
ICANN79 | CF – GNSO Council Wrap-Up
Thursday, March 7, 2024 – 3:00 to 4:00 SJU

TERRI AGNEW: Hello, and welcome to the GNSO Council Wrap-up Session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. If you would like to speak during the session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. Onsite participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. Please note this meeting is being governed by the ICANN Expected Standards of Behavior. With that, I'll turn it back over to GNSO chair, Greg DiBiase.

GREG DIBIASE: Thank you. Hello, everyone. Welcome to the Wrap-Up session, the last session of ICANN79. A fair amount of topics to get through today. On number seven, we looked at the ADR review and it's a fair amount of slides. So we probably won't do that at the end of the day. I don't think anyone will be really upset about that. If so, please let me know. Does anyone have any additional topics before we dive in? Thomas?

THOMAS RICKERT: I didn't read the agenda carefully. PPSAI is on it so that's good.

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GREG DIBIASE:

Great. Okay. First, we have the GNSO review of the GAC communiqué, as before. It felt like the process last time around worked fairly well. So I'd like to open up to ask for volunteers. You can volunteer now or later on the list. I see Manju, Susan, Paul, Damon, Desiree. Beautiful. Okay. Any other comments on the GAC communiqué?

Moving right along, PPSAI next steps. We started a conversation about this in Council. I feel like there's been a fair amount of hallway conversations. I think staff has communicated to me they're perhaps unsure of the right direction to go here. We had discussed a wait-and-see approach last time in which we give the IRT a chance to convene, identify what they view as potential roadblocks, and then write a letter back to the Board and/or Council for our opinion on how to proceed. One interim thing I think we should address now is we didn't have a liaison to this group. And it seems like a liaison could play an important role here if the IRT is convened, given that there may be some complicated feedback. So I'll start with asking if there's a volunteer for the IRT and then move in. Are you a volunteer or raising your hand?

THOMAS RICKERT:

I was raising my hand.

GREG DIBIASE:

Okay. Well, Paul, was that a volunteer?

PAUL MCGRADY:

I was on that working group. So I think I remember most of the issues. I'm happy to be that liaison. I know that the bigger question is what should we do? I still think it's wait and see. But typical Paul branding, I'm going to say wait and see plus, where we write to the Board and say, "We heard from staff. There are some issues. We've appointed a liaison. We are looking forward to hearing back more from the IRT about what issues they see might need a refresh or input and we want to help you," instead of just a total wait and see.

GREG DIBIASE:

I think that's right. I think we need to start some involvement. Thomas?

THOMAS RICKERT:

I hope that we can have a little bit more of a discussion before we land Paul with this additional task. I've been piquing Dennis's brain a little bit. Dennis said that the Org, when doing an IRT, they have a lot of internal work to be done like resource planning, sketching out a project plan on how the review is done to look into feasibility and all that. I might mischaracterize things, but he's in the room and can say that. That means that I think we all agree that the recommendations coming out of the PPSAI as they stand are not really ready for primetime anymore. Yet, if we get things rolling for the IRP then the Org has to invest quite a bit to support that. I'm not sure whether that's an appropriate thing for us to endorse. I was thinking whether there's a way not to get the ball rolling on the IRT or IRP...IRT. It's been a long week. And rather, seek ways to undo the policy recommendations or get a more comprehensive view on what

changes need to be made. Because we have the issue that Council can't easily withdraw policy recommendations that have been adopted. Maybe we can actually start a discussion with the Board and maybe with ICANN's Legal department to see what ways we have to get this toothpaste back into the tube. That's not to be evasive in terms of what we need to get the issue at hand resolved. But I think that what we've produced is the wrong tool for the project. I hope that's been sufficiently clear. Greg, we've exchanged a few thoughts in the hallway so maybe you have additional things to add to that.

GREG DIBIASE:

I agree we should at a minimum signal to staff. When we say reconvene the IRT, we don't mean start assigning army of staff to come up with information timelines and summaries and things like that. We can say this is more of reconvening for a meeting to assess where the recommendations stand. I guess just as a quick note, I think we've heard people say that the recommendations are not fit for purpose, but I want to be careful about saying that until we have more of a consensus position on that, or the IRT does. But those are great points. I think intervention in some capacity is warranted now. I don't know exactly what that is. Stephanie then Paul.

