My apologies. Paul, you're next.

PAUL MCGRADY: Thanks. Paul McGrady here. I guess my concern about what Jeff said, and maybe I just don't understand enough of what you were saying, Jeff, is that it sounds to me like we're opening up a much bigger

question, than what is the universe of current registry operators that applied in the last round who told-- Right? Who told--

JEFF NEUMAN: Who were told.

PAUL MCGRADY: Well, no. Who were told or-- I'm sorry, Jeff. Let me go back and start again at the beginning of my train of thought. All right. So it seems to me that the issue was what's the total universe of registry operators who applied in the last round who were either told or believed that the-- am I saying it right? The diacritics version—I don't know if I may be using the word correctly—was not available to them for some reason, so they chose the blander one, whatever that's called. And now they regret it, and they want to have either both or one of the other.

And then from that universe, then the question is, what are the policy? Where does our currently set policy touch on that? And is there anything in the policy that would lead us towards one kind of solution to the problem or another kind of solution to the problem? Keeping in mind that the policy is clear now, and presumably, the applicant guidebook will be clear that they're going to have to choose between one or the other going forward. So what we're really talking about is a special maybe grandfathered class, and how do we grandfather them in without a major policy change, or conducting some process that somehow makes itself appear to be a contingency dependency to getting the next round open, which we don't want to see.

So the more narrow we make this to solve the problem, whatever that problem is, the faster it can move. But the more broad we make it and look at a bunch of sub-issues and everything else, you're gone forever. For what that's worth. Thanks.

GREG DIBIASE: Thanks, Paul. Desiree.

DESIREE MILOSHEVIC: Thank you. I believe, to continue on, seeing whether it's a thing that has to be grandfathered looking backwards. I do believe that Susan made a good point on the mailing list, that we may have to wait for the string similarity study to complete or to have a feedback what they think about this string. But in terms of the issue report, in addition to answering if this is an issue and what are the policy gaps, I think that's something that you identified that this issue report should say, this is the reason why dot Quebec cannot have it now because was not allowed and what's the way forward and which terms.

UNKNOWN SPEAKER: It was allowed. They could have been provided. They just didn't.

DESIREE MILOSHEVIC: It was allowed?

UNKNOWN SPEAKER: Yeah. So we're solving a problem that they could solve for themselves.

DESIREE MILOSHEVIC: But why are they asking it for now? Sorry.

GREG DIBIASE: Paul, real quickly.

PAUL MCGRADY: So from what I understand, it was allowed, but they chose the bland one, but there's the question of whether or not they knew it was allowed. I think that's what it comes down to, right? I don't know. But that's what we're dealing with. I don't think that there was a prohibition on them.

GREG DIBIASE: My understanding, it was unclear if they could have one or both, and they chose one. All right. I'm going to go, Jeff, and then I'm going to go back to the queue.

JEFF NEUMAN: Yeah. From my understanding, they absolutely could have applied for both. No question about that. The question at that time was if one was confusingly similar with the other, it would be in a contention set against itself. Obviously, they guess they didn't want to do that. And there was also, depending on--

What they're saying, what doc Quebec is saying, and I have no evidence to support or not support it, they're saying that they had talked to

members of ICANN staff and ICANN staff had led them to believe that they should apply for the ASCII version because there were still issues with Universal Acceptance. So they made a choice to apply for one, maybe based on the discussions. I mean, who knows whether-- We don't know. We weren't there. They could have applied for both. They just couldn't have both. Just like, well, we don't know if they could have had both. I guess we're assuming that they're confusingly similar to each other.

And so, right now, there are rules on variants where you can apply, like if these things were variants, which are not, they could apply and get multiple versions if it's the same operator. But because it's not variance, it's under the string similarity review and chances are, we think, if they applied for Quebec with the accent over the e, it would be deemed confusingly similar to an existing string. And anything confusing similar to an existing string is not allowed to move forward. Different than a contention set.

GREG DIBIASE: All right. Thank you. That helps my understanding, at least. Mark.

MARK DATYSGELD: I will let Ariel go first since she's an expert in the subject, and I'll go after her.

ARIEL LANG: Thanks, Mark. This is Ariel. Definitely not an expert, but I did draft the discussion paper from staff side about the dot Quebec public comment

and also help Seb with the preparation of the presentation. I just want to provide some ideas in terms of the study that we can initiate and work on because the discussion paper already listed a number of questions, starting from what's the breadth of the problem to what's the potential solution. So perhaps we can just take a look at that list and then see what questions were worth addressing.

