
ICANN78 | AGM – GNSO - NCSG Policy Committee
Sunday, October 22, 2023 – 3:00 to 5:00 HAM

ANDREA GLANDON:

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TOMSLIN SAMME-NLAR:

Thanks Andrea. And thanks everyone for showing up to our meeting during ICANN 78. We have a parked agenda today, as you can see. And we will go through, as we usually do, through the reviewing the GNSO

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Council agenda for the GNSO Council meeting later this week. Then we will go into items of discussion that we will have members in the PC and everyone in the room participate as well. But during the reviewing of the agenda, because it helps councilors be prepared and be ready for the meeting, comments, questions, and inputs are also welcome from everyone in the room.

So we'll go straight ahead to our reviewing of the council agenda. For this week's or next week's meeting, we do have one consent agenda in the council meeting. And that will be to confirm Ashley Heineman as the GNSO appointed co-chair of the IANA naming function review team. We have Rafik participating in this review team, for those who do not know. And on item number four on the agenda, we will be voting for the GNSO Council Committee for overseeing and implementing continuous improvement. We like to call it CCOICI. And that committee is chaired by Manju. And we'll be voting on the recommendations from that team on review of statement of interest requirements. We've had conversations over the months within NCSG policy committee meetings on this topic. So I'm not sure if there's anything else to add here other than to mention unless Manju would like to say something.

MANJU CHEN:

So I guess it's not a secret now. It's going to be [vote down.] We're not going to be able to have this report to be adopted by the council because the contracted party house doesn't like it. And they are planning to take it somewhere else. They haven't decided where yet. And I have informed this to our councilors. And I was also suggested

that now that it's going to be vote down anyways, our councilors can vote whatever they want. Yeah. Just a brief update of this.

KATHY KLEIMAN:

Manju, please, I know you've talked about it many times. But for people who are new in the room, could you explain what's happening and also what's happened since then? Because I had no idea it was about to be voted down. So the question is what is it? And maybe what's happened since ICANN 77. Just very, very briefly so that we're with you on what's happening. Because you're up in the ether in the council. Thank you.

MANJU CHEN:

Thank you, Kathy. I'm sorry for just saying things without context. So this is the statement of interest. If you have participated in any kind of policy process in ICANN or I don't know, like if you have been running -- you were running for some positions in ICANN, you will have to fill in an SOI. It's a short for statement of interest. And in council, they were doing this review of the statement of interest to see if it's useful as it's supposed to be. And if it's not, how do we change it?

After review, the council committee decided that there should be two SOI. One is general SOI, which is normally when you come to ICANN, who do you represent and what are you participating in, those kind of things. And there's going to be an activity-specific SOI, which is when you sign up for, for example, a review team or working group or a cross-community working group, you will have you fill in a specific SOI for this specific activity. And for this specific SOI, you will have to reveal more things than you reveal in the general SOI, which could include, for

example, who pay you to be on this team. But then there were opposition of this question of who pay you to be on this team because they feel like some lawyers, when they're paid to represent someone, they sign a client attorney privilege, whatever thing, the English, right? Sorry. That thing. And they will be under legal obligation or whatever obligations to not reveal who they're representing. So they asked for exemption. Of course, there were pushback. NCSG doesn't like that either, right? We advocate for full transparency, but we moved to an exemption language, which says that, oh, okay, if you're not able to reveal who pays you to be on this team, please, first, you have to cite exactly which section of whatever law that prevents you from revealing this, and then you have to give a general description of whatever entity you are representing on this activity. For example, it's a 300 to 400-size company that's in whatever industry and it's located in whatever countries. So that's the exemption language was settled on. I don't know if you guys remember, I kind of convinced NCSG to support this because I thought it's still an improvement than before where you can just put private and you don't explain anything. So we turned to support this from our original position, which is we want full transparency. But while we're willing to compromise for improvement, there are people who feel like this is just not something they are okay with. They want full transparency. No exemption language is going to work. So they don't want their stakeholder group to kind of give in to this one. So actually, we were supposed to vote on this issue during the last council meeting. We have submitted a motion and we were supposed to vote, but then people from the Contracted Party House reached out to me, they were like, can you drop the motion? And we work on the motion to kind of -- because they feel like overall, within the report, of course, this

exemption language is the crucial point where people are having issues about, but there were other recommendations that they feel are still very good and they want it to be implemented. So they were like, can we find a way to adopt this report for the other recommendations that all had full consensus without touching this exemption language? And we try to figure a way out to work on it. So that's what we did. I dropped the motion. We tried to work on a different language of the motion, not the report, to find a way to adopt the report without adopting the exemption language so we can probably still implement the rest of the report. But the thing is, I think they didn't -- the other part of the council, the Contracted Party House, they had their principles. I don't know, they're not able to compromise on any kind of language. And they felt like there's no need to talk about this within the council anymore. They wanted to bring it somewhere else. So that's what's going to happen. They're going to vote it down, and we'll see what they're going to do in the future.

KATHY KLEIMAN:

Manju, thank you. And everyone, I think we should give Manju a round of applause. She's been incredible. And a long, hard road, an important discussion, and whatever happens, you kicked it off. I mean, it's important that we have this discussion, and in ICANN, nothing ever dies. And you've created a record of the discussion and gotten people involved. Thank you.

TOMSLIN SAMME-NLAR:

Thanks, Kathy. If there are no other comments, we will proceed.

UNIDENTIFIED SPEAKER: Hi. [inaudible] for the record. So I'm unclear on what's going to be the next steps or where are the next avenues that we have to follow up with this.

MANJU CHEN: So it's going to be voted down during council, which is this Wednesday. After that, like I said, the Contracted Party House has indicated that they're going to take it somewhere else. But they have also explained that they are not sure where that somewhere else is. So we're just going to see what they're doing. And I think we are -- I mean, in principle, we are aligned. We want full transparency, too. So I would suggest we see what they do, where they bring it to, and kind of discuss within ourselves if we wanted to chime in or kind of support their advocacy and we can try to push some transparency back.

UNIDENTIFIED SPEAKER: And allow me the ignorance on my part. What stops us from being us taking that somewhere else? So right now we are waiting for them to decide which somewhere else they want to take it. The question I'm raising is what stops us from deciding where that other somewhere else could be?

MANJU CHEN: I guess it really depends on the whole NCSG if we want to still do this in a sense, because for me, I'm over this already. I've been doing this for so long. I'm over this. I'm ready to kind of put my effort to some other

policy issues. But if we want to do something, of course, I'm willing to take it on and see where we're going. But for me, myself, I will leave it to the group to decide if they wanted to do anything.

TOMSLIN SAMME-NLAR: Please say your name for the record. I just also wanted to mention, Manju, that there are other recommendations in the report that received full consensus from that group. It's just this one that didn't. And so because of this, every other recommendation will be shut down. Is that correct? Let's move on. The next -- Stephanie, last one.

STEPHANIE PERRIN: I'm sorry, I had to step out and find where I left my power supply. So I'm back. I may have missed this. But how do you feel about us voting against it?

MANJU CHEN: Like I have suggested, I leave it to the individual councilors to decide. I personally, of course, I'll have to vote yes because I'm the chair.

STEPHANIE PERRIN: Of course. And we really, really appreciate the work you did. But I may vote against it just because I feel strongly about it as well.

TOMSLIN SAMME-NLAR: Thanks. All right. We'll move on now to item number five which is discussion in the council. And there are three topics under this item, under discussion. And they all come from some documents that the

council has received. The first one is the request that's come from the board around comments on the pilot holistic review revised draft terms of reference which we've also sent on the mailing list asking for volunteers. [inaudible] has volunteered but it will be helpful if we can get more volunteers on this one from an NCSG perspective. But the council will be discussing this as well, I guess whether the council would like to submit a comment on this.

The second item that will be under discussion is a proposed process that was also received by the council for the retirement of nonpolicy recommendations. So there is a process document that was developed by Org and was sent to the council to look at if the process makes sense. And so the council will be discussing. The council doesn't have a view on it yet. It's still under discussion.

