
ICANN79 | CF – GNSO: NCSG Policy Committee Work Session
Saturday, March 2, 2024 – 4:15 to 5:30 SJU

ANDREA GLANDON: Hello and welcome to the NCSG Policy Committee Work Session. My name is Andrea, and I am the Participation Manager for this 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 this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and speak at a reasonable pace. I will now hand the floor over to Tomslin. You may begin.

TOMSLIN SAMME-NLAR: Thank you, Andrea, and welcome, everyone. We're hoping for a larger room, but rather not a larger room, but the room to be filled. But welcome, nonetheless. As it is our tradition, we will review the GNSO Council agenda in preparation for the GNSO Council meeting later next week. Peter will help us with that, but we do have a packed agenda, so bear with us if we move fast today, considering we have only one, I think, 40 minutes, if I'm not mistaken. So, Peter has gladly volunteered to review the agenda for us today, so I'll hand the mic to Peter.

PETER AKINREMI: Thank you so much, Tomslin. First and foremost, on behalf of the chair, the PC chair, I would like to appreciate the council for the works they

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

are actually doing on the council. The council made things happen in February, so I will walk us through the agenda. So, first and foremost, on the concept agenda, so the councils adopt the communication small team final report, and this is to actually enhance communication of the GNSO Council and how they can communicate better on their work and PDP activity with the community, as well as the rest of ICANN. Like the PC actually said, I'm supposed to give a detail because of the time limit that we have, so I'll move to item four, council discussion.

Okay, before I move to that, so the council actually also confirmed GNSO nominated ICANN fellowship program mentor, as well as the leadership Standing Selection Committee. So, on item four, which is council discussion, there's the program management tool discussion. So, during the SPS meeting, so this actually came up and the council, GNSO council, they discussed extensively about the tool and how to make the councilor familiar with it. Because the staff actually walk us through that, so that the new councilor will be up to date on the tools that the GNSO council are actually using to develop policy.

And there is some discussion about it and how to enhance that. But the conclusion was before the review is done, the incumbent councilor, as well as the new councilor, needs to review this program so that they need to know the kind of tools that they have to make their work, work. But the conclusion was to do a tri-annual review of that, which is going to begin in this meeting, to be able to know the kind of tools that is available and what needs to be enhanced and further enhanced to the tool. So, I'll move to item five, council discussions and PDP working group.

So, during the SPS meeting as well, this came up and the councilor actually made some reservations on how to get PDP update and get them to speed. So, here the council actually wants these updates to be purpose-driven. So, they want to get to know more about what PDP chairs and the communities are actually saying. So, they decided like we need more information about each of the activities that is ongoing. And they needed this to be for councilor specifically, because the information to the general one is so limited, we need more information. And therefore, the council asks more updates from the working group share for them during webinar to share more information about this topic on what they're working on rather.

So, I'll move to item six on the contracted party house abuse subgroup, I think with non-commercial stakeholder group on the DNS Abuse. So, because of time, actually, this was not really discussed extensively. Time was not permitted to discuss this particular item. Actually, this is just to enhance the communication between the purpose of this is contracted party house as well as non-commercial stakeholder group to know their position and enhance communication between them. So, item seven, which is on the implementation of data and interaction with the ICANN Board. Here, there was a sensitive discussion about this and this talks about privacy and privacy service accreditation implementation. We all know about it as well as preventative and creative right protection as well as new gTLD.

The subgroup that we're all talking about. So, there was an extensive conversation around this and we encourage members to actually listen to this recording to know the updates that was provided. So, the council discussed this with the ICANN Org as well as the ICANN Board

engagement on the Item 8, which is about the selection and timeline for new GNSO liaison to the government advisory group. Prior to the confirmation of this and making it a permanent role, it was a kind of a pilot role to be able to enhance communication between GNSO as well as under GAC and vice versa. So, this was proven to be successful and the role was made permanent. So, the timeline and the selection criteria are actually going to be shared in the next council meeting.

So, the same thing about GNSO chair election timeline announcement. So, I was discussing with Tomslin Samme-Nlar how time flies so we're already discussing about this. So, the GNSO chair timeline and election will, this will be announced during the council meeting. I will encourage our members to actually also join the council meeting to listen in. Update on small team guidelines. So, we've been talking about small team, how effective it is. So, there are guidelines actually that have been drafted. So, this is actually to remove the informal part of this guidelines to actually make this small team to be open and more transparent and accountable to the community.

On the spirit shelter drafting team actually. So, this small team actually met this February and their next meeting is this March as well. So, I will encourage our members to actually continue to follow GNSO activity and also to review the agenda of the programs and what we're discussing and be up to date with that. If there are any other information then the PC chair we had or the councilor. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Peter. I don't see any hands up in the Zoom room. So, we'll quickly move to-, oh Kathy, I see your hand.

KATHRYN KLEIMAN: Hi, Tomslin and hi, everyone. Participating remotely still in DC. I have a question for Peter or for you or for any of our councilors. Do we have members who volunteered for the SPIRT team? It's actually SPIRT, but for the SPIRT team and how many people? Because we need people on that. Thank you.