And then for the presentation itself, it provides a broader context about the Latin script and the diacritics. And I think perhaps the key issue is what's the scope of the problem? So that's the probably the most important question to address. In terms of solution, it's probably not a difficult one because the variant gTLD application requirements probably will apply to such a string, both at the top level and the second level. So solution, probably not a big difficult issue, but the difficult issue is how to justify only this type of string will benefit from this kind of exception. That's probably something the study can try to cover.

GREG DIBIASE: Awesome. Thank you, Ariel. Mark.

MARK DATYSGELD: Thank you. Mark Datysgeld. So to provide some additional context. The Universal Acceptance Steering Group was established in 2015, which is as you would agree after that round. So at the time, there was a lot of lack of clarity as to what it would even mean to own an IND. And then in this case, if we're talking about say the Arabic script, then it's not exactly a choice there. You're either working with the Arabic script or not. In this case, they could choose between ASCII and the

internationalized version. That puts them in a sort of unique position. It's not the same as an IDN decision.

It was a judgment call that had to be made without sufficient information, and that is why we're looking back into this case because it was we and the ICANN or could not provide the applicant at the time enough context for this. Right? So there are potentially other strings from the last round that this would apply to, but they are the ones who reach out to us. That's the thing. In practice, it is one case. It is one-off. And supposing the others wants to complain, I suppose they can as well. But right now, at this moment, we're dealing with one case. So how do we work out this one specific case in a way that doesn't generate so much overhead?

So to Jeff's point, Jeff is discussing this in a more holistic manner. As in, how this would apply to the universe. The thing that I think we're discussing is how to do with this one thing, this one case in a one-shot way. So that's why because there are rules moving forward, we're trying to do is address that one thing. The scope should be narrower. We should be focusing exactly on how do we deal with this problem. And following on what Ariel said, the scope of the study is, I think, reasonably well understood. It's more about how it will be carried out. Thank you.

GREG DIBIASE:

Thanks. And I think you're agreeing with what Jeff said, but I don't want put words in his mouth. Susan.

SUSAN PAYNE:

Desiree mentioned the string similarity guidelines, which is something that I'd refer to on the list. I did go to the session this morning on that. It's really complicated, or what seems to be being developed is really complicated. It's not at all clear to me from what I heard in the room this morning, whether Quebec with the accent and Quebec without the accent would or wouldn't be considered confusingly similar. And I don't get the impression that there are going to be guidelines that will give any kind of clarity on how that decision would come out.

There was a lot of talk about the factors that need to be taken into consideration when determining whether something is confusing similar or not in a visual way, including based on who is the sort of relatively informed user that the string is being aimed at. And it's possible given some of those factors and given the nature of that language and the way that versions with and without accents are used. It's possible that the kind of targeted users wouldn't be confused. I'm not sure of the answer to that. And I'm not sure that the guidelines work will come up with an answer. But we are all making assumptions that this string is not available, and none of us know the answer to that.

In the event that it were available, it is a geographic name, and there are very clear provisions that would require there to be governmental support or non-objection to whoever applies for the string. And therefore, in practice due to the geographic rules, if it were available, the government can give the necessary support only to the same applicant who applied for the non-diacritic version. So if it were available, there's not an issue about this one like who might it be delegated to. It's very clearly protected because it happens to be a geographic name.

This was a really long-winded comment, and I'm not sure it takes us forward any of it, but I'm just saying we keep making these assumptions that it is confusingly similar, and we don't know.

GREG DIBIASE:

Thanks, Susan. And I guess I'm not assuming that it's confusingly similar. I'm saying that that's an issue that why we may need an issue report. I think our job here today is just to all agree on the scope, which it seems like we're moving in that direction. But I would assume that the issues you just raised would be raised in an issue report, hopefully. Stephanie.

STEPHANIE PERRIN:

Thanks. Stephanie Perrin for the record. And forgive me, but I really don't want to add that string similarity report to my growing pile of reading material, because I'm confident I won't be an expert even after I plow through it. To the layperson, looking at this, it's not confusingly similar because it's the same thing. It's the same organization applying for what they didn't think would work back in 2012 or whenever it was. And I understand there's a whole pile of arcana on conflict and string similarity and resolving and all that that I don't understand, but we don't care. It's the same thing. It's a country that wants its proper name now because ICANN wasn't using diacritics back in the first round.

And I think it's not fair to say that they should have applied for both when they pretty well got clear advice that applying for both would send them down this rabbit hole of bureaucracy that I think only the Académie Française could match arguing about whether there was a

conflict for years. So they went with the logical thing that everybody was doing, get the ASCII. And this is the kind of failure of ICANN that makes us look really bad. I think Ariel put her finger on it. The key thing in this study which, God help me, I volunteered to help with, is the scope of the problem. If this brings a whole pile of applications to your door, well, then there's a problem. But if it's a one-off, then for heaven's sake, Let's get a few ticked boxes here and get it out of the way. Thank you.