And the third item is a discussion on the third accountability and transparency review recommendation that organizational reviews should evolve into continuous improvement programs. There is a proposal to put together a continuous improvement program community coordination group. And I believe each group will be appointing a member and an alternate to that cross community coordination group. That proposal is also just up for discussion in council. These are not items that we have had an opportunity to discuss in NCSG yet. But I guess in our next meeting we'll also be discussing this in depth as well. I'll pause it to see if there are any questions on this.

KATHY KLEIMAN:

In every NCSG group there seems to be people who really love procedural work. Just like there are lawyers who really love procedural

work, although I'm not one of them. So if you do, reach out now or later to Tomslin. This is really, really important stuff. Tell me if I'm misspeaking. The GNSO council is the manager of the policy process. This is, as we talked about yesterday at the council 20th, 25th anniversary, this is fairly new for the council to be the manager of the policy process. And so these are rules that we're putting into place. So if anyone really likes this kind of stuff—And you don't have to be a lawyer to do this really well, Rafik was a real expert at procedural things. And I hope he would mentor people on this as well. I don't know if he's on the call. But let us know. This is really, really important stuff if you're into it. Having our comments would make a difference. Thanks.

TOMSLIN SAMME-NLAR:

Thanks, Kathy. And we'll move on to item number 6, which is the council will be receiving a report from the council's liaison to the GAC. So the annual report. Yes, from Jeff Neuman. Item number 7 is another discussion in the council. I think we had a short discussion about this about two meetings ago about the .Quebec, the diacritics in Latin scripts. The request that it needs to be considered or they would love to apply for a variant with the diacritics on .Quebec. And the current LGR root zone rules do not allow for that. And so the conversation has been whether that could go into the IDNs working group. And I think it's been established that doesn't fall under the IDNs EPDP either. So the council will be having a conversation on how to proceed with this. There are suggestions that we might need to put together a policy development process for this kind of thing. But that will obviously start with an issue report because there's understanding that a little bit of research needs

to be done on this as well. So there will be a conversation or discussion on this item as well in the meeting. Farzi, please.

FARZANEH BADII:

I have a comment on the GAC, GNSO liaison. I think that I just want to invite NCSG to pay close attention to what GAC is doing. And also, like the representative, the liaison, like later on as we appoint these liaisons, we have to be very careful about what sort of conflict of interest they might have, what sort of like a host of other issues. Because they are in charge, the liaison can be a very important role. And they can flag issues that GAC resolutions and decisions actually have, like the consequences of GAC resolution and decisions. And if we don't follow what GAC is doing and raise it at GNSO Council and just rely on the liaison, I think that we will be at a loss because a lot of the time, the issues that we actually care about, the liaison might not care. And so I think that we should look at this annual report, but also we should quite like very regularly look at the GAC communiqué and resolutions. And I think that that is like one thing that NCSG members can do and I can also help with that. Thank you.

TOMSLIN SAMME-NLAR:

Thank you, Farzi.

KATHY KLEIMAN:

Thanks for volunteering, Farzi. We'll try to get more people to work with you on that.

TOMSLIN SAMME-NLAR: I don't know if there were any comments on the diacritic issue before we continue.

KATHY KLEIMAN: We have Rafik in the chat saying “I thought I was mentioned for something. Do you need to respond?” Rafik, you were mentioned as being our procedural expert. And there are three issues in council that are procedurally based. And so I was volunteering you to work with anybody who wants to work on that, if you are so inclined. We'll pause if you want to respond.

RAFIK DAMMAK: I can volunteer, but I want to be sure for what exactly. So I'm happy maybe to follow up later. I just joined a few minutes ago, so that's why.

TOMSLIN SAMME-NLAR: Thanks, Rafik. So you were not being volunteered, but being volunteered to help those who were volunteer. We can get to the details later. All right. With no comments on item number 7, I think item number 8 on any other business in the council will go through the usual things we do on AGMs, which will farewell the outgoing members, and we do have one of ours who will be leaving the Council, and that's Farell. Any last words, Farell?

FARELL FOLLY: I thank you, everyone, for the trust that you had in me in selecting me to be at the council. It started just before the COVID period. It was a very tough one because we were all at home and working remotely was a

little bit difficult because we didn't build a team before we started working. So we were mostly working in silos, and for me at that time, it was the beginning of the learning process because it was my first time on the council, but at least I got some good mentors from Stephanie, Rafik, and other people at the council as well who helped me, and later on I was happy to be joined by people like Tomslin who were very hard workers, who could catch up very fast, and I appreciate this time learning at the council, and I participated in a few small teams, and also I was the liaison to the IDN EPDP, as well as being designated as the GNSO mentor for the fellowship program. That was a good experience for me. I take that as an experience, and I will bring back that to NCSG for the future and see from there how I can contribute more to the policy development process in overall. So feel free to come to me if you have any question about policy. I now know quite well the GNSO structure. I know where it doesn't work, where it will work better, but yeah, everybody can help, but in different ways. So thank you very much, and I'm still here around.

TOMSLIN SAMME-NLAR: Thanks Farell.

PAUL MCGRADY: You guys have been well represented by Farell. He's the ultimate diplomat. He gets stuff done, but in a way that charms people and brings people to the table. And I know that we've mentioned GAC liaisons. I think that Jeff Neuman's termed out in one more year. And so Farell, you have all this experience on council and how it works, and I'm just planting a bug in your ear that that liaison role is going to be

opening up in a year. And frankly, it would be nice to have you back to council, but also frankly, it would be nice to have somebody that's just not your standard North American white guy in that role, right? Because the last two have been standard North American white guys, and they're nice guys. But wouldn't it be great if the council had your global perspective dealing with the GAC? So I don't mean to overstep, but I'm going to miss you personally, and I'm looking around for ways to get you back to the table, because we're going to miss you badly.

TOMSLIN SAMME-NLAR:

Thank you, Paul. I think that's a request to come back. All right. The other three items on AOB will be an update from the Contracted Parties House on DNS abuse calls. And there will also be a GNSO framework for continuous improvement pilot review from Manju. I am not sure what that is, but we will hear what it is then. And then an open mic, which the council would like to invite all of you to actually come and give everyone from NCSG-- please come and give input on how we can make GNSO better for the next coming years. Please come along. Farzi.

FARZANEH BADII:

First of all, Paul made a very good and timely comment. I actually saw that liaison is up for reappointment. I mean, he's term limited. So I think we should definitely pay attention and see which candidates we can actually put forward. I believe this will be an appointment by SSC, something like that. And I wanted to mention DNS abuse. I have sent an email to NCSG mailing list about the DNS abuse outreach session by the contracted parties. So this process was kind of like-- we made up this process as we went. And it's kind of like they do bilateral negotiations.

We have mentioned the implications of this process that it can have on the multi-stakeholder model.

But then also, I had a look at-- but in this outreach session, we really didn't discuss our comments on their bilateral negotiation amendments process and the advisory documents that they actually called-- they actually put a call for public comment. So they didn't address our concerns there, which we didn't really expect them to because they are doing bilateral negotiations. They are going to do what they want. But I want for NCSG and the councilors to mention that we need better answers to the concerns that we raised. Because I also look at the-- I'm going to put this in chat. I look at the summary report of our concerns. Oh, Kathy, it just finished. I went there. So I went-- but I think that the council is going to discuss this issue. I think it's on the agenda, right? So I think that we need to bring up the issue that they didn't really address the concerns that the community brought forward, especially from the NCSG side. I see that, like, in the summary report, I see a lot of mentions of other stakeholder groups' concerns. But our concerns are, like, diminished into, like, the term-specific concern, our concern about, like, having spam as one of the DNS abuse categories is not there. They only mentioned that we are just concerned about using the term "DNS abuse" and replacing the threats, security threats, with "DNS abuse" [inaudible] I don't see any answers.

