
ICANN79 | CF – GNSO: NCPH Work Session
Tuesday, March 5, 2024 – 10:30 to 12:00 SJU

JULIE BISLAND: Hello, everyone, and welcome to the NCPH work session. Please note this session is being recorded and is governed by the ICANN expected standards of behavior.

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PHILIPPE FOUQUART: Thank you, Julie. Hi, again, everyone. This is Philippe Fouquart speaking, ISPCP Chair, acting CSG chair at the moment.

Julf, would you like to say a word? I think we've discussed the agenda items. We've got plenty of time this morning. The mere fact that we're having this session, I think, is a good sign. It was something that we agreed during the day zero at the last meeting. And with this, Julf, would you like to say a word?

JULF HELSINGIUS: Well, just [to agree with you,] I think we are really seeing the fact that we are working much better together now, and this is part of that

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process. So I'm really looking forward to just having a nice, friendly, informal conversation with you guys.

PHILIPPE FOUQUART: Thanks, Julf. So, the agenda is on the screen. And by the way, if anyone would like to add anything, please do feel free to raise your hand.

And with this, we will start with the first item. And that's the update from NomCom.

VANDA SCARTEZINI: Thank you very much. We have some slides. I don't know if the slides are okay, but if not, no problem for us. We are here just because we still have time for the applicants interested in any position in the leadership of ICANN. It will be open (the applicant periods) until the 15th of March, next Friday.

But anyway, the most important issue, if someone that you know or yourself, has applied for any positions, please finalize your application. What is the application? We have more than 100 applications not finished. So it is a bad chance for the applicants because they can lose the time. And we only can see that application if they are finalized and [it's] open to the NomCom delegates.

So what we have ... Please change the slide. Okay. Anyway, yeah. We are looking, of course, for leaders. And what we have ...

In the next slide, we have three positions for the Board. We already have three persons, of course, that are leaving the Board. So that's empty positions that need filling. And they are, of course, allowed to reapply—

those current members. But remember that one issue also is to have fresh minds and new people sitting over there too.

So the next slide. We have two positions for ALAC, Europe and North America. Remember, the position for ALAC is much more open. It's for any person that has any [committee] [inaudible]. And I believe that is one of those positions that should not be so difficult. But we are seeing more and more over the years that for those two regions (not for the others, but for those two regions), Europe and North America, we have less and less candidates. So if you know someone that is more connected with people around, not-for-profit organizations and so on, please ask them to apply because it's a very interesting experience for them.

And for ALAC, new persons and new minds are quite important because what ALAC does is ALAC advises about the policy, but also has the obligation to defend and to keep alert all the cc's and GNSO of the policies that they're making and impact and in each way for the users around the world. So that's the task of those groups. So people related to this is very good.

So next slide, please. So, member of the country codes we just talked with. They have one position, and what is important for them is they don't want people from the cc's. They don't want people that are employees of any cc. So for any one of you, it will be very interesting experience to sit in the ccNSO, because it's another view, another kind of work. They work more together with the governments around and they have more responsibilities with the people inside the country.

Those kind of things may give you another perspective. So GNSO candidates are very welcome on that position.

So those are the positions we have this time. We do not have a PTI position. Next year, yes, but this year, no. So that is our address.

I will give the floor to Tom to talk a little bit, or one of those colleagues from NomCom. Thank you.

VIVEK GOYAL:

Thank you, Vanda. And just want to point out to everybody that we have other colleagues from NomCom. I have Tom here with me, Ron, and Mia, who have come here to say that it's an important thing that we should all participate in and spread the word as much as possible. If you know members who are thinking of applying or have applied but have not completed the application, please tell them it's important to finish the application before they can be considered. And we are always looking for people who bring in some independence to this process. That's why they are coming through NomCom.

So please spread the word. Tell your friends, colleagues, to apply, even if they are not sure that they will go through or not, please ask them to apply. Our parameters to select somebody varies from year to year a little bit because of the input that we get from all the committees and ASOs and ACs on what they're looking for in the next term. Continuity is not always their top priority. So it's not as if we will always select someone who's returning or an incumbent. We are always looking for fresh blood, new people to join this and provide leadership and bring in outside thoughts. So please spread the word.

And the last date is the 15th of March. Please do not wait till the morning of the 15th to say, “Let me get in whatever I can.” Please put in some thought out of respect for your application and respect for people who are reviewing those applications. We appreciate applications where somebody has put in some thoughts, not copied it from ChatGPT. And we are smart enough: we can find out if it's copied from ChatGPT. So please put in some thought, put in some original thoughts in there, so that we can see you really want it and it'll help take your application a long way forward.

I'll ask maybe Tom, Ron or Mia if anybody wants to add anything to this. Thank you so much.

RON DA SILVA:

First, thank you for letting us come and share our enthusiasm for the NomCom process. I have a reminder. The GNSO provides seven delegates to the NomCom, and the NomCom review implementation is going into effect next year. What does that mean? Everybody who's current (so the seven delegates you have, including the three that I'm sitting around next year) cannot serve. So you need seven new people as part of the implementation plan, and you cannot use a delegate from last year either. So there's going to be a bit of challenge, I think, for the GNSO to come up with seven new delegates, and half of them will have a one-year term, the other half will have a two-year term, and this begins the two year process, so that going forward, all new delegates will have a two-year term. That gives more continuity. So that's a good thing.

But this transition year is going to be a little interesting. The entire NomCom is getting spilled and you've got the task to go find new volunteers. Thanks.

TOM BARRETT:

And just to follow on to Ron's comment about next year, there's some misperceptions about the NomCom that we want to correct. First of all, it doesn't preclude you from participating in these meetings. We've been here since Wednesday, so we got our work done before this meeting even started. So that's point one that you should keep in mind.

Point 2 is we have a deadline to meet every year, so we deliver. And it's a very impactful job because we're appointing leadership to the Board, to your council and other councils. And I've heard a lot of people saying, "Oh, NomCom is a lot of work." I don't think I would ever hear that from anyone on the GNSO because you guys meet weekly, sometimes for decades.

PHILIPPE FOUQUART:

True, true.

TOM BARRETT:

So don't be afraid of the work. You'll love it.

And what's really cool, I think, is the NomCom is going to have to face the threat of artificial intelligence (not a threat, but an opportunity). And so we're going to have to redesign our tools so that the applications can't easily be answered by ChatGPT. We're going to have to put into

place some anti-plagiarism tools so we can detect use of AI, and we might even employ AI ourselves as part of our soft-dive process.

So I think it's a very exciting time to participate in the NomCom. And again, we need seven more of you to apply next year, so give it some serious thought.

MIA BRICKHOUSE:

Hi, Mia Brickhouse from Meta and NomCom. I just want to also thank everyone for allowing us to be here. It's been a wonderful experience on the NomCom so far, so I'm sad that I will not have the ability to serve next year.

I do want to just comment that although the committee will look different next year, we still are working very hard to have our suggestions and feedback carried over, because I think we have a lot of learnings from this session and it'd be a shame to lose them. So staff is doing a great job of making sure that the suggestions and improvements will be carried over.

That's it. Thank you.

VANDA SCARTEZINI:

I'll [only add two things] that come with the position in the NomCom that are quite interesting. We have very interesting trainings that can be helpful in our day by day life. We train about how not to be biased when you read something, see something, talk with someone in the same way we learn also to have very good trainings around and how to interview persons and what to expect with the answers. [What takes more

information for simple answers that you have?] That is very useful in your day by day life. So it's an advantage to serve in the NomCom. So thank you very much.