STEPHANIE PERRIN:

Hi. I raised my hand a while ago to volunteer. Not that I'm trying to deprive Paul of the job, but he's kind of busy. Not that I'm not busy, but this is near and dear to my heart. I was on the original working group. I raised the issues that are now confronting us at the time because we knew damn well the GDPR was being drafted. It was in

consultations in 2014, 2015, 2016. Very predictable. Now we're seeing the mess we're in because we could not stop that thing going forward with the bad definitions. I should say I'm not trying to blow the thing up because I think the NCSG position, we'd have to refresh it, of course, is we still need privacy/proxy services because we can't always rely on registrars complying with law and policy. So we need it, but we don't need it in the form it is. And if we haven't got a way to stop a dumb policy from going forward, then we should get right on it under our continuous improvements and find a way to write to the Board, lay out the problems. Just as they have a non-adoption capacity, we should have a revocation capacity because we drew everyone's attention to all the different procedures and processes that needed to be looked at in the light of the GDPR work, and this was certainly one of them. Where did that fall off the wagon? Anyway, I realized you may not want to have me as liaison when I have such determined and decided views. But they're not uninformed. Thank you.

GREG DIBIASE:

Thanks, Stephanie. I mean, I think this might be a large role so possibly two people could be warranted. But I do want to clarify that I think the role of the liaison should not be putting forward at certain position. It should be figuring out what the consensus is in the IRT and/or Council in facilitating communication as a primary role. Obviously, all councilors are free to express their views, but I just wanted to put a note there. Paul?

PAUL MCGRADY:

Thanks. There's no particular joy in being the liaison. I only raised my hand because I think I participated earlier, and the Small Team Plus work is essentially done so I had capacity. I'm happy to do it with Stephanie. I'm happy to have Stephanie run with it. Whatever the Council wants. My only concern is that what I'm hearing from some is that there's Broad agreement already that the recommendations are not fit for purpose. And I don't know, unless I've just not been paying attention, that we have done one iota of work on getting to that belief. It may be true. If we took a poll around the table, everybody at this table may agree, but everybody at this table is not everybody with a stake in this. If we want to get to that conclusion, fine. There are all kinds of ways to do that, right? But I don't want to see us just jump to that.

I think what Anne's suggesting in the chat is correct, which is there can be an interim step before all this IRT work is figured out and underway where, as a Council, we can have that conversation through liaisons or some other mechanism with staff. All that to say this, which is, I just think that we should remain agnostic until we have a reason to jump to the conclusions we've jumped to. Thanks.

GREG DIBIASE:

Thanks, Paul. Agreed. As you're saying that, we need to assess whether they're fit for purpose. Now I'm wondering if that assessment should be councilors going back to their stakeholder groups and getting that opinion as opposed to asking—I mean, the IRT was nine years ago, right? The fact that they were on the IRT nine years ago doesn't necessarily mean they'd speak for a constituency now. Maybe that is

an interim step that we go back to our stakeholder groups, get the opinion on whatever that is, whether they're not fit for purpose, some are, or whatever in between. Just a thought. Stephanie, is that an old hand or a new hand?

STEPHANIE PERRIN:

New hand. I just wanted to add that this sounds like a really good idea going back to our stakeholder groups. As I said the other day, it's not a question of just picking and choosing among the recommendations. The entire framework doesn't work anymore in the light of the new RDS, in my opinion. So we need to go back to some definitions. The principal one that sticks in my throat is the failure to distinguish between privacy and proxy. They're very different. We lump them in quickly. Those of us who objected to it did not get our way. And now we're really stuck with a certain category of proxy where registrants' rights are not being respected as per law. Thanks.

GREG DIBIASE:

Thank you. Thomas?

THOMAS RICKERT:

Just to be clear, I did not say that none of the ideas in the policy recommendations are still applicable. But the IRT is limited to looking at the recommendations. So it can't, by mandate, have a fresh look at the real-life scenario that we find out there. I'm wondering whether we are tasking a group with something that doesn't produce the results reflecting reality. If we started fresh, I think we would probably ask for

an Issues Report or some sort of research to find out what's actually happening in the market and then draw conclusions from there.

I'm just hesitant. Again, I'm not trying to bin everything that's been done by PPSAI. I just want to make sure that we are using our resources to the best possible extent and be reflective of the technical and legal realities that we're facing now so many years after the policy recommendations have been made. Maybe another route would actually be to ask staff to engage in some sort of an Issues Report and then do a GAP analysis between what we have and what we probably need.

GREG DIBIASE:

Maybe that's another question to bring back to our stakeholder groups when we get their view on whether some or all of these recommendations are fit for purpose. Okay. I guess one note here. Let's try not to talk about our substantive issues with the recommendations themselves, I think. Let's limit this to process for the time being, at least. Kurt?

KURT PRITZ:

I've lowered my hand and raised it and lowered and raised it. I think we're zeroing in on a path here. It seems like the choice is whether to ask staff to do some work or analysis for us first or go back to our stakeholder groups. It seems to me, and reading the chat, that there's more of a consensus about going to our stakeholder groups and getting their opinions on what's still timely and what's not as the quickest way to make progress. Then try to take all those opinions in a

small group and come up with one position on what needs to be done. Along with a number of other people in chat, I vote for going back to our stakeholder groups.