So when I raised that during the outreach session today, and the ICANN Org also invited us to discuss these things with them and discuss the answers, I think that as a stance, I don't think we are going to be able to change anything. But we need to remind them that when they issue public comments, they need to address our concerns, and they at least

have to provide a response, especially because this process that they came up with is going to set precedent for other decisions that we are going to make in the future. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Farzi. I think the councilors will certainly mention this in the meeting on Tuesday, I think. Wednesday, yeah? Yes, Wednesday. I have my days wrong. All right. Thanks. Just checking if there are any other comments before we move back to our agenda. See none. All right. Let's get back to our agenda, Andrea. Thank you. Pedro will be presenting the item on the work we have done since ICANN77. Over to you, Pedro.

PEDRO LANA: Okay, thanks. I will be mainly talking about two public comments here briefly. For the record, I am Pedro Lana, currently the LAC representative of the NCUC executive committee with the elections to be made to confirm this position during the ICANN78. And to go directly to the points, I would like to first highlight the help that others, more experienced members, gifted newcomers, writing public comments such as Rafik, Tomslin and Kathy. This is absolutely important to make it possible that people feel comfortable in participating in these processes and are able to do some more important contributions.

So the first one was the first public comment that we participated as NCSG was the GNSO guidance process for applicants for the guidance recommendation, the initial reports. And the public comment was essentially focused on making the program a bit more focused on, sorry, a bit more supportive of people that do not have much

knowledge about the ICANN ecosystem so that applicant support program is not only focused on financial help, but also on providing guidance on how to effectively participate in these processes. So for example, we mentioned the necessity of clarifying concepts such as underserved recommendation one. We also mentioned the necessity of better identifying how many people were initially participating on the program and the application processes, but gave up doing it, saying that about people that at some moment showed interest but do not follow through in the process. It was important to define timing on surveys to get to know this kind of data so we could improve essentially how many people got to know the program and were effectively understanding how they should participate in it. So the same kind of comment was made to recommendation five, focusing on how many people got to learn about the existence of pro bono services. We made also a small comment about recommendation six. I'm posting here in the chat the parts. Oh, sorry. Just let me go here. Oh, the message is too long. Let me just get the two parts here.

So there was a part of the report that mentioned the necessity of further developing some information about data. [There was a little bit people] saying that the working group mentioned about this necessity but did not went through, did not make some further developments. But probably the most important part of the comment here is about the distribution of funding. If the amount available was not sufficient for everyone in recommendation seven, there was a definition on distributing it equally, reducing the amount available for each participant. But we mentioned that recognizing that this would be a really hard discussion to create preferences among applicants. It is an

essential part of the working group work there to try to add some fairness, equality criteria on defining who should be prioritized if there was not enough funding available, at least partially, because we all know that different applicants, even considering those that are applying for the applicant support program, different applicants would probably need different amounts of support to be capable of effectively applying to the whole process. That was the first public comment that we had here. I think that for more details we can go on the Google Docs. It was mostly about clarifying concepts. The report there was already, I think, very, very good and the work done was very detailed. But when we were talking about the second public comment, we probably had some deeper problems, meaning that there was effectively some necessity of changes.

So the second public comment we made about the proposed updates to existing rights protection mechanism documentation. We mostly talked about the difference of what the working group recommended and what was in fact written by the implementation review team, recognizing that it is hard to make this translation between the work of the working group and what we can write on how to implement it. But there is a necessity of following up as closely as possible the original recommendations that were made. So, for example, I think one of the most important parts of these differences between what was decided by the working group and what was implemented by the IRT was about the publishing of data, I think the standards of publishing data about registrants by the provider.

KATHY KLEIMAN: The uniform rapid suspension provider.

PEDRO LANA: Uniform rapid suspension provider, sorry. And please jump in if there is anything to add. So there was a text there where we see that a complaint has been updated with registration data provided to the complainant by the URS provider. URS panelists have discretion to decide whether to publish or redact such data in the determination. Each URS parity has the right to request that panelists consider redacting registration data elements from publication as part of the determination. Absent a URS panelist's decision on the contrary, the provider shall publish the parity names in the determination. This thing about the absent a URS panelist's decision on the contrary was against, possibly against what the working group was deciding. And we suggest a correction to that. It was also against general data protection. We believe it was also against general data protection laws around the world. And we think this should be corrected to URS panelists have the discretion to decide whether to publish or redact the registered data in the determination and shall communicate the decision to the provider. So the standard is not publishing the data, but waiting for the definition on the URS panelists on whether or not this should be published.

I think that besides that, so I don't take also much time, I would like to highlight the notice that was made on the proposed red line to the RPM requirements. Is this the document that we see? Yeah, there was a trademark notice to registrants that may have conflicts with existing trademarks through the Trademark Clearinghouse. And the notice was not as easily understandable and not as informative as it could be in the

sense that it could be perceived by those that do not have backgrounds or previous experience with trademark, with conflicts of domain names and trademarks. It could be perceived somewhat as a threat, meaning that if they do not have enough knowledge on that, this would have a deterrence effect of making people think by standard as the first initial thought that the registration they just made was something wrong or something illegal and not that it could have conflicts with other trademarks in certain situations if they did not have legitimate rights on the registration they had just made. So, I think that would be it. Just let me check if there's something else that would be interesting to add here. This second document is a little bit longer, so I would really emphasize that it would be important to those to also check on it and it's also open for further contributions for now. And there are some important points that we noticed. We noticed that the IRT could really improve what had been done in the document that was published. So, I don't know if anyone else would like to chip in since this was mostly collective work as well with the help of [inaudible]. So, if anyone wants to add a few comments on that.

TOMSLIN SAMME-NLAR: Thank you, Pedro, and thanks a lot for your hard work on these two comments. I see Kathy's hand.

KATHY KLEIMAN: I just wanted to give a round of applause to Pedro because comments only get done if someone takes the lead. And then it's a lot easier for everyone to kind of insert their ideas and edit. But someone has to take the lead and he took the lead on two sets of comments, one that's still

out and I think Tomslin will give us a deadline. But a round of applause for Pedro. Thank you. And thanks for the presentation, Pedro, of the key issues.

TOMSLIN SAMME-NLAR:

Thanks. So, like Kathy mentioned, this comment, the second one on purpose of this to the existing rights protection mechanisms documentation was shared on the mailing list and it's open for review and comments from members. The deadline for us to submit this is on the 30th of October. So, we have nine days left. The earlier you review it, the better so that we can re-review in the PC before it's submitted. Thanks.

We will return back to item number four of our agenda. And this item is a lead up to the items on the agenda that are coming up, really. And it's for the benefit of members outside the council who do not understand some of the processes or the way the council currently works. So, I thought or we thought that it would be good to explain a little better about some of, especially the small team, the council small team, actually. And it is, as mentioned, it's a new concept in the council. Not very new, but new enough where the council uses small teams and these small teams are primarily made of councilors. Usually, the small team might invite community members or sometimes even board members or board leads in certain topics to participate in the small team for effective participation. But usually, these teams are made of councilors and the teams look at specific issues that are on the council's table or agenda.

The small team that will be our focus today is the SubPro small team. And later, I'll explain again what SubPro means. But the subsequent procedure, gTLD, new gTLD subsequent procedures small team of the council was a small team that was put together after the final report containing some recommendations were sent to the board. And the board indicated that some of those recommendations will, adoption or approval of some of those recommendations will be deferred. So the council decided to put a small team together to initially triage those recommendations into different buckets. And some of those buckets were things like perhaps a clarifying statement needed to be sent back to the board on those recommendations, and others will be for the council to actually modify the recommendations. But there was another bucket, which was perhaps just let the non-adoption proceed.

So that triage did happen, and the board met, adopted some of the recommendations, but deferred others. And so the council expanded the assignment of the small team to also look at, to carefully analyze the remaining recommendations or pending recommendations, and to consider some of the board's concerns, and where deemed appropriate, recommend proposed modifications to these pending recommendations.