GREG DIBIASE: Thanks, Stephanie. Manju?

MANJU CHEN: Thank you. I think, actually, the problem now is, so people are saying they didn't know whether they could apply, so that's why they choose for that one, and now they won't both. But maybe my question is tell them, but why didn't they just retire the one they're having now and apply for? Yeah. So they want both, which I don't-- No. It's very reasonable. I almost don't think it's-- But I think the problem we should be asking-- Well, the question we should be asking if we're doing this study is really just if one entity wants probably more than two TLDs that is not variants, but the same, according to them, because it's like accent thing. Are they allowed to have two? And do we allow them because they are the same entity?

GREG DIBIASE: So, yeah, I don't know the answer, and I don't know--

MANJU CHEN: Yeah. So, that's the question we're asking in the study.

GREG DIBIASE: Right. I think we don't need to solve that now because that is why we're requesting an issue report to help in our understanding.

MANJU CHEN: Exactly. That's why I'm suggesting we should ask that question in our paper. Yes. I think we were proposing what questions we are asking in this paper, right?

GREG DIBIASE: So to be clear, I think Mark is going to start a document and get input from Council. So first, I want to agree on the scope which is these applicants that applied in the first round, not it's not policy going forward in the next round. And I think everyone around the room is raising interesting questions that should be addressed in this report, and that is why we can have--

MARK DATYSGELD: Greg, do you mind if I briefly answer Manju directly?

GREG DIBIASE: Very briefly.

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- MARK DATYSGELD: Very briefly. I understand Manju's point. The problem with the Latin script is those regions have been relegated to only ASCII for a long, long time. So the usual is to not have it, but at the same time, they are asking for something reasonable, which is to be able to use this. But if they just go to the IDN variants straight, yes, it will cause a lot of problems because people use dot Quebec both ways. Even in their own region, they use it both ways. So it is a reasonable request from the perspective that it is a geo and the usage of it goes both ways. Thank you.
- GREG DIBIASE: Sure. And like I said, I don't think we need to assess the "reasonableness" of this request or get inside the mind of Quebec. I think we're just getting the scope of the issue for the issues report. Jennifer, you're next.
- JENNIFER CHUNG: Thanks, Greg. I guess I'm going to abuse my question because I'm brand new. A little bit of a procedural question. I'm hearing issues report and study used interchangeably. I'm not really sure what the difference is and what it is that we're asking for. So that's the first question I have. And the second thing is like, I really appreciate the discussion around the table right now. I'm on the IDN EPDP, and we got this question during our public comment, and we understand the pain that they're going through. I think Mark already answered Manju's question about why they want both or whatever that is, so I'm not going to answer that part.

But my question now is if it's a case of just having to grandfather in one or a handful of things that came in the 2012 round, that's an easy thing to do. My worry now is obviously in the IDN EPDB, we're looking at things that were grandfathering in from the previous round, and we're also looking to the future. Now the Latin GP, we're not going to go back to them to say, hey, do your work again and come up with a different solution. That's some people's definition of insanity. You can't go the same thing and expect a different outcome.

Now it is not a variant, but there's still policy concerns on how future registrants will look at strings with diacritics. And perhaps this is a chance for us to see if the study or the issue report will let us know this needs to be addressed as a policy issue because at variant level, I mean, technically, everything can work. But we're using policy to glue it altogether to allow registrants to be able to register for the ones that they want and to have the strings they want. Thanks.

GREG DIBIASE:

Thanks, Jennifer. And great question. And apologies. I did start using issue report and study interchangeably. Steve, Ariel, can you maybe help us what the difference would be? Is that something we also are deciding in Mark's letter?

STEVE CHAN:

I guess I have to answer since it was my suggestion yesterday. This is Steve. I guess the reason why I drew a distinction is because it seems like this is sort of an introductory step to better understand what the issue is. And these words are hard to choose because that's sort of what

an issue report would do, anyway. But in this case, it's not clear that the Council wants to initiate a PDP. And so, this can be a precursor. It doesn't prevent an issue report after that if it makes sense that the Council takes look at the discussion paper, whatever topic review, any word you want to call it. Just as a precursor to get a better understanding of the notion of the issue and determine if it needs the full-blown issue report that's captured in the PDP manual. So, it's a lot of words to hopefully explain the difference in what was in my thinking. Thanks.

GREG DIBIASE: Thanks. Yeah. Go ahead, Jennifer.