Any other colleagues want to do something? If not, we do not want to waste your time, and please advise yourselves. Make the application, finalize the application. That is the most important. We only can consider the final application. And do not lose the opportunity. Okay, thank you very much.

PHILIPPE FOUQUART:

Thank you. And thanks all for being here. Any questions? Farzaneh, you were first, and then Thomas.

FARZANEH BADIEI:

Thank you. So I think that the approach to AI should be more balanced and not be just “If we detect AI, then we are going to not consider it,” because first of all, the AI detection systems are very primitive and a lot of the non-native speakers, English speakers, as well as native English speakers, use AI to edit, to proofread. So I think that our approach, like NomCom's approach, to the use of AI should be a little bit more balanced. Thank you.

VANDA SCARTEZINI:

The idea is just that: it's allowed for use, but we need to recognize that that was used. And if they use it for every scene, we need to understand, what is the real person behind that? Because we are selecting real person. So it's a challenge for the system, because we are not seeing in

the first moment those persons; just what they wrote there. But anyway, it's a challenge (very interesting) facing us. Thank you.

PHILIPPE FOUQUART:

Thank you. And just an anecdote on this. We've got what's called an instance of ChatGPT internally. The first question I asked is, what is ICANN? And the answer I got was it's a Californian based corporation under us contract. And I did that three weeks ago. So don't trust AI, I guess is the answer.

And by the way, as just a bit on that, I typed “This is wrong” in it, and the answer I got back is, “Oh, yes, I'm sorry. There's been changes since, well, as you would know, the transition.”

Anyway, on this particular point, before we get to Thomas—Lori?

LORI SCHULMAN:

I'm sorry, I just wanted to +1 Farzaneh on this. If you do detect the ChatGPT, I would ask the applicant. Just ask. I don't know if you're planning to do that, but I would not, out of hand, dismiss. And I have the same issue with my German. I'm learning German. I'm trying to write more, and I do use AI to help me with my German. So I think that's a very fair point for non-English speakers. And I would hate for anybody to be penalized because of that.

VANDA SCARTEZINI:

Yes, we are not intending to not allow. It's the way that we need to rebuild the application to make it more clear for us and maybe ask for the candidate to state “I've used it” or something like that. We are not

done with that. It's something that we're going to face in the second ... After the selection of those people now in the June proceeding, the work for the [inaudible] leadership team will continue to work till the end of the year. So we need to face that and try to make a recommendation for the next NomCom to pay attention on the application formats, to make it more clear, to identify and give opportunity to people to say "I'm using that."

THOMAS BARRETT:

And Lori, just to follow up, I think my point was that the NomCom has to be smarter in the kinds of questions it's asking that can't simply be answered by AI. So instead of saying, "Tell me what ICANN is," and they can give us a Wikipedia entry, we want to say, "So what's your understanding how the significance of ICANN?" some personal perspective about the questions, rather than things that could just be generically answered.

PHILIPPE FOUQUART:

Thanks. And in that respect, with NomComs being the sort of recruiting agency for ICANN, it's not specific to NomCom. I think every recruiting agency has the same issue with AI. So different point, I guess. Thomas?

THOMAS RICKERT:

Just to say that I have full confidence in you guys doing the right thing. If someone uses AI to polish the language of the application, that's fine. If they're using it to make something up, I'm sure you will identify during an interview. And I was sitting on the other side of the table with Vanda more than ten years back when I applied for a position in the GNSO

Council through NomCom. They picked me. So you can see they have the capability of making excellent decisions.

But joking aside, I just wanted to express my gratitude for what you're doing, NomCom. And you know this, but maybe not everyone knows. It is, in my view, the most important committee that we have in ICANN, because it's not a nominating committee, it's an appointing committee. So you are shaping the organization by picking the heads that are going to be responsible for managing it. So thank you so much for putting all the time into what you're doing and your commitment.

And we are doing what we're doing in public so we can speak in public and we get a lot of visibility. You do most of what you're doing in secrecy, and that's even more to be applauded because you accept the sacrifice of having off sites and doing all the hard work. Thank you.

VANDA SCARTEZINI:

Thank you, Tom. I'm glad you continue here.

PHILIPPE FOUQUART:

And so are we, on behalf of the ISPCP. Well, I can only echo what Thomas just said.

And one thing I'd like to emphasize is that the fact that there are a number of urban myths on NomCom, including the fact that those meetings are now back to back, other than overlapping. It's even something I myself learned, recently. And that's important for applicants within our own S/GCs to know that they will be able to attend

the sort of normal icon sessions as opposed to what happened a couple of years ago.

Over to you. IS it follow-up? Yes.

VIVEK GOYAL:

We can only select from the candidate pools that we receive, so we have to pick the best one of those that applied. We cannot go outside of that and pick good candidates. So while we are doing outreach, like we are doing here ... And every other opportunity we get, I really request everybody here to please spread the word as much as you can. If you know of a good candidate who is hesitant, please get after them to apply. At least put in the application. If they have any questions whatsoever, connect with any one of us and we'll be more than happy to help them answer any questions about. But until/unless they put the application in, we cannot consider them, no matter how good they are. So that's the last point. We are bound by the applications that we get. So, thank you so much.

PHILIPPE FOUQUART:

Thank you. And to this point, I think we all appreciate that. It's sort of an equation under constraint. You're staffing a subset of a given set, and that's a challenge, and that's always a balance, I guess. So thanks again for all you're doing. Thank you.

VANDA SCARTEZINI:

Thank you, everyone.

PHILIPPE FOUQUART:

Thanks, Brenda. I think we can go back to our agenda. So what we did in thinking about this session is that we took the leftovers from our day zero just to see whether we covered those action items. So we'll go through a couple of updates and see whether they are still relevant.

Before we do that, there are major action points that we agreed on, notably the Team 14 effort. So we'll start with this. Paul, would you mind giving us an update on this?

PAUL MCGRADY:

Hi there. So funny. I'm thinking like I'm a walking example of NomCom quality control failure, but we'll leave that there. So the Team 14 has been meeting. We are making steady progress. We are going out tonight for drinks. You all not invited, just us. And we have a fairly decent draft of our scoping document. It is not done, but I would describe it as a fairly decent draft, and we are currently working on that.

We're also working on a work plan, which we're going to share. We view that as more internal to us, but nothing secret. So we'll share that out on the mailing list, which is going to be another topic of discussion later today—and our newly discovered but long extant wiki space too, for the house. Apparently we have that. So if you guys are looking for Team 14 stuff, that's where you'll find it.

But I thought it might be helpful just to walk through the scoping document because we are looking for feedback from the seasoned SGs on this before we finalize it. So I'm just going to do that.

So the first line: initiation of the request during the day zero meeting at ICANN 78. This house initiated the team and we are to review topics

surrounding the timely appointment of a candidate to Board seat 14. You will notice throughout the document that we're using phrases like “timely,” “appointment”, and things like that to drive out argumentation like, we don't want to say stalemate because that's somebody's argument, right? We want to make sure that we're really focusing on what it is. And what it is is getting this done on time, right: finding a quality candidate and appointed to the Board on time.