So that is what the SubPro small team assignment is. That small team is still running, but the small team is being expanded or modified again. We now call it in the council small team plus, because for some items that are some recommendations being deferred, we will need community expertise. We initially called them SMEs, but that term has been kicked out of the window. And we would like to call them community contributors or experts from different groups in the

community to come contribute, especially to one of the recommendations that we'll be looking at, and that's the applicant support. And you will notice on our agenda, we have a couple of applicant support items that we'll be looking at now. And we'll also have a call for an expert from our community to come into that small team as well. But that is what the council small team on SubPro is about. I see Kathy's hand up.

KATHY KLEIMAN:

Thanks for the recommendation. Because small teams are a fairly new idea, kind of offloading the policy decisions where a final decision couldn't be reached. The council doesn't normally make policy, and there's some question about the line of this group. Is it making policy or is it just implementing? It's an important line. I see Ken shaking his head, but we can't recreate the policy development -- that working group's disbanded, so what do you do if there are questions? I was hoping everyone who's on that small team in this room could raise their hand so we know who to bother. Stephanie, Tomslin, and Anne Aikman-Scalese with a different stakeholder group. Go ahead.

ANNE AIKMAN-SCALESE:

Yeah, if I could just make one comment. And it's always so interesting to learn the concerns of NCSG, and applicant support is a particular concern of mine. I'm very concerned that policy should not be made by a small team. I've been quite verbal about it to the point of probably literally annoying a lot of people. But I will say that the exact process that is being followed, I hope, and I tend to reiterate, is called supplemental recommendations. And it is in the bylaws of the

corporation in Annex A and Section 9, which sets out a process that starts with a board statement rejecting recommendations from the council and then gives to council the responsibility to review the board statement and to develop supplemental recommendations. And so trying to get folks to stick very closely to that process I'm very concerned that something that is actually a council responsibility not be simply delegated to the small team. So I really want to encourage councilors to be very, very active in their questions about the supplemental recommendations that get developed, and specifically with applicant support, I've heard some suggestions that we should truncate 17.2 and just say, hey, I can. You should expand assistance to -

KATHY KLEIMAN:

And we're going to get to that one in a little bit.

ANNE AIKMAN-SCALESE:

Oh, good. Okay. All right. We just -- we want to make sure that our supplemental policy recommendations are specific and obligatory. Thanks.

TOMSLIN SAMME-NLAR:

Thank you so much, Anne. I see a queue building up. Stephanie?

STEPHANIE PERRIN:

Thanks. I'm on that committee. And as Anne said, I think one of the things is this is kind of a trial balloon committee in the small teams. We've had several small teams. But the scope of what they're doing

appears to be expanding. We now have experts coming in, and the question is, who are those experts? We did need alternates on that committee, because Tomslin's going to be very busy, and we definitely need to have somebody on all the meetings. And I'd like to thank Kathy, because SubPro is not my area of expertise, and I pester her regularly to brief me on what went on. And I recommend to anybody, if you want to get up on SubPro, read the 400-page final report, and if you have jet lag, I recommend it. I'm out by page 9. So keep that in mind. So this is dense material, and we are now getting into the finer details. When the board doesn't like something, it doesn't reject it. It non-adopts it. Don't even get me going on that terminology, but I can't get them to change that, so you fight some battles. But we have to be very careful that we are, A, not relitigating that five-year process of SubPro that came up with those recommendations, and B, as Anne so eloquently put it, and she's great at changing the drafting when it's straying towards policy development as opposed to what we should be doing, which I read to be interpretation, but only of the words that are there. So I'm a little concerned about this cutting of the 17.2. We're working on that, whether it does it or doesn't do it. That's the kind of work that we're doing on this. It may sound to you mind-numbingly boring, but it's not, and it's really important, because as with all of these new developments, the small teams, that may be the model for faster work. You hear a lot at this meeting about how we've got to prove that we can get the work done. We've got to churn out product. Small teams are the way to go. We were trying to restrict parallel subteams because we can't possibly staff them all at NCSG. We don't have enough volunteers. So we want to do it sequentially, but we still have to pump out product. So we need alternates on that committee, so please respond to the call for

experts. I do worry about the experts that are coming in from all the other constituencies and groups. So concepts of who we might drag in as our experts would be most welcome. Thank you.

KATHY KLEIMAN: And we'll be talking about that in a little more context in a little bit.

TOMSLIN SAMME-NLAR: Thanks. Thanks, Stephanie. Ken, you're on next, but I'll just break the queue a little for Chris to quickly make an announcement. He's our new board member from our house in GNSO. So he will quickly introduce himself.

CHRIS BUCKRIDGE: Thank you very much. I'm being really rude here, and I do apologize for breaking the flow of the conversation. But yeah, my name is Chris Buckridge. I'm the new board member stepping into seat 14. I know many of you in this room. There are also many of you here I don't know, and looking forward to meeting and speaking with you this week. A little background on me. I'm not new to ICANN by any means. I've been working for about the last 20 years with the regional internet registries in that number space. I am completely new to the GNSO and to some of the issues in relation to that. I think probably a factor that helped get me onto this seat as it happens, but also something that I need to work very hard on to rectify and to get some of that perspective. And I think all of you in this room are going to be a very valuable resource in that regard.

That said, I'm going to finish this and walk back to the board workshop that I've left unfortunately. But I'm here all week, and please do grab me in the corridors, talk to me about what your issues and concerns are. I'm really going to be a sponge to the extent possible, and I hope I'll be able to join some of the NCSG sessions during the week as well and to learn more there. So thank you very much.

TOMSLIN SAMME-NLAR: Thank you, Chris. We look forward to speaking to you. Ken, my apologies. I'll get back to you.

KEN HERMAN: Thanks, Tomslin. So, okay, there are two issues that I see. There's the content of what the subject is, but we spent a few minutes a little while ago talking about procedure and the importance of procedure. And I've seen that confirmed on the chat and discussions with others that there's concern about the growth of the small team. So it sounds like it's an issue of concern. It certainly would be an issue of concern for me. And I haven't read all of the board bylaws in detail, but my experience is that there tend to be few guardrails associated with these kinds of statements within bylaw documents, and it allows for a certain amount of flexibility. We just saw that a little bit in the DNS abuse where vague statements are areas that are prone to mischief. So my question is what guardrails exist in order to maintain the narrowness of whatever the board discussion or the board has asked the GNSO to do, and how are those guardrails going to be enforced, and what sorts of actions do we need to take as a group to address those? Thank you.

TOMSLIN SAMME-NLAR: Thanks, Ken. We'll quickly get Kathy to respond, and for the sake of time, we'll move on to the next.

KATHY KLEIMAN: Ken, the answer to that will take research and time. I don't want to answer for Stephanie and Tomslin and Anne, but what we were going to do is go into a deep dive of some of the things this group is looking at. That's what the schedule has for us now. So can we circle back and say let's do the research together and draft you to do it with us so that we can report to everyone on the answers to your really good questions, which should not be answered standing on one foot.

KEN HERMAN: So that's the answer to the process question of using these small teams, not the content question of what's going to emerge. Is that correct? Do I understand correctly?

KATHY KLEIMAN: I think it's the answer to both.

TOMSLIN SAMME-NLAR: Thanks, Ken. So we can move on to the next agenda item, which is applicant support. We divided this into two. We will look at part one now. Before I hand over to Kathy to take us through a bit of detail in terms of what we are doing with other community groups on this, I just wanted to say there is the word we often use on this called SubPro, and

that is the common term we use for this. But again, for the sake of new members, I wanted to quickly say that SubPro is really a term that stands for new gTLD subsequent procedures. In case you are in this room and haven't worked out what SubPro is and you keep hearing this term, and I know we love this acronym, but it makes it a bit hard for new members to participate with this.