GREG DIBIASE: Thanks. Then regarding outputs for staff, I remind everyone, staff did produce a paper on if we did perceive with implementation what they viewed would be difficult and not difficult. Maybe that could help the understanding of our stakeholder groups when we consider this. Tomslin?

TOMSLIN SAMME-NLAR: Thanks, Greg. I was just thinking from a procedure perspective. Since in 2021, the Council opined that the IRT should be the one to identify issues with the policy. Do we then have to recall that and say we will be the ones to assess?

GREG DIBIASE: I don't know. Possibly. Anne?

ANNE AIKMAN-SCALESE: Greg, did you just call on me? I'm sorry. Little sound problem.

GREG DIBIASE: Sorry. Yes, Anne. Go ahead.

ANNE AIKMAN-SCALESE: Okay. I guess it's the same thing that Tomslin was raising. It sounds as though Council could be leaning toward changing the position that it took in 2021. Because staff reported in the Wave letter should any policy issues arise during the implementation of these policy recommendations, there are processes and procedures that allow the Council to further consider these. But the Council is of the view that the respective Implementation Review Teams will be best placed to identify the possible issues. I guess what seems to me to make sense about that role is that the staff's role is completely theoretically neutral and it's a procedural exercise that would actually help, I think, each of the constituencies and stakeholder groups to take that analysis back to their stakeholder groups so that they could have the ability to provide input on those conclusions. I think the Council got it right in 2021. Thanks.

GREG DIBIASE: Thanks, Anne. But my question would be there, ultimately, it's the same result, right? Everyone's going back to their stakeholder groups, whether it's some participant of an IRT or we just cut straight to, "All right, let's figure out what our stakeholder groups think."

ANNE AIKMAN-SCALESE: Well, I just think that was staff involved in the analysis. You probably got a little whitepaper that's a little more objective and neutral to begin with. That's all. Thanks.

GREG DIBIASE: Hands are down. Does staff have any opinions on this? We're throwing out your name a lot.

CAITLIN TUBERGEN: I think that from a process perspective, I think what Anne just mentioned is spot-on in terms of in 2021, the councilors then reviewed this Wave 1.5 Report, which provides a detailed analysis of how the EPDP Phase 1 recommendations impact PPSAI. And they noted that report and said, "We believe we should proceed with implementation." Now, some of the members of the Implementation Review Team had an informal meeting, which some of you all discussed and noted that "Let's spin up the IRT again and have those interested parties and the previously informed members review the ICANN Org's plan." And if there are issues at that point, they can escalate them to the Council via their liaison. But that it really would be for the role of the IRT to point out issues if they don't think the policy can go forward as is or it's no longer fit for purpose.

GREG DIBIASE: Thanks. This is just my personal opinion. I understand that from a policy perspective, but it just seems inefficient. We're just trying to get to understand what each of our stakeholder groups think. Can we just change the opinion that we had in 2021? I don't know. Tomslin?

TOMSLIN SAMME-NLAR: I was just going to say that's what we did in 2021. But now we have additional information in our hands that we might be wasting resources if we went that direction. The Council really has to look at

that information and decide whether we want to proceed with the IRT path or we want to consider this information we are receiving now on resources, as Thomas mentioned.

GREG DIBIASE:

I see a lot in the chat, but I'm not following it. If someone wants to voice what's in the chat, please do. All right. Maybe there are two options in front of us to reconvene the IRT have them come to some sort of opinion and come back to us or we go directly to our SGs with this issue now. Get a temperature on their thoughts on whether recommendations are fit for purpose and bring that back to Council for a discussion in April. Paul and then Stephanie's hand.

PAUL MCGRADY:

Thanks. Or there's the Marika option, which is right down the middle. Asking the IRT is a first step to get input from Cs and SGs. Then if the IRT finds that there are issues, then the Council will be dragged back into this. It feels like drugged, doesn't it?

GREG DIBIASE:

Okay. Let me make sure I'm understanding that. Asking the IRT to ask for input from their SGs and Cs so there'd be a representative from each one in the IRT? Yes, that makes sense to me. I see some plus ones in the chat. Stephanie?

STEPHANIE PERRIN:

I think we have to be careful about spinning out the IRT and getting bogged down in further work. It's all money, guys. Figure out the cost

per hour. But I think Marika has a good solution. Upon getting the IRT going again, immediately ask for input from the stakeholder groups, pull that together into an Issue Report, and then come back to Council with recommendations. We still have to solve the problem that we have no power on the books to recall these things. I don't know what the process is, but I think we should not lose sight of that or we may find yourself in a similar situation in the future. It's a gap in our procedures. Thanks.

GREG DIBIASE: I agree. There seems to be a gap. Paul, is that a new hand? No? Farzaneh?

FARZANEH BADIEI: I'm going to ask a very basic question. And I apologize to Kurt for that. When were these recommendations adopted?