JENNIFER CHUNG: So, Steve, this is before the z is what you're telling me? Okay.

GREG DIBIASE: Before the z. Okay. I like that. Stephanie. Kurt.

KURT PRITZ: So it seems like we're reacting to a comment that was made to the initial report and where there's a lot of conjecture about what they want, need, and their status. And it seems like the one path without slowing down the progress on a report or scoping out a report would be the response to the public comment that they made—and this might be too late for that—would be, well, they the EPDP team is not taking up this issue. We recommend you write a letter to so and so that outlines

what your experience was in the past, what you're looking for in the future, what you think the whole environment of this is, and have them more formally make a request to ICANN saying, here's an issue that's not addressed. It's not a variant. So it's difficult. All the stuff we've been talking about.

But I think we should go back to the requester and ask for something a little more than a comment in a public comment period if they're after a second string that, would accompany the first. And that mechanism for that is the response to the public comment. I don't know if that's doable or not, but I think that would inform our thinking on this.

GREG DIBIASE:

Okay. I'm going to Jeff, and then maybe I'll draw a line under it because I think we're-- I hope we're on the same page that it's going to be a report before the z, mark's going to start a document, and we can add our input there. Jeff?

JEFF NEUMAN:

Yeah. I might be misremembering, and yeah. I thought we also got a letter, or was that just, it was just a discussion paper? I'm trying to remember, was it just a discussion paper that included the public comment? For some reason, I thought we actually got the request, but I could be way off. That's ne. And two is just in response. An issues report has a number of questions that have to be answered before a PDP can be started. So if some people on the Council believe that we're going to do a PDP or that it's heading that way, it would save time to just call it an issues report and get those other formalities in there,

right? Because we could be discussing it and then all of a sudden, now we got to vote to do an issues report, and then they have to go back, and staff will take a couple--

I know it's more efficient if we do it in the form of an issues report now, even if we decide not to start the PDP. Otherwise, we're going to have to make it multiple steps. But, anyway, I want us also to be careful with precedent because, and I know this is-- There were a number of strings that were called confusingly similar in the last round. And I don't want to open up the door to say well, people who wanted that string can now go back and somehow get their confusingly similar string simply because we're indirectly setting a precedent that we're allowing confusing similar strings.

So we just need to be careful and always focus this on the diacritic aspect of it and not on the confusingly similar aspect, if that makes sense.

GREG DIBIASE:

Noted. All right. Thanks all. Sounds like Mark has this work cut out for him. And I think moving on. So, I'll open it up more generally if there is any other things to add to the draft agenda. And just to note, this will come out before the Council meeting as well. Thomas?

THOMAS RICKERT:

I'm sorry. I'm confused now. Are we now asking for an issues report or for a study? No. I thought you wanted to take stock on where we are with this or? Because I think for a study, we wouldn't need a vote.

GREG DIBIASE: No. I think it's a study. I mean, noting Jeff's comments.

THOMAS RICKERT: For a full-blown issues report, we need a vote. And for the study, we don't need one. I would recommend we make these guys work instantly to get the study done, so that we don't lose time. And if we choose to make it a full-blown issues report, we vote later, and then you can add to that. That was my understanding, Steve. Right? So that we can turn it from one to the other. I just want to understand what I can report back to my folks. Okay. Thank you.

GREG DIBIASE: Report before the Z settled for the next five minutes. Okay. If there's no other comments, maybe we can move on to the liaison work and hopefully get our liaison team up to date. Oh, sorry. Osvaldo.

OSVALDO NOVOA: Regarding the agenda for the next meeting, Susan, Mark, and myself, we're going to prepare a document regarding the holistic review. And the deadline is, at the end of November. So we should discuss it in the next meeting.

GREG DIBIASE: Thank you. Yeah. Bruna?

BRUNA MARTIN DOS SANTOS: Just some clarification about the document on the holistic review because we gathered some volunteers for that, right, yesterday or the day before.

GREG DIBIASE: I'm sorry. Yeah, this is what we discussed yesterday, and we gathered volunteers. I think Osvaldo was saying, we should have a check-in on next Council meeting's agenda to see where the letters at and confirm we're on track to send it.

BRUNA MARTIN DOS SANTOS: No. I'm mostly asking me because I put my hand up as a volunteer as well. My name was not mentioned, so that's all.

SUSAN PAYNE: Also, I actually didn't because I thought there were lots of other volunteers, so I didn't volunteer, but it's good.

GREG DIBIASE: Noted. Susan is not a volunteer on this effort. Don't try to make her. Liaisons.

LAWRENCE OLAWALE-ROBERTS: I'll take that.