But what is the new gTLD subsequent procedure? This is essentially a GNSO council-initiated policy development process working group that was tasked with calling upon the community's collective experience from the 2012 new gTLD program round. That was to determine what, if any, changes may need to be made to existing introduction of new generic top-level domains policy recommendations. Now, the final report that contained recommendations was what I mentioned the small team, the council SubPro small team was working on earlier for those recommendations that have not been adopted by the board. And Kathy will be talking a bit about why the board non-adopted one of the recommendations in that report, which is recommendation 17.2. That is around applicant support specifically. And there were some concerns that the board sent back to the council as to why they will not be adopting or, well, non-adopting that recommendation. And we put together a proposal. Yes, you will talk about that, won't you? We put together a proposal to the small team about this. So I'll pass it on to you.

KATHY KLEIMAN:

But I did want to ask Ken to put both questions into the chat so we can copy them out and make sure we're answering your very specific and very good questions about what it is that's being set up. Your concerns

are right. But in the process, we have to deal with the running code, which is what this group is looking at. So applicant support is, of course, very important to us, right? How in the world do groups -- we'll call them SMEs, because that's not the ICANN term. They misuse it. But SMEs for small and medium-sized enterprises and nonprofit organizations. You know how many of them applied for new gTLDs in the last round, guys, 2012? Very, very few. Applicants from the global south, a lot or a few? Very few. So the goal is how do we increase it? And NCSG has had a long leadership on this. Unfortunately, the implementation of things that Avri, when she was still with us, and I believe Rafik was very involved as well, everything was implemented very, very late in the game. And so there were only three groups that could qualify for what we considered applicant support then.

So the applicant support, what we mean is a lot of things. It's one of those words that's misused. So I'm going to give you the different words. Applicant support technically means recommendation 17.1 of this subsequent procedures policy development process working group, the working group that met for four years not to create rules for new gTLDs but to review the rules from 2012 and see what needs to be updated, changed, or modified. And there was a recommendation already adopted, already existing, that said basically that applicant support meant reducing the fees for qualified applicants. That's a whole different thing, but think about those groups we were just talking about for qualified applicants so that they wouldn't have to pay the full freight of the new gTLD application. Does anybody know what was charged in 2012 for a new gTLD application? Jim, tell us.

JIM PRENDERGAST: It was \$185,000.

KATHY KLEIMAN: Would you like to tell us what they projected cost will be this time?

JIM PRENDERGAST: The projected fee is somewhere around \$240,000.

KATHY KLEIMAN: Everybody has that in their allowance, right? We've all put that in the budget of our organizations, right? Yeah, no. So 17.1 is ICANN will create a reduced amount. Jim, did I get this right? Can you just tell us how much money was put aside in 2012? Jim, you should give your full name, and you are the expert on these kinds of things.

JIM PRENDERGAST: I'm joking with Stephanie I'm a professional observer of the small team and was a participant in SubPro along with Kathy for all those years and involved in the IRT currently. I believe it was \$2 million was the set aside for applicant support in the last round. I believe that's the number that they've projected for this round as well, but I don't know if that's been finalized.

KATHY KLEIMAN: So although the application fee is going way up, the amount is fixed?

JIM PRENDERGAST: Yeah, I think the application fee is increasing by 30%, but the amount of applicant support, I believe, is still at \$2 million. But like I said, I'm not sure if that's been finalized.

KATHY KLEIMAN: We should be doing something about that. But what we're going to focus on here is 17.2. I'm just going to read it out loud, and I put some emphasis in there because 17.2 is what's going back and forth between the council and the board right now. Recommendation 17.2 of this PDP working group -says the working group recommends expanding the scope of financial support provided to applicant support program beneficiaries -- again, think those groups that we were just talking about -- beyond the application fee to also cover costs such as application writing fees and attorney fees relating to the application process. And the board said no. We worked really hard on this. I was there. Anne was there. Jim -- I mean, we worked really hard on this recommendation, guys, because it costs a fortune to prepare an application. It costs a fortune to think through an application. You need a sustainable new gTLD. As Anne always tells us, you need a business plan. Because it's a business to sell domain names, to be a registry. How are you going to have a sustainable new gTLD? Legal fees -- oh, my gosh. And technical -- how are you going to choose your back-end registry service provider? What is a back-end registry service provider? And that's just the beginning. It can cost a lot of money to get all the experts you need for business, legal and technical support to think through whether you should apply for a new gTLD and then how to write that application. There are lots of consultants out there, but they are expensive, and there aren't very many.

So this is the recommendation. The board said, "Well, we're concerned." And, sorry, I should have given you the language back from the board. "We have fiduciary concerns about paying for someone else's attorney," basically. "And what if they give advice that's not right? We have fiduciary concerns," is the word. Also, they had concerns about unlimited funding. Let's say we decide that we are going to help provide consulting services, legal, business, technical consulting services to qualifying applicants who need applicant support, but we budget for 10 and we get 100. This is a problem. Oh, actually, I did. Sorry. I did create a slide. So you can see at the bottom of the slide, "ICANN Board's concerns, fiduciary responsibility, and potentially larger, unlimited, or unknown financial liability."

Okay. And this is what's been going on back and forth for months. Is that right, Stephanie? Months in SubPro? Yeah. Tomslin? Okay. So Tomslin submitted a report that said to the SubPro -- because the small team right now is only council members, and the small team plus that's going to start, I think, in January will have some expanded members as well, but we'll talk about that in a little bit. So Tomslin submitted our NCSG report, and I've just got the top of it here, but specifically, ICANN could support a nonprofit organization, just like us, right? A nonprofit organization that will employ experts in the business, legal, and technical aspects of new gTLD applications and help with the following tasks. Rather than one-on-one consulting, how about group consulting about the requirements, what's needed to prepare an application? And also, the very extensive application for applying for the reduced fees. So both of these fall under this umbrella of applicant support. Counseling about business, legal, and technical aspects of running a new gTLD and

the business plan, and then maybe, as you get into some of the confidential sections, the financial and business sections, maybe some limited individual counseling for applicants. This is a great way to leverage a bunch of things so we could leverage a few experts across many, and one can envision not just one of these nonprofits, but maybe five, one per region, so that we have language and cultural issues covered as well. And ICANN could then fund that process. So that was -

- Tomslin, would you say that's a fair representation of what we submitted as a way to address -- and I'll go back to it -- the board's concerns about fiduciary responsibility? Lots and lots of groups fund nonprofits to do things like giving -- and I'm going to give an analogy -- tax advice to seniors. And so you can support the nonprofit without then being liable for the tax advice that's given to seniors, or on bankruptcy, or how to incorporate if you're a small business. We do this all the time. Tomlin, would you say that's fair?

TOMSLIN SAMME-NLAR: Yes, absolutely. Because, like you mentioned, we had to look at addressing those concerns, and the fiduciary one, we thought the best way there would be to avoid ICANN directly paying for the services, right, and also use a nonprofit. Because the idea here, the primary objective here is for the applicants to get pro bono or free services, but it should not necessarily be free to or by the people offering the service.

KATHY KLEIMAN: So, yes. Right, because experts need to pay their mortgages, too, and need to eat. And think about the scaling. So if you're going to offer -- Farrell's going to offer the -- what is it, back-end registry service provider,

and who's out there. If 10 people come to that Zoom session, or 100 people come to that Zoom session, we can scale that, and that really works. So that will keep costs down, and I hope you do offer that session.

Now, happily, next slide, ALAC submitted a very similar proposal. And Anne, I will apologize, I'm not talking about your proposal here. I don't have that. But ALAC submitted a very similar proposal.

TOMSLIN SAMME-NLAR: There was a question in the chat, which you might want to address before you go to -- so it says, from Tara, says a nonprofit organization just like us, who does us refer to in this case?

KATHY KLEIMAN: Many of our members are nonprofit organizations. We are the Noncommercial Stakeholder Group, and so we do have individual members working on representing noncommercial speech, but we also have many, many -- in fact, we were founded, actually, with noncommercial organizations. It's a good question. Thank you for asking it.