In terms of background, we encountered challenges (I love that) with the timely appointment of a candidate to Board seat 14 pursuant to our annex seven. And so we were established to discuss the problem and determine if any changes are needed to the process. So again, this is an agnostic document, right? We're not presupposing changes are necessary, but we are going to be engaging in a dialogue to see if changes are necessary.

The scope of the effort. Team 14 has agreed to discuss and review the following topics in the hope of building, understanding, and potentially evolving the NCPH process of selecting a candidate for appointment to the Board seat 14 in a timely manner, or in a manner, rather, that meets the needs of the entire community. We initially said “that meets the needs of both sides of the house and also the ICANN Board,” but we actually thought about it a little bit and there were other people who had needs in this process, too. For example, Matthew. He needed to not have this go on any longer than it did. And unfortunately, we did not meet that need. So we blew up the needs like the [windset], and the [windset] is finding a solution that actually meets the needs across the community.

So the topics are ... And I think Andrea is going to scroll for me. Topic discussion item number one is: discuss lessons learned from the last time Board seat 14 was appointed and share stakeholder group perceptions and identify key challenge key areas of challenge. So Team 14 members are going to be going back to their C's and SGs for these things. This is a good exercise that Farzaneh has, I think, correctly insisted that we do. Like, we really need to understand how we went off the rails before we try to build a track going forward. So I think that's a good exercise.

Two: discuss possible updates to procedures to avoid missing the deadline to appoint a candidate.

Three: discuss possible joint idealistic (and we say that but it's not binding) criteria for candidates from both sides of the house. The reason why we're talking about non-binding is we may something like it would be ideal for this person to have served on another Board for at least four years, but if it turns out that this person has served three years on another Board and they're just an amazing candidate, we don't want to exclude somebody because they don't meet some formulaic checkbox. So the language that you're seeing there is fuzzy on purpose. It's not because we don't want to develop good criteria. It's because we have already, as a team identified that fuzziness is actually just as good as clarity in some cases. So that's why that's there.

Number four: discuss possible options to reduce perfunctory no thank you responses to proposed candidates suggested by the other side. This is a concept ... I hope it's okay, Team 14. It has to be okay because we're transparent. We're not doing anything secret. This one is what

used to be the: we should do joint interviews. If we do joint interviews, then it'll be harder for people just to say perfunctory no thank yous.

Joint interviews may be part of number four, but we thought, “Well, joint interviews is an idea. What are the other ideas so that we can get away from perfunctory no thank yous?” because with perfunctory no thank yous, there may be good reasons behind what appear to be a perfunctory no thank you. And I would hope that there always are, but those are not always expressed. But if you're the subject of the predicate or whatever (if my wife were here, she'd tell me which one it is), if you're the subject of the perfunctory or what appears to be a perfunctory no thank you, your feelings can get hurt. And so what we want to do is if a candidate is proposed, and if the non-proposing candidate says no thank you, we are trying to evolve this discussion in a way to where it doesn't feel like, nah, I don't like that guy. Does that make sense.?

So that's how four is evolving. That may involve interviews. That may not involve interviews. That's not up to me. I'm just trying to keep the conversation on track and take notes.

All right. Five: discuss how to provide feedback in a confidential, sensitive way. So this is something that sometimes there are good reasons that need to be conveyed, but we do need to have a mechanism to do that because sometimes that stuff spills over and it's not great.

And then six: discuss establishing (and this is sort of different, but I think it's important) performance review criteria for Board seat 14 occupant going forward. And the reason for that is that's, one, good for Board seat 14 to let them know how we think they're doing. Obviously they're on

the Board, so their fiduciary duties are to ICANN, the thing. But I also think it's good to give them feedback, and I think it's good for that feedback to be shared throughout the house, because I think last time (and forgive me if I'm wrong), it seemed to me like one side of the house thought Matthew was doing fabulously and the other side of the house had concerns. And I don't know that those were cross-expressed. So there was some surprise when it wasn't like everybody sharing an opinion.

And I hate to make this about Matthew, but he's tough and he's already been through this ringer. So I'm not adding anything that he's not already been through. What we're trying to do is to drive out that surprise, both for the incumbent, if they're interested in being reappointed, but also for the house, so that nobody is surprised in how we think the person is doing. And so we're going to build those things and try to make them kind of objective, we think. We're going to try at least.

And then two notes. Notes on scope. We are a squirrely bunch. That's the new ICANN word: "squirrely." And so we may need to adjust this scope depending on what we learn and how it goes. If we do, there'll be some mechanism to report that back to the leadership of the house. I hate to say ExComms, because I have no idea if everybody's got an ExComm or not, but we'll convey that some way. But we're small and nimble. We're not a working group. If we need to change something, we'll figure out how to do that.

And then the other note is somewhere along the line (and I apologize if this was your idea, anybody who's listening), we also take on the gnarly

problem of how we appoint vice chairs to the GNSO Council, and we just don't think we're fit for purpose. And if we were to do that, it would be at the end anyways. And that is not going to help us for next September. So for all you leadership people in this house, that tennis ball has been hit back. So we just don't think we would get to it timely. And I don't necessarily know that we're fit.

So the general thinking is that that probably needs to be a separate process. If you guys tell us “No, we really want you to do it,” we'll talk about that. But that's kind of the current thinking in terms of that, because it's a different thing.

I'm running a queue. Lori? Sorry.

LORI SCHULMAN:

Yes, you're running a queue. That's well noted, Paul, because I think that's fine. I think keeping Team 14 on 14 makes perfect sense. I don't certainly have a personal objection to it.

And in terms of vice chair, we had issues with the vice chair appointment when we were in Kuala Lumpur, and I believe it was Tomslin that got caught in that mess a little bit. And we want to make sure that doesn't happen again.

So what I would propose (and I will volunteer myself if there's agreement) is ... The CSG chair switches from Philippe to me in June and we're going to be asked to clear a new vice chair in September. So what I'd really like to do is actually get that process and discussion rolling ... I don't know if now is too soon. It might be too soon. I'd like to hear thoughts from other members that are in the room, but I don't

think it's too early to think about that either. And I'm happy to share that effort as part of being on the ExComm.

PHILIPPE FOUQUART: Thanks, Paul. Just two comments. And speaking just individually on this, and as a member, I think the recognition within the team was indeed that those were two separate tracks. But there was some recognition as well that there was an issue there. It's not because it's not an issue, it's because those are two separate tracks.

And on your question, Lori, I would agree that the sooner the better, and possibly the sooner we consider this without the bias of knowing the potential candidates, the better, I would think. Just in order to avoid that, we game the process based on the potential candidates.

LORI SCHULMAN: Okay, so the IPC ... I'm very happy to pick up that since I dropped Board seat 14, or I'll pick up the vice chair if that works. Yeah. Okay.

PHILIPPE FOUQUART: Thank you. Caleb?

CALEB OGUNDELE: So I do have some concerns on the issue, on confidentiality. A few things did happen, and I think it's a bad experience that we had during that period, and there was a bit of leak.

And I just wanted to mention that, although I know we might probably not be able to sign NDAs, I feel it's very important that the

confidentiality of candidates that are being considered are kept, not for anything but because of their reputation, not just for this organization, but for other organizations they might be trying to get into, because if some of these things are, one way or the other, leaking to the price or something, it has a damaging impact also to the reputation of those candidates. And I feel that when people are being considered, it's more of an HR issue, and it should be held in the highest confidential level as much as possible.