GREG DIBIASE: 2016, I think.

FARZANEH BADIEI: How many years ago is that?

GREG DIBIASE: I'm not a math person. Eight? Nine?

FARZANEH BADIEI: Eight years ago. I see a larger issue here as a new—and this is my last Council session. You’re going to miss me. I think that sometimes we might need to think about having a time limit for any policy recommendations to see if there is the feasibility, like the laws change, the structures change. I know we are not used to change at ICANN, but we need to look at this and we need to think about whether after eight years, after a decade, our policy recommendations can be still implemented. Thank you.

GREG DIBIASE: Thanks. Susan?

SUSAN PAYNE: Thanks. Apologies. I don’t know quite where you ended up with this. Shall we go via the IRT? I’m sure in normal circumstances, that would probably be the right way forward. But this IRT doesn’t really exist anymore. I know from my own constituency, when I was trying to find out, for example, who went to the informal meeting in Hamburg, and I was looking at the list of the participants, there are people who aren’t in our community now. Our IRT members have gone largely, in some cases, permanently. That seems unproductive. We’re all sitting here. We all know who our masters are. We can go back and ask ourselves. I’m not sure why we would go via the IRT that doesn’t exist.

GREG DIBIASE: Personally, I agree with that, Susan. I’m seeing Jeff’s comments in the chat, and I think I agree with Jeff. This is going to add months to “reconvene” the IRT. And if we’re just doing this purely for a

procedural hurdle, I don't know. I'm skeptical of the utility, I guess, is what I'm saying, as opposed to just going straight to our SGs and asking the question. Anne?

ANNE AIKMAN-SCALESE: Thanks, Greg. I mean, it's great to have all this brainstorming and figuring out how to properly follow procedure, but also be efficient. Honestly, I mean, I really think Marika has the best suggestion here that I've heard around the table, which is for Cs and SGs to submit to staff for analysis and then bring that back to the attention of Council. That doesn't mean convening IRT operations necessarily, but it is a good way to follow procedural. Rather than just having everybody produce, "Well, here's my opinion at Council," and everybody arguing about it. Let's get some staff analysis. Have the Cs and SGs submit in writing what they believe and submit it to staff for analysis in the comparison.

GREG DIBIASE: Thanks, Anne. I guess my concern there is we're putting staff in the position of making a judgment call. Isn't this personal opinion on—not personal opinion, but opinion on whether these are fit for purpose, and I'm hesitant to put staff in that position. Steve?

STEVE CHAN: Thanks. I hesitantly put my hand up because this is not my realm of expertise, this topic. But I'm just worried there might be a conflation of the role of what staff does in an IRT, which is their responsible for implementing the recommendations. Then the community convened

IRT is the one that helps validate that the implementation is done effectively.

So I think in this situation, it's the staff's responsibility to try to implement the recommendations consistent with—implement them true to intent. And it's their job to determine whether or not they can be implemented. That assessment I think is what would be assessed by the IRT and potentially the SGs and Cs. So, it's not the IRT that needs to be convened and they collectively, staff and community, perform this analysis. I think Barry mentions process. The implementation of recommendations is a staff responsibility. I don't know if that helps. I'm just curious if we might be conflating the role of what staff does during implementation versus the concept of an IRT, which is the community role to help ensure the recommendations are implemented properly. Does that make sense?

GREG DIBIASE:

Thanks, Steve. You said staff determines if they can be implemented. But in my mind, that's a more nuts and bolts, can this be physically done, not looking at European legal frameworks and deciding, "Is this still valid?" I don't know. Manju?

MANJU CHEN:

Thank you. I don't know. I think the Board has been discussing how they retract recommendations they approved and assigned. They don't feel it's fit for purpose or they feel like, "Well, we approved it but now we feel probably we shouldn't approve it." Those kinds of things. I was wondering, part of the recognition probably, as we all know, we

don't agree on whether it's every recommendation within this PPSAI thing or if it's fit for purpose. But I was wondering if we go back to our SGs and we have this opinion. We also write a letter to the Board saying that, "Wow. We have encountered the same problem here where these recommendations, it's approved by you. But apparently now, there's a different timeframe, there's a different context, there's a different law and placement. It's probably not fit for purpose anymore. How do I deal with this? Can we discuss a way forward?" Rather than having to put this dormant IRT into life again where Susan has rightly pointed out most of them are not even here anymore. Actually, I always thought we're coming a new IRT or a new [inaudible] coming in. I don't even know what we're calling those who are here nine years ago to come back to this IRT, which I think is very cruel. I wonder if we can just hold on to the IRT idea for a second and write to the Board saying, "Hey, you brought this to us, now we're throwing it back to you. Let's discuss again how do we deal with these kinds of recommendations." While also in parallel we go back to our stakeholder groups to collect opinions on. So more resources, more materials when we're discussing these issues with the Board going forward, too. Thank you.