Okay. So ALAC's proposal -- and I'll just give you kind of an overview. I'll just read some of it. The ALAC believes that the optimal way to implement a holistic ASP, applicant support program, is by way of an applicant support program incubator, as described below. The applicant support program must be holistic in its approach. It's not just to support qualified applicants through the door, but also to provide assistance and a buffer for them to survive and succeed. And so, just so

you know, the ALAC proposal goes farther than our proposal. We kind of get them to the door with an application. So they talk about third-party operators with regional presence. They talk about a range -- a full slate of pro bono services. Think legal, business, technical. And that the operator would attract, vet, and manage globally dispersed pro bono service providers. So a place to gather the experts together under an umbrella. That's kind of it.

Oh, and then Becky Burr. So we have two liaisons. Tell me if I'm misspeaking about the SubPro, the council group. There were two liaisons. One was Avri, but she's being termed out. And Becky, long-term expert on this. And now Alan Barrett is replacing Avri. Although no one can replace Avri.

So Becky, at one point, and I think it was ICANN 77 in D.C., said, "Hey, ALAC and NCSG, merge your ideas. Why don't you come up with one proposal?" So to that end, and it's still very much in draft, I compared both of the proposals and found that they were very, very similar. I'm not sure there's enough copies for everyone, but I'll pass it out. It's a two-pager. And we will be talking about this more at the NCUC issues forum part two on Wednesday at 10:30 AM. And we'll have Greg Shatan from ALAC there as well.

So we're all trying to figure out how to do the pro bono or low bono, reduced cost services, free services or reduced cost services for as many groups as possible that might be qualifying for applicant support and need a range of services. With that, I will hand it over if there are questions. So please we can talk about it here. We can also talk about it there. I know you're just reviewing it for the first time. And, again, these

are ideas of what we have in common and can we go forward together to present. Because we both in this case, ALAC and NCSG seem to care about the very same groups. So how do we support them? And I'll wait for questions and then notify Stephanie that we're coming up on your section in your slides for continuing discussion of another aspect of applicant support.

TOMSLIN SAMME-NLAR: Thank you, Kathy. We have no queue online. And I don't see any hands raised up in the room. All right. Benjamin, do you have your hand up? Yes. Oh, please.

BENJAMIN AKINMOYEJE: So I'm just going to piggyback on what Kathy said. The issue event is also a capacity building session for those who are new to some of these conversations. Beyond the discussion, the high-stake conversations, people should also come in with an attitude to learn, to know about this, and to know where to pitch their tent. So we're really -- as well, for some of the support we get to make these sessions happen, capacity building is one of our bedrock of that session. We really want people to learn and to clarify topics -- I mean, those topics of discussion to understand them better. Thank you.

KATHY KLEIMAN: What session is that, Benjamin? And when is it and where?

BENJAMIN AKINMOYEJE: I'm talking about the issue event. Okay. So it's going to be on Wednesday, 10:30 in the morning, if you are here, NCUC session issue event. So please try to come, even if you are not coming, invite somebody else to come to learn about these issues. Yes. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Benjamin, and thanks for advertising that session. Next on the queue is Rafik.

RAFIK DAMMAK: Thanks, Tomslin, and thanks, Kathy. Just to give some clarification about the proposal, so about the setup of the nonprofit, I mean, is this something existing, or, I mean, are we proposing to create or to recruit or to find an organization that will do such activity? And if whatever, how it will happen, the question, if this is the idea of pulling resources, which should be fine, and it kind of creates some economy of scale and optimization, is there is any idea like, because at the end, I think, but for ICANN, it's all about how much it will cost. Do you have an idea, like, or estimation how much such organization will require? I mean, because as you said, you need to pay those experts, how much it requires for how many applicants? Because I understand there is a level of optimization, consolidation, and so on, but still, at some level, maybe it's necessary to scale, and so the cost will increase. So is there some effort or work to come up with some estimation? But that's just for the cost. I'm still not sure how we are responding to the concern from the board about kind of liability and responsibility. Usually, they are quite, I mean, the board and the org are kind of sensitive all the time about

this, it's not just for this recommendation, but even for other implementation regarding the next round.

And the other point maybe about the ALAC, it's not something that was in the first [JAS] working group report, but it was discussed at the time is how we can pool the resources with regard to the back-end registry service, and so on, it was kind of the technical side instead of asking maybe the applicant to spend on setup, is if there is a possible to have some additional back-end, but I can see that the idea of incubator much more than that, so just I wanted maybe to kind of share this. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Rafik. I think I'll let Kathy first answer that.

KATHY KLEIMAN: I'll give it a shot. Three very important questions from one of our experts in this area from round one. Rafik, let me give this a shot. Of the proposals, I believe both ours and ALAC's are straw men, not actual existing organizations, but concepts of organizations that exist in other places, in other areas. Stephanie is going to talk about some of the research that's being done on other types of financial assistance programs. So we're doing research from around the world. Our proposals, I believe, are both straw men for organizations that could be existing and create and morph and move their projects over to include this type of advice, or new ones that are created to specifically address this issue. But no, Tomslin and I didn't posit a specific existing organization.

In terms of cost, I can estimate, now having looked and compared at some nonprofits that do offer extensive legal and business pro bono experience, but they have staff running it. I have some guesses about cost, but I haven't done as much -- I mean, that's a very, very good question, and someone at some point, we should be looking at it. We're trying to address the board's concerns now. But so the answer to your question about cost is no, I don't have exact numbers now, but these are very, very efficient. I don't want to say they're low cost, but they're the lowest cost options that I can think of. They're very efficient, and they're scalable, meaning we can provide services if 10 applicants come in or 100 applicants come in. And your question about RSPs, back-end registry service providers, is a good one, and I'm not sure what the answer is. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Kathy. And I don't have anything else to add to that. I saw Juan's hand up. Then we'll go to Farzi.

JUAN MANUEL ROJAS: Okay. Thank you, Tomlin. And thank you, Kathy, about this framework for us to understand better the importance of this topic, right? But just in order to clarify my idea, because I am involved in IRT, the SubPro working group, implementation review team, and I am trying -- I know that this is related because it's, of course, an applicant support program that is now one of the sub-tracks from IRT, right, from implementation review team. Now this applicant support program is one of the sub-tracks inside the subsequent procedures implementation review team. So now just a few meetings before, the SubPro was divided in these sub-

tracks. And just clarify how we are linking this, what you said, on this implementation review team, because sometimes—and before in the mailing list I made some, okay, we are discussing this kind of report, we are discussing this about SubPro specifically, about the topics that we are talking about, and the SubPro is rewriting the applicant guidebook, right? So those discussions are about the languages about this applicant guidebook, AGP. So that's my question, how we can -- of course, it is, but it's not clear for me how can we link this, what are you saying, when we are talking about in the implementation review team with the language of this applicant guidebook. Thank you.

KATHY KLEIMAN:

That's a complicated question, I'm going to give it a shot, okay? It's very complicated. So for everyone who is here, there is a policy development process working group that worked for four years, the SubPro policy development process working group. And then there is an implementation review team to take broad recommendations and bring them down into concrete steps, specifically concrete, as Juan mentioned, to write the details of the applicant guidebook. And the applicant guidebook, if you really want some nice reading, and it will not put you to sleep, go back to 2012, just search applicant guidebook ICANN gTLD 2012, and you will get what's considered the current version of the applicant guidebook, what we used in 2012. And you will see the different sections, how you prepare for an application for a new gTLD, and then how people can contest them, and what you do if, say, 11 other people applied for .app, what we call contention sets, all the details, this is what everyone is going to read, not just us, but the world

is going to read. And that's what Juan is creating, he is on the implementation review team.

Juan, if you have created a track for applicant support, good. There are, as noted in my earlier slide, let me go back, there are applicant support recommendations that have been adopted. And my guess is you are going to go through the implementation of how to break that down into very concrete terms that will go into the applicant guidebook that everyone will read, including how to apply for the reduced fees, or where to go for information to apply for reduced fees. That's old news. So 17.1 is probably what's under your umbrella right now.