And so I wouldn't know what to propose here, whether we should ... I know that an ND would be an overreach, right? But trying to make it close clustered such that we don't get to embarrass any of the candidates, and, in a way, if this keeps happening, it scares some of the good candidates also away. That's what I think about the confidentiality trend that did happen the last time, and I do hope that it doesn't happen again.

PAUL MCGRADY:

Thank you, Caleb. I know that all the members of Team 14 share those exact concerns, and that's one of the reasons why it's one of our major discussion points, because we got to solve that for sure.

UNIDENTIFIED MALE:

Philippe, you have two hands up in the zoom room, too.

PHILIPPE FOUQUART:

Damon?

DAMON ASHCRAFT: Sure. Thank you, Paul. Yeah, I just want to echo what Caleb said. I think the whole aspect of confidentiality is important, and I know, Paul, that we are working on that. And I think we should just sort of treat it the same way that NomCom does, which is that we keep all candidates confidential, but at the same time, that privilege kind of rests with the candidate. If the candidate wants to share that they're applying, that's perfectly fine.

The other thing, Lori, is I'm glad to hear that we're going to start tackling these things earlier. I think the more time we have, the better. I don't think anybody was complaining about the process last time, saying that we had too much time. I think [inaudible]. We probably started way too late. So I think that's definitely a positive approach. So thank you.

PAUL MCGRADY: Thanks, Damon. We have Steve.

STEVE DELBIANCO: Thanks. It was here in San Juan in 2018, six years ago, that we hatched an idea, not so much to solve this problem, but it's an idea that completely solves this problem. The idea was that in the NCPH, both the NCSG and the CSG would have a Board member. So seat 14 becomes 14 and 16, and the contracted parties would have two for registrars and registries. At that point, there'd be four of 15 seats, assuming they come from NomCom, for the GNSO, who's 99% of the workload and revenue for ICANN. It only makes sense, although it's difficult to push that. There's no single place where we can take that other than the holistic review. I probably should have pushed like hell

for that when we did the transition in 2016. Hindsight's 2020, but we had a lot to do. But that is the ultimate solution that unites the folks in this room, improves the representation of our views, eliminates the need of trying to differentiate between registrar and registry rep, or from us, commercial and non.

So it's not part of, I know, Paul's work here, but if you keep it in mind, as an aspirational goal, work together. Let's work together on the holistic review and put that in. Let's never fail to bring that up as the actual way to solve this and many other issues. And whether those two seats come from the NomCom or those two seats are added, sort of neither here nor there, let's do what's politically expedient. But keep that hope alive, please. Thank you.

PAUL MCGRADY:

Thanks, Steve. And the reason why we're putting this scoping document out for common is because that sounds like a really good number seven. Like, how do we solve the issue in the long haul? You know, I think I've been very public over the last couple of years about rejecting false doctrines of scarcity. Whether it's in how we establish teams on council, whatever, wherever we see doctrines of false scarcity that are meant to divide us, I think as a house, we should reject those. And so thank you for that. We're going to take that on you board.

STEVE DELBIANCO:

Thank you, Paul. And as you take it on board, potentially, it's not just an item seven in the box that's there, but it's potentially a new item, an appendix and annex, an aspirational element. But putting it in writing

in your document will keep it alive and remind all of us about that. And that can only be helpful. Thank you.

PAUL MCGRADY:

Thank you. And then I'll be done just after I give the commercial for everybody who's on this team. Can we scroll down real quick? And the reason why I think this is super important is because people are putting a lot of time and effort into this. And I want everybody to know who the Team 14 is and so that we don't lose sight of that. So we have Damon. Poor Damon. Doesn't even get his own line. Damon Ashcraft. We have Marie, Philippe, Bruna, Farzaneh, and Rafik. And so, as you guys are considering loading them up with other chores, don't forget that they have Team 14 and they're working hard for you.

I think that's it for me. Oh, Marie?

MARIE PATTULLO:

Sorry. Two things briefly, if I may. First up, the suggestion from Steve about one Board member for the CSG, one Board member for the NCSG: I don't know how many of you got the beautiful moment that we all nodded. So both sides of the house—we all smiled and nodded. So yay. It is possible. And certainly it makes sense. And it makes sense. I don't know. I can't speak for them clearly, but it makes sense for the registrars and the registries also. And if it is funding issue, if it is numbers issue, then two are removed from the purview of the NomCom and put into the purview of the GNSO, which personal, obviously, I would support.

But, second, I'd like to add on, if I may, to a bit of your advertising. You'll remember that the very first thing we're going to do is try to figure out how we fell down last time. So please, to all of you, do share. If you are involved in any of that process, please share with these people on the screen. Pick your person, because we genuinely do want to figure this out and make it better. So please don't wait for getting an email pop into your box. If you've got anything to share, please start sharing at this as soon as you. Thanks.

PHILIPPE FOUQUART:

Thanks, Mary. Thanks, Paul, for this. Moving on then, if there's no other questions, let's go back to the agenda. So there's a couple of actions that we took during day zero that ... We won't revisit this, but it's just to make sure that we have that moving forward, if only to share the progress of Team 14. We'll put together a mailing list for the NCPH, as well as a wiki space. We'll turn to staff to help us with this.

On the intercessional, there's been some ... I'm hesitant to use the word "progress," and Mason will explain where we are. Mason?

MASON COLE:

Thank you, Philippe. Mason Cole here of the BC. Julf and I cooperated on a request for a day zero intercessional in Kigali. We made that request to ICANN Org, and unfortunately we were denied. So we will not be meeting early in Kigali. The reason for the refusal was that ICANN staff is stretched pretty thin with a high-level governmental meeting that is taking place before the Kigali meeting. And they just didn't have

the resources available to make space and support available to the NCPH.

So we won't be meeting early in Kigali, unfortunately. But I think Julf and I are in agreement that we're going to shoot for Istanbul and we'll make an attempt to do an intercessional there.

If not, there's also the option to ask for what the contracted parties enjoy, which is an intercessional separate from an ICANN meeting. We want to be cautious about that because that's a resource spend in addition to attendance at regular ICANN meetings. We're conscious that we don't want to make that request lightly on the part of the community because it involves extra money, time and resources.

So our working plan right now (Julf, speak up if you don't agree) is to ask for a day zero for Istanbul.

And you want to add anything to that, Julf?

JULF HELSINGIUS: You pretty much covered it.

MASON COLE: Okay. All right. So if anybody has questions or ideas or thoughts on that, I think Julf and I are wide open to hearing them. Thank you, Philippe.

PHILIPPE FOUQUART: Thank you, Mason. Any questions or comments? I think there's some recognition that we need this somehow, and the most efficient, the better. Yes, Lori?

LORI SCHULMAN: Thank you. I have a comment. We had a breakfast ... Was it yesterday morning? Yes. With our ExComms. And I just wanted to reiterate to the entire group what the ExComm had discussed about this issue. We also agreed that on the ExComm level that we need this meeting.

But we also agreed that if we have this meeting, it's very important that we take the planning away from ICANN staff and make sure that whatever we do is driven by our needs. Those of us who are the veterans of the last group of interessionals seemed to have agreement that there seemed too much staff control in terms of scheduling, in terms of how the program was developed. I think all of us here are experienced enough that once we understand the days we have and certain timing constraints in terms of room availability, it would be incumbent upon us to make the schedules and develop the themes without so much staff facilitation. The staff facilitation, in fact, seemed to lead to over-scheduling and some scripting that we thought was not.