GREG DIBIASE: Great.

LAWRENCE OLAWALE-ROBERTS: It should come up now. Yeah, that's it. All right. So we only have some liaisons that are going out of the door, and we'll need to replace them. We heard Manju volunteer already yesterday for the IDNs one. So that is covered, I think. And hopefully, the ones in green still stand. They're not changing their minds, hopefully. So that leaves us with only two where we'll need volunteers for the Rights Protection Mechanism, which John McElawaine used to be the reason for, and the Registration Data Policy which Sebastien used to cover.

SUSN PAYNE: So, if anyone else is really enthusiastic to do it, I won't stand in their way, but otherwise, I would put my hand up for the RPM. Sorry. I would put my hand up for the RPM one. I'm already in the IRT and also it's actually I really hope quite close to finished. Once the public comment input comes in, hopefully there's not too much more to do. I don't want to stop anyone else if they would like the job, but I'm willing to do it.

LAWRENCE OLAWALE-ROBERTS: Awesome. Thank you, Susan. So that appears to be covered unless someone else wanted to take it. We're left with the RDS one. The Registration Data Policy Implementation phase one rather.

THOMAS RICKERT: I can do the last one.

LAWRENCE OLAWALE-ROBERTS: Which one? Sorry.

THOMAS RICKERT: The registration data policy.

LAWRENCE OLAWALE-ROBERTS: Great. I mean, it's close to the end. There's just a really high final little roller coaster. Great. Thanks Thomas.

GREG DIBIASE: Great. And then the last thing I'd like to say is remind everyone about the SPS, and I have a friendly, but strong note from staff to book your travel today. And I look forward to seeing you all there. Oh, sorry. Paul?

PAUL MCGRADY: So as in any other business thing? Are we there yet or no?

GREG DIBIASE: Not yet.

PAUL MCGRADY: Not yet?

GREG DIBIASE: Not yet.

PAUL MCGRADY: Yeah. Okay. I'd like to apologize to the Chair.

GREG DIBIASE: Damon?

DAMON ASHKRAFT: This could be just a newbie question, but are we also going to discuss folks who want to go on small teams? Or should we just do that outside of the meeting?

GREG DIBIASE: I think we can add either an email and update what's teams during existence, or maybe touch upon it next week.

DAMON ASHKRAFT: Okay. Sounds good.

GREG DIBIASE: Staff, maybe can we send out a summary of the existing small teams in case Damon's so eager and he wants to jump in.

DAMON ASHKRAFT: I had prepared with Susan to figure out which ones would make sense. Yeah.

GREG DIBIASE: Steve.

STEVE CHAN: Thanks, Greg. This is Steve. So quickly. Sure, we can send out a list, but also there's a section of the Wiki dedicated to the small team. I can summarize and also send you the link so it's easy to find, and just briefly explain how to sign up for them. Thanks.

GREG DIBIASE: And to be clear, anyone can join any small team at any time, right? That's part of their transparent nature.

LAWRENCE OLAWALE-ROBERTS: Just wanted to add that we forgot to add the ccNSO liaison to the list. We don't need anyone because Desiree is still on there.

DESIREE MILOSHEVIC: I'm still on the ccNSO liaison. I'll ask a question whether anybody else would like to step in. If not, I'll continue. The GNSO liaison to the ccNSO. Okay. Seeing no one.

GREG DIBIASE: Great. Paul, your AOB.

PAUL MCGRADY: Yes.

GREG DIBIASE: Oh, sorry. Oh, did I miss some stuff? GAC Communique. Oh, all right. GAC Communique. We need a team to help review the communique and decide what, if anything, we would like to respond. And I think, Jeff, you can help in this effort, and we're looking for other volunteers.

JEFF NEUMAN: Yeah. Usually, I take the lead on that. I mean, I don't necessarily write it, but I take the lead on getting the volunteers together and getting the responses. Anyone who wants to ask in the communique what they do now is they will go back-- they'll post their communique to their members. So we should expect to see it approved by like Tuesday or Wednesday next week. And then, what that means is it would be a very short turnaround if we would like to discuss/approve it on 16th. Is that the next meeting? Yeah. So if you want to do it, totally come on because we can use all the help, whoever's wants to do it, but it's going to be hopefully a quick turnaround.

GREG DIBIASE: Any questions on the GAC Communique? Sorry. Bruna? Oh. Stephanie.

STEPHANIE PERRIN: Yes. Stephanie Perrin for the record. This is a substance question. We heard a rumor that the IRT on RDRS was moving forward, that the issue with law enforcement access urgent request was being removed, that it was going somewhere else and that there would be not a mention in the GAC communique. That's what I heard. Do we have any factual basis

behind that, or do I have to join the GAC Communique drafting team to find out what's going on? Thanks.