But 17.2 hasn't been adopted by the board yet, so it's still in council. There are only a few recommendations, and I'm sure knows the exact number, but I think it's somewhere around five, but I could be wrong. There are a few recommendations from the subsequent procedures working group that went through the council, approved by council, went to the board, and the board said no, or said we have a lot of questions. That's what Stephanie and Tomlin and Anne are working on. So that's not even in your bailiwick yet. Until this recommendation gets approved by council and by the board and they work through the differences, you can't implement. And so we are still fighting for 17.2, which is this extra support. And so I hope that makes sense because it is difficult to know what is under which bailiwick. But excellent question, and we do need to be working closely together, all of us. And it's often hard to know what another group is doing. So thank you for saying yes, the IRT should be included in this as well, and thank you for being on that group, really working in the nuts and bolts.

TOMSLIN SAMME-NLAR: Thanks, thanks. I think Farzi has been waiting long enough now. Farzi?

FARZANEH BADII: Thank you. I don't want to spoil the party, but I just have to tell you that we haven't done enough background research on why the applications from developing countries or vulnerable communities were so -- like the number of applications were so low in the first round. And even after they actually get the new gTLD, like they might not operate it. And it might not be a cost issue per se. It might not be the support. It might be a host of whole other reasons.

And another reason that we also have to work on streamlining the new gTLD application process, because sometimes these applications, which were from developing countries, like they got like their own political disputes, and they were never delegated. So I think that like thinking about this issue and tackling it only from the cost perspective, how do we give them like legal advice and stuff like that, I don't know if it's going to resolve the issue. And I have said this multiple times. Vulnerable communities, developing countries, they have other priorities. Their first priority is actually come online, and having a new gTLD is not a necessary factor for that. So I don't know. I'm sorry I don't follow this issue closely, but I think that if we really want to help, we need to also do good research on why they haven't applied and consider other factors other than cost and legal support and stuff like that. Thank you.

TOMSLIN SAMME-NLAR: Thank you, Farzi. I hear you, and I might ask Rafik to comment here as well, that the metrics they're working on might capture some of those concerns you have regarding why the applicants didn't apply for applicant support program as well, because they are working on metrics. But I just wanted to say that this recommendation already exists in the report, and I think if I understand well, we shouldn't just let the recommendation be kicked out and not support those who can, despite the fact that they are from developing or areas where they need extra support. If there are some communities that can afford some amount of this money, we should have policies that enable them to apply, and that's what we're trying to work on, rather than let the entry be too difficult or too high for such communities. So we're just trying to balance here from a policy perspective. Understandably, there will be communities that all they need is Internet access, not even a registry or a gTLD. But yes, we want to make policy that allows those communities that can afford, but come from an area where they cannot afford the complete fees and need extra support to be supported. That's my perspective on this. I see Benjamin's hand up. Then we'll move on to the next item.

BENJAMIN AKINMOYEJE: Thank you, Tomslin. In terms of this conversation, I've always been interested in likely countering it, because there is some research out there already, [UNR's] research, different things that have said to this that people are not even aware that this process is going on. ICANN is a very small microcosm of this whole Internet access. The more the world is saying Internet is a must-have, is a most-used tool, and they are forcing everybody online, it's also important that if ICANN wants to

continue to be relevant, and this conversation wants to play a critical role in the world's agenda, that they also ensure that some sort of leveling of the ground that we play on is made for those who are not aware, who are not comfortable. There are a lot of people who you bring this conversation to, and they are totally lost. The implications of some of the interactions here on them are very huge. For me, yes, money might not be the direct issue, but money solves a lot of things. If we remove that out of the conversation, a lot of other things are easier to do. That's why the only measurable thing that is appealing to a lot of people here seems to be money. So maybe removing that obstacle can easily make it easy for others to get on board, and other issues can be dealt with later. But whichever way, that is an easy one that we can easily get out of the road to ensure that others who are interested can also easily come on board and participate. I know at the beginning money was a huge barrier at the very early stages, so now it has become something. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Benjamin. And a quick response to that regarding awareness. I think the IRT is also looking at some awareness metrics, if I'm not mistaken. Awareness of the program to applicants.

KATHY KLEIMAN: I think ICANN is also allocating, and correct me if I'm wrong, allocating a budget for marketing of the new gTLD program because that was definitely an issue in the first round. It looks like Raoul has something. We definitely need to move on to Stephanie's section as well, but

Benjamin, thank you. You sound just like my husband. Money makes things easier.

TOMSLIN SAMME-NLAR: Thanks, Kathy. Raoul. Then it's [inaudible].

RAOUL PLOMMER: I just want to chime in with Benjamin and maybe to answer Farzi as well, that I don't think any people have had the need to think about any other issues other than the huge amount of money that you have to pay to get in. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Raoul. The next item on the agenda was that research that Stephanie mentioned, and I think she was just going to give an overview of what it is. Over to you, Stephanie.

STEPHANIE PERRIN: Thanks very much. And let me remind everybody, SubPro is not my primary area of expertise, but I am watching this committee for us. As Kathy has pointed out, and there's a URL up there, this report was published, I believe, on October 9th. I have not had time to go through it and give you a synopsis. Apparently there are some fellows working on these issues. Kathy can tell you all about it. So we were thinking maybe they might like to work on summarizing this report, because this is kind of plain language and describes things that we can understand. Over to you, Kathy.

KATHY KLEIMAN:

Can we give a little bit of background in that we found out about this report, I think, on October 10th. I didn't know about it before that, but maybe council did. There was actually kind of in our pre-meetings, there was an applicant support program exploring research findings from other global programs that presented this report. So that's why I have the slide to kind of share that this is where you go for more information. And then the 75-page report -- Stephanie, do you want to circulate it? Because you've got a copy of it. It's on its way. Okay, it's on its way. Can you just hold it up? Just hold it so everyone can see the front page. So same thing that the slide is. 75 pages, only 50 pages are text, 25 pages are appendix. And we should know what this says. It's really interesting. But nobody had time to review it. So we do have some experts. Do we have anybody here? Benjamin, who is here from -ICANN did a pilot project, right? A pilot policy transition program, if I remember correctly, focused on learning the history of applicant support. And Benjamin, maybe tell us a little bit about it. And maybe what do you think of the idea that some members come together and maybe help understand, read, and summarize what's in this report?

BENJAMIN AKINMOYEJE:

Thank you, Kathy. So Melissa had this group, and it has become a thing now because another set is on board. And it was a process of helping new community members get on board to actively participate in the policy development process. And the pilot program started with NCSG, like with our community, and they picked the issue we're passionate about or that we're concerned about. That's SubPro. And so in the

group, I was there. There were two other individuals that I know that actively participate on our mailing list. Unfortunately, maybe they didn't get travel support to this meeting. But they are still very regular on our mailing list. Namra is one of them. And the other guy, I can't – [Mahmud,] he's on that list. And I think it would be good if we give that task to them, not to throw it out, just say, "Hey, you've gone through this program. We need you to work on this for us."

KATHY KLEIMAN: To work on a summary for us.

BENJAMIN AKINMOYEJE: Yes, summary for us. And I think the team is well-equipped to quickly sieve out the facts from this and present it in a language that our community can understand. So I think we should do that, and I think that's a good step. We should also find one or two persons who are not sure if they belong or not. If they meet our mailing list, if they're already on our mailing list, we can as well get them into the group and say, "Hey, please help look at this." It's a kind of way of nudging them to action. And I think let's see what comes out of that maybe in about a week or two. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Benjamin.

STEPHANIE PERRIN: Can I resume then? We've got this going. We're going to tag them. That's action item. Because there are a couple of important points I want to make. But I defer. Somebody else is speaking.

TOMSLIN SAMME-NLAR: Yeah, Bruna had her hand up.