PHILIPPE FOUQUART: Thanks, Lori. Which means that we will have to plan for that.

LORI SCHULMAN: But that's okay, because when the staff did it before, Farzi brought it up. And she's right. So I've agreed with Farzi twice today. Please note that for the record. Thank you. What happened last rounds of this is we'd have six or seven planning sessions, which wasn't necessary. And this was all sort of weekly. An hour with Rob Hoggarth. I understand the staff was trying to be helpful. This isn't about bashing the staff as more

as making sure that we get what we need. So I think having a planning session either open with our house, like now, or with the ExComm, and then sending it out to our constituencies for feedback would be more efficient and actually get us to what we need to discuss.

PHILIPPE FOUQUART: Thanks, Lori. And just to be specific, when you say “last time,” I think you're referring to—

LORI SCHULMAN: It was a long time ago, like six years ago. Pre-Covid.

PHILIPPE FOUQUART: Yes. I think it was a meeting back-to-back with council's strategic planning session, which amounted to an intersectional for most of the ExComm.

LORI SCHULMAN: Right. I remember there was an LA meeting, a DC meeting, and then we had the Reykjavik meeting. And all of that was, in my view, well, again, well-intentioned, over-planned, overdone. And I think where we do best (and this has been illustrated by the Board seat 14 issue) is, once we figure it out, we get to talk together openly, more loosely, with more candor, we get a lot farther.

PHILIPPE FOUQUART: Thanks, Lori. And just thinking out loud on this one last point, maybe what we could contemplate for that meeting is exactly what we've done

here—i.e., update you on the progress of Team 14 and collect inputs in addition to those that we will be collecting through the SG/Cs in the meantime. That would be substantive work that either that day zero or the intercessional could undertake. Thanks, Lori.

Anything else?

[JULIE BISLAND]: Stephanie Perrin has her hand up.

PHILIPPE FOUQUART: I'm sorry, Stephanie. I wasn't looking at the Zoom room.

STEPHANIE PERRIN: Thanks a lot. I just thought I would note I'm trying to figure out what makes a good meeting for us. I thought that the meeting in Washington was really well organized, and I thought Paul did a great job. And I'm sorry if I'm forgetting all the others who need thanking, but having someone neutral steering us might help. And I don't mean ICANN staff, I mean someone among us. Thanks.

PHILIPPE FOUQUART: Thank you, Stephanie. Apologies for the offline discussion. Lori and I were trying (well, I was trying) to understand when that DC meeting took place. I wasn't there at the time. I certainly was there in LA, and so were you, I think, Stephanie. And I would concur with Lori that that was probably not the most efficient meeting that we've had in the past. So I wasn't there in the DC. If there's anything that we can take away from

in the way it was organized, such as sort of a mediation, I don't know, or a neutral third party, as you put it, maybe it would be a good idea.

There's a queue forming here, so that's great. Farzaneh first, then Lori, then Mason.

FARZANEH BADIEI:

Thank you. So the issue, I think, was that we were over-engineering things and we were not really discussing procedures, how we go about appointments of the council chair, the vice chair, and the Board seat. We were talking about things that we would never agree on, like the intellectual property issues and what are our commonality, and differences and stuff like that. We didn't address issues that we could actually address. And to be honest, there were two days of meeting for eight hours each day in a windowless room. If you put a bunch of people for two days in intensive conversation about these things, it won't work.

I think we need less time. I mean, I would love to spend time with you. And the more you give time to people, the less they work. So we just give a four-hour meeting. We discuss the issues. "These are the procedures. These are the things." And then if we want to have fun, we can go to a reception or do stuff like that. So I think it's less over-engineering and more of, like, doing the actual work.

And I remember this. In 2018, I was the chair of NCSG and ... No, sorry, 2017. I can't remember it. But we sat with Steve and CSG ExComm in a room in Abu Dhabi, and we sat down and we discussed how to go about the procedure and documenting the procedure, and it took us 2 hours.

And then we went back to our respective stakeholders. So we need to do less over-engineering and get on with it.

PHILIPPE FOUQUART: Thanks, Farzaneh. I can only concur that ICANN work is like smoke. It's going to take the room that you give it. Next is Lori.

LORI SCHULMAN: Agreeing with Farzaneh for the third time today. Woo! We're almost at home-run-level. We're at third base. Yes. To your point about ... And I think this is what ... I'm going to pat all of us on the backs for this. I think going through what we went through last winter with the chair situation really amplified that, if we focus on procedure, if we focus on how to operate as a joint group, as half the house, the operational concerns (I know that's not NPOC anymore) are what unite us. And if we move forward with that agreement in terms of facilitated discussion, whoever facilitates this discussion ... You know, Paul's a very talented mediator. I will pat him many times on the back for his facilitation skills. He's noted for it, and he does well. There are others here that I also believe. perhaps we could rotate facilitation with with the understanding that we're operating on operational concerns. And if we're not getting to particular policy questions, so be it. We'll all have our policy teams figure that out. And we do have questions here about policy and metrics.

So, again, if we can find alignment ... But if you look at what we're asking about, we're asking about operational stuff: how will a contract work, how will we coordinate? And keeping the focus there and away

from contentious issues is absolutely the way forward. And so I believe that it may not even require sort of the neutral third party as much as a common understanding that we're focusing on operations and procedures, writing them down, putting them in a common archive, and moving on so we don't have to remember what happened in the room in Abu Dhabi or Reykjavik or anywhere else.

PHILIPPE FOUQUART: Thanks, Lori. And just to add a substantial point that we haven't discussed in detail, there's obviously the RDRS aspects that we informally exchange on, but maybe that's one of the things that we could discuss by then during the intersectional.

So next was Mason. Damon, I think you were before Lawrence because you—

DAMON ASHCRAFT: I put my hand down and then I raised it again. I just wanted to thank ... Paul has done the Lord's work here as far as working with us and all the stuff he's done. I just wanted to publicly thank you, Paul. I mean, we haven't gotten your bill yet, but I think it's been fantastic. And just thank you so much for all that you've done.

PHILIPPE FOUQUART: Thanks, Damon. Mason, you're next.

MASON COLE: Thanks, Philippe. Julf and I were just talking because he and I are sort of nominally in charge of making sure that the next intercessional comes off as well as the last one did. So we just wanted to make an announcement to the room that if you have ideas for the intercessional, no matter when it occurs—it could be Istanbul, it could be Monaco, it could be wherever—send them to us and we'll start organizing. It's never too early to start putting the program or the agenda together. And if you have ideas for what we can do, both in taking care of the house business and perhaps something we can do socially to get to know one another better ... And for example, in the last session, we had a lunch and we made all of us sit with someone from the other SG, and that paid dividends because we all got to know each other better. So you want to do karaoke? You want to do tequila shots? Whatever the deal is, just let us know and we'll make it happen. So thank you. That's it.

JULF HELSINGIUS: If you do karaoke, I definitely need a tequila shot first.

PHILIPPE FOUQUART: Noted. Thanks, Julf. Thanks, Mason. Lawrence?

LAWRENCE OLAWALE-ROBERTS: Thank you, chair. So I just wanted to flag this point that ... We said at the last intercessional that we need to really work on the wiki and documenting baby steps to conclusion.