GREG DIBIASE: Jeff, would you like to address that rumor?

JEFF NEUMAN: All I could say is they were still meeting as of the public forum. So when I talked to someone, they were still a session and a half was the term I got from being done. I can neither confirm nor deny that rumor. I don't know. I'll as soon as I know, you'll know.

STEPHANIE PERRIN: And just out of curiosity, if it doesn't come here or appear in the RDRs, where does that demand go? Just a question.

JEFF NEUMAN: Well, even if it's not advice, the communique could still contain references to it as issues of importance or whatever or follow-up advice. The other thing is just to remind, I guess, for the new councilors, the last Council actually decided to respond to things that were in the issues of importance, or follow-up advice. If it was mentioned in the GAC, the last Council, thought that that would be open for a response. Whether this Council wants to, I guess we'll find out. But if it's not reported in the communique, and it's just like an exchange of letters, which is what it is right now, it's really it's a Board issue. I'm sure it's a Registrar Stakeholder Group issue. But it's not necessarily a Council issue yet.

Doesn't mean you can't make it 1one. I'm just saying at this point, it's not a Council issue. Is that right?

GREG DIBIASE: That's my understanding. I don't think we have enough information to determine that either way right now. Thomas.

THOMAS RICKERT: Stephanie, I can't answer the question, but in terms of terminology in the registration data policy that was about urgent requests, and in the RDRS, we're talking about expedited requests. Those are two distinct topics, and the idea is to remove the topic of urgent requests from the registration data policy entirely so that it can get published. But as far as the RDRS is concerned, we need to wait for what the GAC is actually going to say.

GREG DIBIASE: Steve.

STEVE CHAN: Thanks, Greg. This is Steve. And just administrative point, I guess, or, actually, maybe just reminder for the new councilors, it might be helpful for us to talk about what the purpose of certain things. So for this GAC Communique view, it's for the Council to be able to provide usually factual basis or past decisions. And that analysis about the GAC or GAC consensus Advice, sorry, is delivered to the Board.

And so, the other items that Jeff mentioned the items of importance to the GAC. It's not necessarily to the Board. It can maybe take different forms. And Jeff mentioned, it's not something that the Council is doing previously, but the just previous Council did elect to potentially provide those comments where necessary. It wasn't a given, but they had the option to do so. And so, that form of communication could have been directly to the GAC, could have been to the Board or as the case may be. Thanks. Hope that helps.

GREG DIBIASE:

Thanks, Steve. Helpful background. Stephanie and Thomas, are those old hands? Manju.

MANJU CHEN:

Thank you. First of all, I like to be on the small team. When you send out the Doodle, can you actually include time that works for me? Because, normally, none of the times that works for me. It's like 5:00 AM, whatever day, or 1:00 AM. So please, this time, and please you guys, sometimes you can wake up earlier or sleep later just like everyone can.

And then, yeah, I wanted to touch up on the issues of importance too. I think it's like, how do you say? We see what they're talking about, and we see if we want to kind of supplement more information. It's not like we decided to from now on, we're going to respond to every single one, right? Every time we worked on it, we were like, oh, this is like, well, they know pretty much everything. We don't have to anything to the supplement. So just kind of want to add up to it. So that was it.

GREG DIBIASE:

Thank you. Thanks, Manju, and thanks for reminding us of the time zone issue you raised earlier. And I think I'm going to agree with your description of how we respond. That's discretionary to respond to the issues of importance. Great.

Next slide. Let's see more I skipped before going to Paul's AOB. Scheduling of an intercessional meeting with the SSAC. So they sent us a letter on urgent request to gTLD Registration Data Policy. I'm wondering if events of today may change our analysis on this. So perhaps this could be an AOB in the next meeting, unless people have strong opinions right now. It feels like that issue is in flux. Any objections to adding it to AOB. No? Oh, no, no, no, those are different. I want to add the conversation about not an AOB to next meeting. Yeah.

And I think we already discussed the next steps for the diacritics issue. And then on the GNSO representative to the Empowered Community, I had previously performed that role, but Tomslin has graciously agreed to take it over from here. So, thank you, Tomslin. Yeah. Okay. Are we now to Paul's AOB?

PAUL MCGRADY:

All right. Thank you. Paul McGrady here. Okay. So we are roving reporter. Anne Aikmann-Scalese in the field just sent a report. She says, dear Council, we just learned in the ICANN Grant Program presentation taking place now that the Board intends to take action this afternoon to modify the CCWG final Recommendation 7. Regarding amendment of the bylaws, the slide states that this decision will be reviewed after the

first grant making round to determine whether the alternate proposal is adequate to control the risks that the bylaws amendment recommended by the CCWG were intended to address.