GREG DIBIASE:

Thanks, Manju. Stephanie?

STEPHANIE PERRIN:

Thank you very much. I think Steve very helpful was pointing out what the IRT can do and what the Council has a responsibility to do. If I may—and Marika typed into the chat, I know you're not following the

chat—but there’s a very useful list of what’s in the Final Report of the PPSAI. We very soon got down to a whole lot of process stuff on how to implement this, what kind of forms to use. We had endless arguments about who was going to pay for actually tracking down the beneficial registrant when they were hiding behind a privacy or proxy service so that intellectual property owners could serve papers. I have fond memories of that. But the problem with this, we could go ahead in the IRT and implement these recommendations. It’s not like they can’t be implemented. We can build a concrete life jacket. The policy is all wrong. The framing is wrong. It fails to take account of our new compliance with law. So we have no business proceeding to build the concrete life jacket. And I’m back at I don’t see that Dennis would have the power to divert us from any of the things that are in that Final Report. Now, if it’s a policy issue, then it’s the GNSO that should look at it and say, “We think these things are no longer compliant with our policy. We rescind the decision we made in ‘21.” I don’t actually remember how we came to agree on that. COVID intervened, I guess. Then we write to the Board and figure out a way of rescinding it. There’s got to be a way to rescind it and do a new Issues Report Scoping Team. We don’t have to unrecommend all of the tedious procedures that we agreed on, in my view, and I was on there, because that’s not the problem. The problem is these fundamental policy issues that we ignored at the time. Thank you.

GREG DIBIASE:

Thanks, Stephanie. I’m seeing a chat from Paul that I think I agree with, because I feel like we’re doing a lot of good brainstorming, but it’s going to be hard to land on a specific proposal. Maybe Stephanie

and Paul with Dennis and Karen, and maybe leadership is involved, comes up with an option or option or two to bring to the April meeting that is more fleshed out based on this conversation, and then we can vote or decide which way to go. Anne, is that an old hand?

ANNE AIKMAN-SCALESE: Well, I really like your idea, Greg. It is an old hand, but I'll take the opportunity to say yes, go for it. Absolutely.

GREG DIBIASE: Okay. All right. I think we have our work cut out for us. It feels like we might make some new precedents here. Okay. Any other comments on PPSAI? Moving on.

Just a totally not complicated next topic. CCWG-AP next steps. Two parts. First, there is a proposed amendment to Recommendation 7 of the CCWG on Auction Proceeds. If you recall, this has to do with tweaking the language, removing the language about a panel's decision. Decisions, generally, can't be challenged by applicants. What I'm putting forth for Council to decide is if it's appropriate for Council to answer as a group, which I think it is. I think it was addressed to SOs and ACs. I think I'd assume maybe people would have to bring this back to their stakeholder group and we decide if we have a unified response to approach. That's my initial thought there, but I'll open it up to comments.

Next. Similarly, there's been a new Bylaws amendment proposed about disallowing accountability mechanisms like the IRP when CCWG says that's permissible. I think a similar comment here, we should get

feedback from our SGs and determine if we're in agreement, whether a joint comment is warranted. Anne?

ANNE AIKMAN-SCALESE: Thanks, Greg. Regarding the Recommendation 7 amendment, I don't really see any problems with that in terms of what the chartering organizations might agree to amend and approve unanimously. I think it's a good thing that the Board is asking for that approval from the chartering organizations. And I believe their concern was you don't want to limit the lack of resort to accountability mechanisms to just one decision point. They were concerned about other decision points along the road to a grant. I mean, I don't see a problem with GNSO Council agreeing to the amendments to Recommendation 7 from Auction Proceeds. The Bylaws, I hardly know what to say because it's so very broad. I'll just defer to others on the topic of this very broad Bylaws proposal.

GREG DIBIASE: Thanks, Anne. I tend to agree with you but I'm going to have to see what my stakeholder group thinks. Other comments on these two items? I think this is going to be an April meeting for the ACs. Great. Susan?

SUSAN PAYNE: On the Bylaws amendment, I guess, in the same way as—I mean, it's a public comment opportunity, obviously, but it relates to organization's Bylaws. So it seems like something that if we have a unified GNSO position on it, then we should obviously express it. I

mean, is it appropriate for us to get together? Just the usual group of volunteers. And they come into that meeting with the views of their own constituency or stakeholder group and we see if there's common ground. That seems like how we would normally handle things. Then if we decide that we just don't have a unified position, then all of the groups know that they need to respond individually, which they may also do anyway. But you know what I mean.

GREG DIBIASE: Thanks, Susan. Sorry. I think I got most of that. But do you mean a team of volunteers to discuss on this issue? Are we going into small team territory?

SUSAN PAYNE: I'm hesitating to use the small team term. Before we had small teams, we used to just have little drafting groups that would get together and talk about whether we think we can have a common position on something, didn't we?