Going to Lori's point about the vice chair role, for instance, we've had some kind of discussion, and I think maybe what we now need to focus

on what the next steps are or stuff like that. It's important that we keep updating the wiki, the central documents. And also, I think we should also be clear on identifying what next steps are so that we know, without having to have a formal meeting of this sort, what should be the next step in terms of progress to make, rather than having to ... because we stand the possibility now of going back all over again to deal with certain items that have been discussed before, which keeps drawing us back.

So I think we need to have some kind of means of tracking progress and determining what needs to happen after a step is closed out.

PHILIPPE FOUQUART:

Thanks, Lawrence. Yeah, I think that's an important point, if only because one of the issues that we had during this seat 14 appointment was to track down any prior agreements, and that applies to the vice chair as well. So if anything, the wiki space will help us do that, rather than tracking down the emails that we might have received in the past.

In addition to and beyond the sort of procedural discussions, points of substance, as the one we've got on the screen or the one that Stephanie put in the chat, would be certainly welcome because as you're saying, there are things that we agree on, I think, hopefully.

Anything else? Lawrence, I'm assuming that's the old hand.

Okay, Farzaneh. Still considering? We're still on the intercessional meeting and what we will be addressing at that time.

But okay, moving on, then—oh.

FARZANEH BADIEI: [inaudible]

PHILIPPE FOUQUART: On this, I think anything that you would think would be relevant for that, as Mason said, please share with Mason and Julf, and we'll put that at least as a suggestion, but I'm sure that that one wouldn't be contentious for the reasons that we just discussed. But thanks, Farzaneh.

Okay, moving on then. We've got two other points. We've got pretty much half an hour to go. Common points of view on DNS abuse. Who would like to take this? Mason?

MASON COLE: Thank you, Philippe. This is my request to add to the agenda, and I appreciate you adding it. The reason we wanted to bring this up is because the BC in particular has been very active on the issue of DNS abuse. So have others, obviously, in our house. But this is an important issue, especially for the BC.

I wanted to raise this because the contract amendments that contracted parties and ICANN Org agreed to go into effect. I believe it's on April 5th. And from that point on, contracted parties are obligated to take additional steps to mitigate or disrupt DNS abuse. This is good news for the community and it's good news for our membership.

There is the issue of measurement of the impact of those amendments. This has been a discussion topic during the week here in San Juan. It

will come up again while we're in San Juan. It'll be a point of discussion, I'm sure, in Kigali, and along the way, between the two meetings. We've raised in various forums the idea that, with DNS abuse, the impact of the amendments need to be precisely measured so that the community can understand what kind of impact they really have. We've encouraged ICANN Org to not only include their own data, but that potentially of third parties that have credible, independent data that measure DNS abuse. I'm not sure that that's going to happen, but it's something that we've encouraged consideration of.

So this is important to the BC, it's important to the CSG, I believe. We wanted to get the NCSG's temperature on this as well and see if there's a way forward on discussing how we can go about measuring the impact of these amendments on DNS abuse. Philippe, back to you.

PHILIPPE FOUQUART: Thanks, Mason. If there's a discussion, please manage to queue if people would like to discuss.

MASON COLE: Anyone? Yeah, John?

JOHN MCELWAINE: So in looking at what I think is going to be part of the third-party sort of metrics. It's ...I'm drawing a blank on the name of it, but it's coming out of the DNS Abuse Institute.

And what's interesting to me about those statistics and metrics is that it's intentionally so that the data is not, like, in their words,

manipulated, not attached to any DNS abuse reporting through these systems. And that seems to me to be sort of a missing piece of the puzzle. In other words, the DNS abuse statistics, I think, that are going to be published with respect to the DNS abuse amendments are going to be metrics that are just in general, and they're collecting that via sources such as Spamhaus and things like that. And I'm thinking (and I'm no statistician) that we also need to be looking at statistics coming from the registrars themselves. Thanks.

MASON COLE:

Thank you, John. That's a good point. In fact, I posed a question yesterday in the exec Q&A to the executive team of ICANN to ask them what sort of stats are going to be made available to the community. And Jamie Hedlund's answer basically was "ICANN has its own stats. We'll provide those. We'll consider your request," but that's about where it was left.

So there is a queue forming. Stephanie, hi. Go ahead, please.

STEPHANIE PERRIN:

Thanks very much. I'm no statistician either, but I got really grave concerns about how much weight we put on any of these stats. I mean, speaking frankly, the guys like APWG are all in competition. They don't necessarily share their work with each other. If they are in competition, they share with their friends. This is something we should have investigated during the review of competition, in my view—competition and consumer protection—because basically we're all grateful for any

work that's done on abuse; so grateful that we're not holding it to any statistical standards.

Similarly, ICANN is collecting what gets reported to ICANN, not necessarily what doesn't. So how accurate is any of this data? We're going to be forced to triangulate on the data points. So the registrars that cooperate at ICANN and who are accredited registrars will be collecting stats. How are they enforcing with their resellers? Big gap there. I'm still in the dark on how any of this stuff filters down to the resellers. Then there are the bad guys that the contracted parties will give you a list of.

So I think we need to take this apart because I'm so worried that we're going to get a bunch of bad data and be making policy decisions on it. I don't think there's going to be a huge uptake of the RDDS, and that's a pity. But we can't take the abuse stats from the RDDS particularly seriously, in my view. Thanks.

I could go on for quite some time. Like I say, you don't have to take me seriously, but I have done work on quality, even though I'm not a statistician, and this doesn't make it. We used to have experts on this kind of thing from an academic perspective at NCSG. I doubt we'll be able to persuade them to come back and help out with this, but it's probably worth a try. Thank you.

MASON COLE:

Thanks, Stephanie. I think it's safe to say that we all take you very seriously, and this is very good input, so thank you for that. Personally, I agree that we are going to have to triangulate and figure out what data

is reliable and what we can do with it. What I don't want to do is let ICANN Org off the hook and not provide data back to the community about the impact of the amendments. Mark Datysgeld, please.

MARK DATYSGELD:

Thank you, Chair. So one thing that I've been talking recurrently with the CPH for now and potentially later with ICANN Org is exactly ... I come from a data science background. Some other people in the community do, and we can definitely change the flow of information a little bit right now. Right now, they just send it to us and we have to accept, especially when it comes to DAAR. It's like, "Hey, take it as it is." And the thing that I keep telling them (and I think they have been more receptive) is, well, there are people in the community who could do some work and are doing some work and can show you maybe different approaches to this.

So this is something that ... I think, moving forward, we could really start looking into the different research that we're producing within the community [that] should have a formal or semiformal path to reach these actors, and we can show "This is why I think your data is not matching," or "This is where I think you're going wrong,[""] because this hasn't been something that has been available ever. That isn't an existing path, but I don't see why not, so at least we can compare and try to understand methodologies. This is something that, moving forward, we should keep on our radar exactly to avoid the things that Stephanie is saying so that we can ... Sometimes we know that it is wrong. We just don't have a path to escalate that. Thank you.

MASON COLE: Thank you, Mark. Thomas and then Julf. Thomas?

THOMAS RICKERT: Regarding statistics on the contract amendments, I think that there will be enough organizations monitoring the overall developments in DNS abuse. I think that we might want to talk about being very nuanced with respect to how successful the contract amendments have been. And I'm not sure whether Jamie Hedlund is producing such reports. So questions that I would like to get answers to are like, are you now receiving responses from registrars that have been previously unresponsive? Have you been able to initiate compliance action against registrars that have previously been flying under the radar? How advanced are you with de-accrediting bad actors?