So in other words, the board the Board don't care. They're going to move on, I guess, and do what they're going to do. In the agenda, it was listed as revisiting. It wasn't listed as decision. So it from my point of view, it all sounds very rushed and frankly, I don't know why they're in such a rush to make a grant, while they won't let us engage in a dialogue on this. So unless there's something extraordinary that the Council thinks it can do between now and the Board meeting, then now we're in the realm of request for reconsiderations in IRPs. On Empowered Community Action. Yeah, yeah. So Tomslin, if you could take--

GREG DIBIASE: Thank you, Tomslin for taking this important role off of my plate.

PAUL MCGRADY: Take your seat from here, Tomslin. Thanks so much.

GREG DIBIASE: No. The update just came in from him, like right now. Interesting. Thank you. Bruna.

BRUNA MARTIN DOS SANTOS: Very brief. Just about in our meeting with the ccNSO this week, we agreed on opening some sort of channel for discussing WSIS plus 20 and the effects of that to the ICANN community or something like that. So

maybe a question is where we stay about that, whether do we have support for that? Just so I can talk to this and ccNSO folks about it on and how to move forward. So just a question on that.

GREG DIBIASE:

Great question. I don't think we have an answer, but I think we'd be open to proposals to further think about it if that's something you want to raise it in an upcoming meeting. Desiree?

DESIREE MILOSHEVIC:

I want to thank Bruno for reminding us all about that, what was the outcome of that session. I believed that Alejandra Reynoso, who's the ccNSO chair, she expressed some kind of desire to at least have a plenary in Puerto Rico meeting and maybe, and really being open for us to work with them to raise awareness about these processes. The New York Global Digital Compact, which is plus 20 review in terms how it's affecting or how do we plan to engage with relevant governments and stakeholders and here within ICANN community. So, I'm just raising it is an important coordination process, and it would be good that we at least continue discussion with the ccNSO.

GREG DIBIASE:

Thank you, Desiree. Paul?

PAUL MCGRADY:

Thanks. Paul, again. I just would like to have an informational session on this, whether for the Council itself or for the broader community,

where people just don't throw words around. So if I say "So, what's the threat?" And they say, "Oh, WSIS. Oh, Compact. Oh, whatever." But nobody can tell me what the real threat is. Nobody can explain to me how whomever, whoever these people are can go in and take away the rights, obligations, and assets of a California public benefit corporation.

I'm just a simple country lawyer, Chicago, not New York, but I don't understand the threat, and I can't get a clear answer out of anybody. And the last time we had this not clear answer out of anybody phenomenon is when the community was all made to be all excited after NetMundial that somehow ICANN was going to get absorbed by the UN, which then led to the IANA contract not being renewed by the US government. And when I see this scenario again, I'm thinking, what is it that they're trying to get me all upset about? What's the ask that's coming down the pike? Especially when nobody can really tell me what the threat is.

I would love for us to take a step back and say, what is this thing, and why is everybody else so upset about and to hear about it in real terms about what could happen. Because so far what I've heard from right now, I mean, there are at least two bodies in the way of anything happening to ICANN. One is the attorney general of California. And then the second one is the Senate which asks to ratify any treaty that the president enters into. That's the only--

I need to understand the threat vector because I'm not seeing it. I'm just seeing a bunch of words. This is the equivalent to me of somebody saying Paris, Milan, Rome Baby, you know what I mean? Lots of words, and it sounds cool, but I don't know what any of it means. I don't mean

to be sounding like I'm discounting the threat. I'm just saying that everybody's saying the sky is falling, but nobody can tell me how the sky is falling.

GREG DIBIASE: Thanks. Thanks, Paul. Bruna? Oh, Desiree?

DESIREE MILOSHEVIC: Yeah, I would just like to take Paul on organizing an informational session. I think that everyone else has organized that during this week. ALAC had one, and ccNSO and GNSO Council had one, but you think you don't didn't have the answers. I'll be definitely up for taking you on for that. Because I think what you referred to maybe NetMundial or the IANA transition, if it wasn't for the people working in the community to stop things from happening, then we may not be here in this effort, but that's probably not visible to this community who thinks we're based in state of California, nobody can do anything.

So having different venues to discuss DNS or numbers and resources, it's very detrimental to the community because you get in coherence. You don't get coherence about global policies that are needed, whether it's in terms privacy or RDRS or anything like that, but I'll stop here.