GREG DIBIASE: Sure. Yeah. I think that makes sense. I think certainly if we make the decision that drafting is warranted, we need a small team. I don't know. Do people have thoughts on Susan's thought? Okay. Paul?

PAUL MCGRADY: Thanks. I'm sorry that I'm talking so much. I think Susan's approach is right, that we should do that. In the meantime, we should—again, that team, others can go back to their constituencies and ask what the

opinion is on that. If we have a unified Council position, great. It makes sense to do something about that. If we don't, also great. What I don't want to miss the opportunity to do is to say something positive about the fact that this is something that was an important issue and we had one constituency that took up the lead on challenging it. It was fine. It was a constituency that consists mostly of lawyers, so it made sense that it landed there. But for me, more importantly, was that the Council used its moral authority to send that letter to the Board and tell them not to just dismiss this legalistically, but to pay attention to it and to really look at it and consider it. I think the Board's done that. Whether or not we're all thrilled with what they've done, they didn't just come back and say, "Surprise. Under this subsection, you lose. We're moving on." They're not steamrolling us. I think it was the large part because this Council stood up and said to the Board, "Pay attention. This is important to us." I don't want to be self-congratulatory, but I don't want to miss opportunities to say "Good job, us" either because I think it was a good job, us.

GREG DIBIASE:

Thanks, Paul. Great points. Manju then Tomslin. And we're running short on time, so I'm going to draw a line there with the note that, to Susan's point, if this is something you're interested in joining a team about, communicate that to staff. Tomslin? You lowered your hand. All right. Manju, please.

MANJU CHEN:

Actually, I was going to say I don't think the small team is necessary. Sorry about that. Because we're going to discuss it in the April

meeting, right? So we won't know by then if we agree and then we can convene the small team. I don't think we need to do it now because, I mean, to be honest, we're all very thinly stretched. Probably it's all going to be the usual suspects who have to do that. I feel like if we can do it separately and then we come together and we find, magically, we think the same and then we do it. It's going to be fast anyway if we think the same. So I thought we don't have to be in a rush to do that. Thank you.

GREG DIBIASE: Thanks, Manju. Tomslin?

TOMSLIN SAMME-NLAR: As an Empowered Community representative, I thought Jeff's comment caught my eye in the chat. To Mary's point as well, if we were to vote on this issue in the Empowered Community, as Jeff mentioned, it means that the Council will need to also direct myself on how to vote. So it certainly means that the Council should get a position on it.

GREG DIBIASE: That's a great point. I don't know. Is there a public comment and then an actual vote of the Empowered Community? I would assume it's a two-step. Okay. But regardless, that's good to remember that we will need a position.

Okay. Susan is noting the deadline for public comment is April 15th. When is our next Council meeting? Sorry. The comment on the Bylaw is due April 15th?

SUSAN PAYNE: Yes.

GREG DIBIASE: Tomslin, is that an old hand?

TOMSLIN SAMME-NLAR: Yes.

GREG DIBIASE: In that case, I think we do need a small team. Sorry, Manju. I was about to swing back to your position, too. Okay. Thanks all. We'll go ahead with a small team gathering feedback that will report to the Council, I guess, over e-mail. And we'll try to progress there in that manner. Okay. "Speedy small team," Paul says. The name of small teams over there.

Okay. Next item, just a really quick note because it was raised in the GAC GNSO meeting. The GAC wanted, I guess, more details on position on why the current SOI should not be amended, generalizing a little bit. I think I'm just flagging that for groups that have another opinion that they can provide it. But given that, I don't think there's a unified Council position. My initial thought is it wouldn't be a letter from Council as a whole. Manju?

MANJU CHEN: Thank you. If there's going to be any letter, it's just a letter to tell them to read a CCOICI Report so they know. Because it's perfectly laid out in the report. If they read it, they will know. I guess my suggestion is we go back and tell them, "We forgot to mention this report because someone forgot to mention this report." And they will know where to find the report and reread it. Thanks.

GREG DIBIASE: I forgot to mention that there is a report that answers the question. But luckily, we have a liaison that I think can deliver this information. Jeff, you're next.

JEFF NEUMAN: Thanks. I would say instead of just saying, "There's a report, read it," I would say that the Council can, or I could do this, that's okay, just pull out the relevant portion of the report. I don't know how. I can't remember how long the report is, but if you all entrust me with pulling out the relevant portion, I could certainly do that or you all can do it from the Council. But I would not just send the entire report to them and say, "Read it all." Just for political reasons, make it easier for them.

GREG DIBIASE: There's a table of contents. Can't they just look at the table of contents and say, "That's on page whatever"?

JEFF NEUMAN: Yes. But pulling out the section of the report, I think, would be probably the right thing to do.