So certainly we can't ask Jamie to put a stump on the scale and be particularly harsh on certain registrars because this is new and previously they have not been in breach. But maybe we can give him a gentle nudge and put some ideas into his head because I think these things are important to be know because we would—

UNIDENTIFIED MALE: [inaudible]

THOMAS RICKERT: Exactly. Has this made a change? Because the responsive registrars will continue to be responsive regardless of how the actual development of DNS abuse in the market is. Right? But we want to see exactly what the effect of the contract amendments is. And if there's an appetite for

maybe having a discussion with Jamie or maybe making a public statement on that, I'm more than happy to be part of a group that puts something together.

MASON COLE: Excellent input, Thomas. Yeah, thank you. That's good to include.

PHILIPPE FOUQUART: Just to respond.

MASON COLE: Yeah. Philippe?

PHILIPPE FOUQUART: Thank you. Mason. Just to this point, sideways, that's something that we will discuss with the Board this afternoon. There's a question about how, moving on from April, Compliance will be involved. But how they would approach and whether they have thought about it already? Maybe that's something that we could offer as a way forward.

THOMAS RICKERT: If you'd like me to, I can introduce that point during the afternoon session.

PHILIPPE FOUQUART: I think that's not contentious. I think that's certainly something we can offer.

MASON COLE: Julf?

JULF HELSINGIUS: Thank you. Mason. So just as a general point of view, from our point of view, we really believe in being data-driven. But as Stephanie expressed, there are, of course, concerns about quality of data. But one thing we also feel strongly about is that because there still are so many diverging definitions of abuse, we would like to see the data actually split out in those different definitions and classes. I think that would be very useful.

MASON COLE: Yeah. Good input, Julf. I think we would agree with that. Yeah.

Okay, Farzi. And then, Philippe, I suggest we cut the queue because we're running short on time. So, Farzi, go ahead, please.

FARZANEH BADIEI: Thank you. So we explained what we wanted to see, what sort of changes we wanted to see. As well as being data-driven, we also think that qualitative indicators are very important, like how these mitigation methods are being implemented and whether they have consequences on domain name registrants' rights and also like consequences for the Internet in general because if the abuse mitigation has potential consequences for access to the Internet and open, global and free and secure Internet, then we need to monitor that.

So as well as looking at the data, we believe that it should be transparently set. That's, like, how many reports they get and stuff like

that. We should also see through what processes they are handling those issues. And we want to see some kind of like human rights impact assessment and Internet impact assessment. So it's reduction of DNS.

And also another ambiguous thing that I keep hearing other stakeholders keep saying is that they want to see a reduction in DNS abuse. And that's a very fuzzy thing to say: that there is a causal relation between the amendments and the reduction in DNS abuse. So we need to monitor that and we need to kind of explain what we mean by the requests that we make.

MASON COLE:

Thanks for that input, Farzi. Philippe, back to you.

PHILIPPE FOUQUART:

Thank you. Thanks, Mason. Thanks everyone for this. So we'll take that forward potentially as a discussion point for the intercession.

Next point is ... And mindful of the AOB on the ... I love that NIS 2 has an AOB, but we'll take WSIS+20 first.

Just a bit of background. Within the ISPCP, as some of you may have noticed, we responded to a questionnaire for the UN Commission on Science and Developments (I think it's called that) who put together a very general questionnaire on the 20th anniversary of WSIS. And the purpose of our input was essentially to, in that context ... As I said, it's very general with the sustainable development goals and a number of other things, but we thought it was useful to put ICANN on the map, as it were. And that input does two things. Essentially, it intends to do this

(put ICANN on the map) and express our support not only for ICANN, but also for the multistakeholder model. And I shared that with some of you, I think. And we will be asking a question to the Board more specifically on the sort of risk assessment of the whole WSIS+20 effort.

But in this context, and as a question (and again, this was done in good faith, and that was easy for the constituency to do; to develop that position) ... But really, for those of you who were kind enough to read it, we thought there was nothing contentious, not only as a group, but potentially as a house or even as a SO, for that matter. So there might be opportunities in the future for us to develop similar things collectively in that context.

So I just wanted to open that question to the group as to whether there was interest in us doing this, should similar opportunities arise, and see what people would think.

Steve, you were first and then Lori.

STEVE DELBIANCO:

Thanks, Philippe. Interest? Yes. The answer is yes. And if I might throw a couple of opportunities out, one would be a closer alignment on where we are on whether it's truly speech regulation in PICs and RVCs.

I was on a panel yesterday with Kathy Kleiman, and I'm still trying to reconnect with Kathy after that to sort of clear up what looked like diametric differences. And it might be differences of interpretation of what it means to enforce a contract. That's an area where I think we ought to be able to get a little closer together.

Another opportunity is, at the end of April. The Brazilian government and CGI.br, the multistakeholder body, is probably going to hold a couple-of-days session, kind of reprising NETmundial. They're calling it NETmundial+10. It would be an opportunity for civil society, business, technical, and governments to get into their four lines and to help to come up with a statement, because they'll do a statement come out of CGI.br like we did ten years ago. That statement, if it reaffirmed the multistakeholder model, even along those four lines (technical, civil, business and government), would be a huge benefit to have Brazil and other global south allies carry that into the UN General assembly as they consider whether and how to renew Tunis in WSIS+20. And I do understand that WSIS+20 conversations are happening at the general assembly level, not inside of the ITU. So it does create a somewhat riskier minefield. Thank you.

PHILIPPE FOUQUART:

Thank you, Steve. Just as a side note to this point, that was also one of the purposes of that paper. We know that our respective affiliations tend to go for material, and we don't have a direct say, as you're saying, in those discussions. Potentially they go through national delegations, and that's something which is tricky. But then developing this would serve as an input not only to the process itself, but to our respective channels.

Lori? And then we'll go to the Zoom room, I think.

LORI SCHULMAN:

I have a few clarifications with the IPC president's hat on. My INTA hat may flip on in a little bit after this, but the IPC itself doesn't lobby outside of ICANN. We don't have a remit to do so. Actually, we're quite careful about not doing so as the IPC. In rare occasions we might do it with the commission when they invite certain stakeholder groups, but it's very unusual for us to do that. So to the extent that we coordinate on positions inside of ICANN, I think that's not a problem. To the extent that we would coordinate for inputs outside of ICANN, that would be a problem for the IPC. So that's something that certainly the BC and the NCSG and the ISPCs could come together on and qualify that it's coming from each constituency with multiple constituency signatures, but the IPC would not attach any sort of signature or endorsement to that, just in terms of how we run our policy.

So I wanted to make that very clear, which doesn't mean we won't necessarily help in drafting and support, but we simply just can't put our name on it, because advocacy outside of ICANN is absolutely outside our remit in our charter.

That being said, what we do do is, because of the nature of our membership, which is many global and regional IP associations, as well as global law firms, as well as multinational corporations, we have members with a lot of global reach and with government relations departments. This is why we don't advocate as the IPC, because the advocacy efforts of our members are wide and deep. And so what we will do and can do should there be some form of consensus reached about messaging is that we can feed those talking points to our members in their own engagement.

And now I'm going to flip my INTA hat on and say that INTA will be sending a delegation to the WSIS. It looks like we're very likely to supply one of the high-level speakers this year to the high-level forum we're working at now with the WSIS organizers.