BRUNA SANTOS: No, it's just a very brief comment that maybe I'm a little bit bothered by this conversation because we're sounding over patronizing about an issue that's relevant to many parts of the world and not the global [south,] global majority. So maybe the suggestion here would be to take on some of this discussion from this report and to dive deep into them with not just our community but other parts of the ICANN community that come from this part of the world. Speaking about applicant-support, it might sound easy to some of us, but it's not really. And when we do talk about parts of the world with different priorities, money doesn't really matter because money doesn't get there. And when money gets there, it goes to somewhere else like health care, access, water, sewage, things like that. So just that maybe it would be good looking at the next steps of this program and what's being done by our members to have guided discussions with people from the global majorities and maybe even from outside the ICANN community just so we can test to what extent the outreach can go, we can test to what extent the language goes, and how people understand this conversation. So thanks.

TOMSLIN SAMME-NLAR: Thanks, Bruna. Steph?

STEPHANIE PERRIN: Okay, so we've kind of reversed the order and dealt with the second item first, which was how do we deal with this report. The first item, in my opinion, Kathy had put down importance of this work. We have to cover this work because it's part of the SubPro report and because the way this thing is rolling out could mean systemic discrimination against areas of the world where nobody's got the money to do this. However, I tend to agree with Farzi and Bruna when they say countries that we might be targeting have other priorities like Internet access. And let's remind everybody here that Internet access is not something that ICANN is concerned with. We are only about the DNS here, and this thing is rolling out on the DNS whether half the world has Internet access or not. So it is kind of a cart in front of the horse problem here. But as NCSG, we do have to respond and we do have to argue for applicant support because so much of the world that we purport to represent is going to be left out of this. And it does matter if somebody else gets your domain because you never knew about it.

Now, in terms of publicity, I don't see why we should have to look for a pot of money to promote. ICANN has a big budget on regional representation and outreach, and they should be doing this. They should be taking it on. We shouldn't have to even think about this. If they're not telling, I don't know, underdeveloped countries -- that's not the right word, but you know what I mean -- that this thing is happening and they need to be awake, then we nudge ICANN. We don't try and do it ourselves. I'm not even sure that we should spend money on research

because we haven't got any money and we've got other sort of burning issues that we have to deal with. But we were just in a couple of meetings where we discussed the fundamental threat to ICANN's credibility, and failure to maintain global outreach and make sure that this is fair and equitable is a threat to ICANN's credibility in its management of the DNS. So let's hit them up to make sure that they follow up on their responsibilities. That's their responsibilities.

My second point is I think we have to be extremely careful in the way we promote a budget for applicant support because it may look like we are direct beneficiaries, and we cannot nag on conflict of interest and not maintain very strict conflict of interest approaches and transparency ourselves. So I'm just putting that warning out there, guys. I'm going to be a hawk on this because we're talking about finding money for our own communities, clearly, and we're talking about finding money for folks to provide the kind of support that some of our members give. So let's be careful. That's just a little caveat.

And we'll try and get an analysis of this research that ICANN has done on the various kinds of support. I think it's pretty well agreed now. Originally it was just application money that we were looking at. And now I think it's pretty well accepted. We don't have to push that rock back up the hill. But it is really the attorney support and the research and all of the business development and even accounting -- Paul brought that up many times in his presentations on this. There's a lot of things you need money for if you're going to apply for one of these domain names. So I think that's enough out of me. I will be reporting back on what I think of that report, and I will find out who's going to be -- I hope that they accept your noble offer there, Benjamin, to volunteer

to help on that. That would sure be welcome. It would be great. And don't forget we need more representatives on that team to cover us because it's going to be a lot of work. They meet every week. Thank you.

KATHY KLEIMAN: Stephanie, this may be the slide on that, more representatives. Now we're on the subject matter expert going on in January onto the Council subsequent procedures small team plus, kind of expanded.

STEPHANIE PERRIN: Plus alternates.

KATHY KLEIMAN: Okay. So we're going to need how many people on there? It's one subject matter expert and one --

STEPHANIE PERRIN: As far as I'm concerned, as many as we can get.

KATHY KLEIMAN: Okay. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Stephanie, Kathy. We did have an agenda item which I don't believe we have enough time now for it, and that was the anonymous law enforcement request because we needed 15 minutes for that.

KATHY KLEIMAN: Can I just run through the issue really, really fast and just --

TOMSLIN SAMME-NLAR: Yes, please. Yeah, yeah. Two minutes so that we can quickly get on one announcement.

KATHY KLEIMAN: I could talk really, really fast, but I'm not going to do that. Okay. I put together some slides just to preface what I understand the issue to be, and one of the reasons we come together is for Stephanie to tell me I'm wrong and Tomslin's to tell me if I'm wrong and everybody else to tell me if I'm wrong. But that's the beauty of this, being together.

So anonymous law enforcement requests for our new WHOIS RDS disclosure system. So this is my understanding, that in our last meeting with the Public Safety Working Group, which took place online after ICANN 77, we couldn't find a time to meet with them, so we had a call with the GACS public safety working group, which is law enforcement guys, and they wanted us to support their request for anonymous law enforcement requests to the new ICANN domain name registration data disclosure system.

So what the heck is that? The domain name data disclosure system is called, appropriately, SSAD, and the system for standardized access disclosure operational design phase. This is new. It's kind of the streamlined, centralized process for requesting redacted --

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- MANJU CHEN: Sorry, Kathy, I needed to correct this. They wanted us to support this request in RDS, not SSAD, and because in SSAD, they have those already.
- KATHY KLEIMAN: Okay, then you're going to have to help me understand what it is. I thought they were asking for this. So then we need to clarify, and that's what I said, what is the current system of disclosure for requesters? What is the request of the Public Safety Working Group? And how does the registrar know who they're talking to, which is really important for their evaluation? So, Manju, tell me what they're requesting. I mean, let's clarify.
- STEPHANIE PERRIN: I have this button on that says, "Ask me about RDRS." The name SSAD has been killed off. It is now registration data request service. I think I've got that right. And law enforcement does not want to be transparent about their requests. There was a suggestion in there that they would have temporary protection of law enforcement requests and then reveal the data three months later. Remember that individuals have rights under the privacy provisions of the GDPR as to access their data. That is, of course, under law, and in a jurisdiction where a law enforcement unit is not bound by data protection law in its activities, and that would apply, of course, to certain kinds of investigative agencies more than others, there might not be such protections under law for those individuals and for those entities. And, of course, ICANN cannot set policy that conflicts with national law with respect to things like national security and policing. So that's what this debate and

discussion is about. Can law enforcement have access to the RDRS without revealing who they -- obviously they reveal who they are. They make a legitimate request. It's like coming in with a court order to the registries and registrars, which is what they do now. Necessarily you have to define what area of the law you're under. In most situations, entities will not release to foreign law enforcement unless there's an MLAT, a Mutual Legal Assistance Treaty, in place. So that's kind of the way things are right now. And now they are basically saying, well, we don't want to disclose data transparently in ICANN's system. So that's the debate. And I believe in Washington I said we really need to have a healthy debate about this because there are different views within NCSG on the matter.

KATHY KLEIMAN:

I'm really glad they changed the acronym of this group. It was so sad. But it's still the same underlying question. And clearly, guys, we could talk about this -- should we hold a post-discussion to really sit down and go through this? I'm moving on.

TOMSLIN SAMME-NLAR:

We'll consider it. I'm sorry I see a queue, but I have been given only two extra minutes. And we had someone here to make an announcement about Tuesday. Oksana, please.

OKSANA PRYKHODKO:

Thank you very much for inviting me. I am Director of International Non-Governmental Organization with Headquarters in Ukraine. I received group support from NCUC to present here results of our project,

Internet Identifiers in Time of War. I prepared a short presentation for Tuesday, NCUC membership meeting, if I understand well. Maybe [inaudible] can add something. And I'm really excited to participate and to hear all this discussion. And I will contact Stephanie with a lot of information from Ukraine, from our side. Thank you very much.

TOMSLIN SAMME-NLAR: Thank you, Oksana. Unfortunately, we've run out of time. And my apologies to those who have their hands up in the queue, but we have been kicked out of the room.

[END OF TRANSCRIPTION]