GREG DIBIASE: Jennifer?

JENNIFER CHUNG: Thanks, Greg. I've heard on many different corners around the GAC that it will feature in the communiqué. Since we already have a small team—I don't want to call that small team—a group reviewing the GAC communiqué that's coming out of San Juan, there's another opportunity for us to respond.

GREG DIBIASE: Great point. Manju?

MANJU CHEN: First of all, just to Jeff, I mean, it's very short. Compared to SubPro, it's short, short, short report. So they should have time to read it and they should have the capacity to read it. Everything in the report is very important and you cannot really take it out of context. I would say that.

Also, about the GAC communiqué thing, I didn't know this either in the first place, but we don't respond to the GAC communiqué. We supply more information to the Board because they are the one who have to reply to the GAC communiqué. So if we do anything, I don't know if it's going to be delivered to the GAC. But we actually did this already in

our last supplements, whatever thing, to the Board when they have to reply to GAC because it was already an issue of importance in the previous GAC communiqué. Of course, the advice this time, we can provide the same information. I think that's why it's just kindly advise them to read the report. Thanks.

GREG DIBIASE: I'm leaning towards Manju on this one. Susan?

SUSAN PAYNE: Thanks. In terms of the issues of importance or GAC advice or whatever, I agree. We're going to respond to that as a Council, obviously. But we got a specific ask from the GAC. I think that's not the place for us to give them the information they asked for. I think we're all agreed on that. I think we'll send them the full report. But perhaps, we do a halfway house where Jeff identifies the sections specifically that are about specifically the transparency issue. That way, they have it all. Hopefully, they read it all, but at least they have the sections that say what the issue is.

GREG DIBIASE: I agree with that. Okay. I'm going to move on. Real quick, Jeff?

JEFF NEUMAN: Real quick. Can I volunteer to draft a letter for Council review by the document deadline for the next meeting? You all can take it or leave it. You don't have to say yes to it, but I think it's a lot more simple than

we're making it sound. Is that all right if I draft something for the Council will look at it?

GREG DIBIASE: Sure.

JEFF NEUMAN: Thank you.

GREG DIBIASE: Okay. Review of the GNOS liaison, because we're running short on time, I'm going to go to six before five. Because I think it's possibly more pressing. ATRT4 feedback. ATRT is the Accountability and Transparency Review. They are the Bylaws mandate that they occur periodically. However, I think as we've seen, there's already a Holistic—not even a Holistic Review, a pilot to a Holistic Review that is still in the works that will lead to a Holistic Review. I'm wondering... If anyone believes this shouldn't be deferred, why don't I frame it like that? Should not be deferred. Susan?

SUSAN PAYNE: No. But for the sake of good order, Damon and I should get instructions to that effect. But I think we would feel it should be deferred subject to our constituency saying otherwise.

GREG DIBIASE: Okay. I think we have time to go back to our stakeholder groups on this. I guess that is the additional ask, to decide whether we can support a deferral of this work or not. Sorry. Paul?

PAUL MCGRADY: I'm sorry about that, Greg. I forgot to raise my hand. There's a very short deadline, right? Didn't Mary say the 13th, something like that? It's just around the corner. The 22nd? So it's short, but not so short that we can't do it. Sorry. I just wanted to make sure we had the deadlines in our head.

MANJU CHEN: Mary put in chat, it's 22nd March. So it's shorter than 13th of April, right?

PAUL MCGRADY: I thought it was the 13th of March but it's the 22nd of March, which means we probably should have this settled on the list by the 19th so that we can write a letter one way or the other.

GREG DIBIASE: I think that's possible because it's at least a fairly straightforward question. Okay. We'll put this on the list. Five minutes. Let's go back to the review of the GNSO liaison to the GAC position. I think staff is—sorry. Kurt, did you...? No. Susan, old hand?

SUSAN PAYNE: Yes.

GREG DIBIASE: Okay. Staff, please proceed.

JULIE HEDLUND: Thanks, Greg. This is Julie Hedlund from staff. Sorry. A little bit hoarse. Just very, very quickly, this is to show that it is possible to complete the GAC liaison selection process in time prior to Kigali, ICANN80. We could open up an Expression of Interest in a couple of weeks, hold that open for, say, four weeks, close it on the 22nd of April. We could have a SSC evaluation for a week, which is how much time it took them last evaluation process when there were 12 candidates, so that's feasible. Then hold a consensus call to finalize the candidate, submit that candidate by the motion deadline for the May meeting, which will be the 6th of May, and a Council vote on the candidate on the 16th of May at that meeting. We could conceivably spend more time on the Expression of Interest. That's all we needed to. And we would still be able to get this done probably by Kigali. Just putting that out there for consideration, but just to note that this is possible if we want this to happen. And we do have a meeting of the SSC coming up on the 19th of March, and we could lay forward this timeline and approach and process for them so they could be prepared to start it.