So to the extent that we'd like to coordinate some messaging as either individual organizations like INTA, or as a house where at least I can understand where the house is leaning, so that I can myself balance it with any messaging that INTA is publicly developing on its own, we don't generally want to come out against the house per se, but I think we do have a different view about the rightful place of governments inside of the global Internet governance structure. And so I feel like I need to make that super clear about coordination.

PHILIPPE FOUQUART:

Thanks, Lori. And your point about the IPCs is noted. Mindful of time, we may go over a couple of minutes for the reason that Stephanie gave. It's an important topic. Next is Stephanie. And after that, Julf. Stephanie?

STEPHANIE PERRIN:

Thanks. I'll try to be quick. I think this is really important. And I'll be blunt. Sometimes I know you guys think we're the kind of grungy, dirty ragamuffins that you have to share a house with, but on this one you need us. And I think it's really important that where we can find alignment, we work together. Some of us vary in our group as to how big we see the threat. I think this is a really big threat sign. Others are a little more calm. But there's a lot of forces out there that are trying to

drive wedges, and I would hate to have that happen when we're getting along so well.

So can we continue an ongoing discussion on this? We won't have time today, but we need to isolate those areas where there's daylight and work on the ones where we're of the same mind. Thank you.

PHILIPPE FOUQUART: Thank you, Stephanie. And whenever the exploder list is ready, that's probably one of the first topics that we'll put on that list. Thanks for that, Stephanie. Julf, you're next.

JULF HELSINGIUS: Thank you. To start with, I really appreciated the paper from ISPC, and I really spread it to a bunch of contacts I knew who would be interested. In general, we are extremely concerned about some of the trends going on, but also we have a lot of people involved in the process. We have people in the MAG. We have people in the NETmundial process. So very happy with working together with you guys to really try to sort of defend the multistakeholder system. Thank you.

PHILIPPE FOUQUART: Thank you, Julf. And indeed, as I say, that it's one of those topics where I think there can only be consensus on the substance, noting that on a form there may be a caveat. Thank you.

Five minutes left. Thomas, would you like to say a word about WSIS+20—well, just to wrap up on WSIS+20, then we'll continue on the

list in terms of sort of identifying the potential targets, such as the examples that Steve gave earlier, and we'll take that forward.

THOMAS RICKERT: I didn't want to speak to WSIS.

PHILIPPE FOUQUART: I'm sorry. I thought you had an AOB on this.

THOMAS RICKERT: Yeah, but on this.

PHILIPPE FOUQUART: Yes, exactly. Yeah, you've got the floor.

THOMAS RICKERT: All right. Now, during the meeting with the Board that the GNSO Council had yesterday, the Board asked us what our view was on the need to have policy development in response to NIS 2, and there is no unified view within the GNSO Council. And I just wanted to bring this up in this forum because I think this has a couple of serious implications.

Asking for policy development in this specific case, I think poses a danger on ICANN and its reason to be in essence. We do know from a couple of governments that they've been extremely unhappy with the European lawmaker regulating this via Article 28, because the other governments basically stated that they have refrained from regulating this because they think it's something for ICANN to take care of.

So if, in response to NIS 2, ICANN now, and its community, starts responding to that by changing its policies, I guess that creates an extremely dangerous precedent, because it will not only encourage the European lawmaker to do more, as they do in various areas, but it will also encourage other lawmakers, be they regional or national, to come up with requirements that should be taken up by ICANN. And I think ICANN doesn't want that.

I think we can take care of these things ourselves, and we should be very clear in saying that this is something for ICANN to create policy on and that we will not allow for lawmakers to dictate what topics the ICANN community should pick up and how it should respond to those. Specifically, it will degrade ICANN to being the technical implementer of the requests of lawmakers. And I think that's something that we should be against.

On substance, there is no ISP position on this yet, because I think we're going to discuss this during constituency day today. But I've spent a lot of time analyzing what NIS 2 says and what the ICANN policies say. And I think that all contracted parties are perfectly in a position to react to NIS 2 without violating ICANN policy based on what we have. So we've taken care during the EPDP, as well as in the IOT for the registration data policy that we have, opening clauses that allow for additional processing, for example, in the case of the admin contact, that might need to be collected. So they have that flexibility at their fingertips to respond to the regulatory challenge of NIS 2.

And if I just wanted to offer that, if there are views held in this group or others that you might know that want to discuss this, I'm more than

happy to have a discussion on substance to help shed some light on that or be convinced otherwise. Thank you.

PHILIPPE FOUQUART: Thanks, Thomas. Mindful of time, there are three interventions. First, Mason, Julf, and ... I'm sorry, I forgot your first name. Who's—

UNIDENTIFIED MALE: [Mark] was first.

PHILIPPE FOUQUART: [Mark] was first. Okay, go ahead, [Mark].

[MARK]: I certainly agree that it sets a dangerous precedent for ICANN to be responsive to legislation. Unfortunately, that precedent has already been set. And they responded to GDPR, and that's how we ended up where we are right now. So now they can't just say hands off and they're not going to do anything. They have to unbreak what they broke. And NIS 2 provides an opportunity for that to happen. So the damage has really already been done.

THOMAS RICKERT: Do a two finger on this?

PHILIPPE FOUQUART: Very quickly, if you would, Thomas. A follow-up.

THOMAS RICKERT: I think we need to continue the conversation outside. But at the beginning of the EPDP, we've been very conscious that there were numerous privacy laws in the making that would establish requirements comparable to the GDPR. So it was not just a reaction to the GDPR. And I think we've been very careful in putting that into the language of the EPDP report. So I think I need to stop.

PHILIPPE FOUQUART: Yes. And on this, I'd suggest (well, we'll go through the two last interventions) we take that offline. That's obviously a very important topic.

Next is Mason, and then Julf.

MASON COLE: Thanks, Philippe. Yeah, it's clear there's not full consensus within the CSG. This is going to come up in the CSG meeting later on with the Board today. And in fact, I think I've been assigned this topic to discuss. I don't want to misrepresent the CSG at all.

Thomas, your points are well received. I'm afraid I disagree. And we can have a conversation about that.

[THOMAS RICKERT]: [inaudible]

MASON COLE:

Yeah. So I tend to agree a little bit with Mark here that ICANN got behind the ball, and there's an opportunity now. The Board has asked us a question. The CSG has asked us a question about, is there an opportunity to develop policy adjacent to this, too? The answer is yes, there is an opportunity to do that.

So there are some outcomes that we're looking for. I think that could be satisfied by policy development adjacent with NIS 2. without endangering the ICANN model. So I want to be careful about how we represent this later on with the Board. We should have that discussion before that session.

PHILIPPE FOUQUART:

And we will. Thanks, Mason. Julf, your last. And if you would just close the meeting because you're on the other side of the house, that'd be great.

JULF HELSINGIUS:

Okay. So first, on this point, our initial view is pretty much 100% in agreement with Thomas. We feel, one, that this is not something that should be pushed on ICANN, and, two, ICANN doesn't actually need to do anything because existing stuff is enough. So that's our initial view on this point.

So as we are running over time, I want to thank you, everybody. This has been a very constructive session, and I think we need to keep the momentum up. Thank you, Philippe. Thank you, Mason. Thank you, everybody. I hereby close the session.

[END OF TRANSCRIPTION]