PAUL MCGRADY: I did go to the ccNSO one, and it was supremely unhelpful. Because to me, it was buzzwords. And it may just be that everybody else is so far down this path that they no longer have to state what the problem is anymore. I would love for someone to state what the problem is.

GREG DIBIASE: Bruna.

BRUNA MARTIN DOS SANTOS: I think Desiree said a lot of the things I meant to say, but it's mostly also about this erosion of trust around ICANN, and I think that's key issue and question about this. Happy to co-lead an information session as well, and it'd bring in other people that are following this process and so on. But it's really important for us as the GNSO to be on top of this discussion as well since it's one of the most relevant debates currently and could indeed maybe affect us. But I guess in the end of the day, it's also about us taking ourselves out of the ivory tower that we think ICANN is, and actually promoting interesting discussions about that. So maybe we can start with an information session and then see where we go ahead of that.

GREG DIBIASE: That sounds great. Thank you, Bruna. Desiree, is that an old hand? Susan.

SUSAN PAYNE: Thanks. This is circling back to something else. So maybe if Stephanie wants to talk with this, I'll go after you.

STEPHANIE PERRIN: Stephanie Perrin for the record. I think that I certainly don't recall a good digestive process after NetMundial where people explained what

the risk was. And I think there was quite a bit of naivety surrounding that meeting about what that risk was. And there are strongly held opinions on all sides on whether there's any risk, whether there isn't any risk, but clearly, ICANN is getting worried at an org level. So surely we can bring in a historian who will explain just exactly why a California corporation might be concerned about their marketing status after all of this goes down. But I think we need it. It is 20-- What is it? 25 years? And lots of new people haven't got the history. Thanks.

GREG DIBIASE:

Thanks, Stephanie. Susan?

SUSAN PAYNE:

Yeah, thanks. Thanks, Greg. I just wanted to circle back to the auction proceeds issue. Which just as a reminder, in case anyone doesn't remember, this is about there being a fundamental bylaw that says-- that explains who has access to accountability mechanisms like the IRP. And there's a formal process to change of fundamental bylaw. And instead of using that formal process, the Board it now appears is intending to use terms and conditions for an applicant for auction processes and asking them to contract out of the IRP.

I don't think there's any disagreement about the removal of the IRP for this particular group of applicants for auction proceeds. That is what the CCWG recommended. That's not the issue. The issue is doing this by means of just disapplying a provision and the fundamental bylaws without going through the very important process for changing the bylaws. And it's a horrible precedent. Frankly, I think it's uninformed.

I think the actual decision to do this by means of contract is both unenforceable and a breach of the bylaws.

And Paul jokingly alluded to we're now at the RFR, IRP, whatever phase, but actually we should be at that. And I don't think we should laugh this off. We've gone past the point where we send a letter to the Board, unfortunately. So we do at least need to think about so what are we going to do if anything? Or are we just going to stand by and say this is fine?

And so, I think really maybe this is just a request, can we at least ask staff to give us a short briefing or point us to you existing short briefings that just tell us what our timings are and what is entailed in doing any of these processes, particularly the Empowered Community one, because honestly, I don't think it's ever been done. It's horribly nuclear, but we need to at least know what is entailed and what the timing is and so on. And perhaps the very fact that we're having that discussion might cause the Board to realize that this is really important. Thanks.

GREG DIBIASE: Thanks, Susan. I think that's a great suggestion. Oh, sorry, Marika.

MARIKA KONINGS: Thanks. This is Marika. If I may just suggest because I know you had intended to flag this to the Board during the session on Tuesday that didn't happen. So they may be under the impression that the response was given and that was sufficient explanation. I understand that you may want to look at other processes, but maybe there's a way for Greg

to reach out, go to the Board session before they start, and kind of flag, look, there have been some concerns expressed. And of course, the Board can still do what it wants, but at least some kind of heads up is given that there are maybe concerns within this group? Just a suggestion.

GREG DIBIASE:

I'm happy to do that. Can staff help facilitate that, I guess? Or should I just knock on the door and hey, I'm here? Great. I'll give the Board the heads up, but Susan, I really like what you said. And then I'd also say, I don't think starting the Empowered Community is "nuclear" necessarily. This is a mechanism that should be exercised. And at least in the beginning stages, there's a lot of ways to work it out informally before it goes "nuclear". I guess what I'm saying from my perspective, we shouldn't be afraid of using tools under the Empowered Community, if my informal warning proves unsuccessful.

Any other AOB? Thank you all for wonderful ICANN78. And I look forward to our future meetings and the SPS, and book your travel. All right. Bye.

[END OF TRANSCRIPTION]