GREG DIBIASE: Great. I think at the last Council meeting we were in general agreement. This could be positive to move up this process to have, I guess, a training period. Jeff?

JEFF NEUMAN: Thanks. Sam and Julie, it's great to see you. I think there was some discussion about wanting to look at the expression or role description. So I'm not sure. I mean, I think it's fine the way it is, but it seemed like there was some discussion about that. So we would need to put that into the pre-timeline. And then a question I have is, and I can't remember, but is this something that can be recommended by the SSC and then approved by like a vote on e-mail by the Council if we can't make May 16th so that we still can if we have to extend this a little bit, that we still can have someone to start training at the policy meeting?

JULIE HEDLUND: Yes. It could be a vote via e-mail.

GREG DIBIASE: Lawrence?

LAWRENCE OLAWALE-ROBERTS: Pardon me. I just need some clarity around the process. I understand that this goes to the Selection Committee, but is there going to be any guidance from the Council? Seeing that this role will need certain skills and understanding and looking at our traditional community where if there's an open call, you could have a lot of people with interest, but maybe not with the right skillsets. Will there be guidance from the Council or staff?

GREG DIBIASE: I think there's an existing job description and maybe the best way forward is to send that out around the Council for comments on potential updates and hopefully update if necessary. My proposal would be to go forward with the expedited timeline. Stephanie?

STEPHANIE PERRIN: I think we have a job description, but do we have a statement of qualifications? Because I think the skills, this role and it's an indicator of the success of the role, the GAC is relying on it more, we are relying on it definitely, there's a whole lot of things that have developed as this role is developed.

GREG DIBIASE: I'm seeing in the chat that there is, Stephanie. It's in there as well.

STEPHANIE PERRIN: Oh, there is? Okay, good. Because we definitely need someone with a lot of skill and a lot of knowledge of ICANN to take this. Because, this is a key point, I think. We can't count on the GAC to have expertise around the table. Manal was struggling with 100 brand new members at one point. Therefore, whoever we send us got to know ICANN really well. Thank you.

GREG DIBIASE: Thanks. We are over time. I'm going to give Steve the last word here.

STEVE CHAN:

Wow. Thanks, Greg. Privilege. This is Steve Chan from staff. I just wanted to note that this timeline is based on a desire to try to be able to see the next liaison by Kigali. So that in theory, the outgoing and the incoming can work together. That's predicated on, I think, that they're both going to be there in person and that's not necessarily the case. We clearly don't have funding for both of them. I'm curious if that is the reason that we're making the assumption that they can both be there in person, which might not be the case. We don't know who's going to apply. Maybe we don't want to try to rush the timeline just to meet this goal, I guess. Maybe we actually take a little bit of time that I think the Council wants to do which is look at the description, make sure it's fit for purpose still, and then give yourselves a little more leeway, but still give Jeff and the incoming liaison enough time to be able to make sure there's a smooth transition. Thanks.

GREG DIBIASE:

I think that's right. I think there were some councilors that expressed interest in looking at the existing document. Let's send out the document and go from there and then we can continue to have a conversation about what the right timeline is.

Okay. Stephanie, I think that's an old hand. Jeff, did you have something quick?

JEFF NEUMAN:

Yes. I can train online as well. If you could confirm via e-mail, I mean, it would still be great to get that person by Kigali so that I can explain to

them how they monitor the sessions and things like that. It would still be worth it to try.

GREG DIBIASE:

Okay. Anne?

ANNE AIKMAN-SCALESE:

I guess I agree with what Steve said about the timing. I don't think that's something that should be rushed, especially the idea of recirculating that job description that's going to the SSC. I'm sorry to bring up an earlier topic but it's really not clear to me what is happening with the Auction Proceeds issue because the letter that was sent to Council is something that is separate from the public comment, is something that is separate from an ultimate EC, Empowered Community action on a Bylaw that isn't finalized yet. I think we said we're doing a small team on the Council proposed response to the letter that was written to Council and coming back to Council with something that's proposed as a response if there's... It's just that Council's role there is chartering organizations. So chartering organization needs to respond.

GREG DIBIASE:

I think the action item was on the public comment on the amendment. Volunteers for a small team will gather the opinions, send that to e-mail. There's a public comment. And then later down the road, there is the role of the Empowered Community. But I think we agreed that a Council response is required or necessary.

ANNE AIKMAN-SCALESE: Thanks, Greg. The Council response is actually something separate from public comment, so thanks. Please include me on the small team.

GREG DIBIASE: Great. Okay. It's 4:04 pm on Thursday of the last day of an ICANN meeting. Thank you all so much for all your hard work this week. I feel like we have a lot of hard work ahead of us but I'm excited to tackle it with you all. Have a safe travel home. Thanks all.

[END OF TRANSCRIPTION]