PETER AKINREMI: Thank you, Kathy. I would defer that question to Tomslin.

TOMSLIN SAMME-NLAR: Thanks. Kathy, we had only one volunteer and that was Faro.

KATHRYN KLEIMAN: Okay. Encouraging other volunteers and I'll help them and advise them. I'm sure other people will too.

TOMSLIN SAMME-NLAR: Thanks, Kathy. Stephanie?

STEPHANIE PERRIN: Thank you, Stephanie Perrin for the record. I was just going to ask, how do you want us to intervene on the matter of the GAC liaison? I think we should be firm about term limits.

TOMSLIN SAMME-NLAR: I thought that was settled.

STEPHANIE PERRIN: In fact, why is it coming up then?

TOMSLIN SAMME-NLAR: I think we are looking at the timelines to select the next GAC liaison.

STEPHANIE PERRIN: Okay, so it's nothing of principle, just when are we going to do this chap? Okay, fine. Thank you.

TOMSLIN SAMME-NLAR: Yes, in addition Jeff will be looking at the report he had submitted last year which had some improvements too for the next GAC liaison. He'll be walking us through that as well.

STEPHANIE PERRIN: Great. Thank you.

TOMSLIN SAMME-NLAR: Kathy, is that a new hand?

KATHRYN KLEIMAN: It is a new hand. Do I understand that there's a review going on of the small teams and how they work on council? In which case we should have a discussion about that maybe with the councilors who are on the

SubPro small team and the non-councilors who are on the SubPro small team and the observers who are on the SubPro small team and talk about this because this is kind of a crazy way to create policy. And one thing I'd be interested in knowing is how much the council is actually reviewing what we do and how much they're just rubber stamping it. Is the small team making policy? In which case we may have a problem. Thanks.

TOMSLIN SAMME-NLAR: I could take that but are there any councilors who want to take that? Manju?

MANJU CHEN: This is Manju for the record. So, currently there's no review whatsoever about small teams but we talked about this extensively during the SPS strategy planning session last year in D.C., and I think in general the council agrees small team was useful. Of course, we have people also who have been on council several, in the past and they're saying small team is actually an improvement from the existing working methods in a sense that in the past it's just one person drafting everything when council wanted to delegate or assign some tasks to somebody and then give it back to council to review. And we agree small team is working but we also agree that we have to kind of set more ground rules on how small team works.

And I think it's going to be shared to council tomorrow about the ground rules and that's about it. Also, I think we have in NCSG as in we have been definitely advocating strongly in the council that everything that

was finished or delivered by the small team had to review and agree upon by the council as a whole. It's never that the small team is deciding anything without council's oversight or reviewing. So, that's about the answer. Thanks.

TOMSLIN SAMME-NLAR: And to add, I think the review focuses on being more transparent what the small team is doing. Stephanie was that an old or is it a new one?

STEPHANIE PERRIN: Stephanie Perrin for the record new hand. I agree with everything Manju said. However here comes the however. I do think watching what's happening on the small team and small team plus on SubPro to a certain extent, the sort of the ground set of facts despite a well-drafted charter used to be argued about at some length in PDPs with a horde of people. To a certain extent small teams are killing off that kind of prep work that pre-policy but decisions are nevertheless being made about how we manage certain things. And it does bear close watching because there's so much intricate work being done that the people on the small teams have a hard enough time following speaking for myself here.

Those who are experts on SubPro don't have a problem following it. But then when it comes back to council, my question is who is really going to be able to give quality input on this? Only those who've been watching. So, it does bear keeping a very close eye on what's going on in the small teams and if we decide they're a success and I think we have to because let's face it, having been on some excruciatingly long and

difficult PDPs recently we have to break up the work somehow. And small teams as a tool for council I think it's a good idea. It's just like an amoeba. The body of the matter will flow into the small teams if we don't watch. Thanks.

TOMSLIN SAMME-NLAR: Thanks Stephanie. All right last one. Peter, before we move on.

PETER AKINREMI: Yeah, for the record just a quick one. Stephanie actually and Manju actually touched what I wanted to touch about transparency. And this is what we were concerned on the council as well and what we're actually eating off accountability and due process of things of the small teams. Why the general council? I agree that this is the right tool for them to actually get updated to some certain PDP activities. So, we as the NCSG and the watchdog actually. So, we are keeping an eye on how things are being done and monitoring closely. And we need to bring it up to speed up to attention on the table. How these small teams are actually working and putting things together. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Peter. We'll move on to the next item on the agenda which is the CCOICI survey response that I sent on the mailing list. An attempt to get some feedback. We haven't received any. So, I'll have Manju just talk to us what this is about.

MANJU CHEN:

Thank you, Tomslin. So, I guess people still remember what CCOICI is. It's not written out here so I don't know the full name of it. Anyway, it's a committee on the council overseeing the continuous improvement of GNSO. So, this survey actually in essence, we are asking the stakeholder groups and constituencies within the GNSO that, do they think this CCOICI is a good or is a proper or is an appropriate mechanism to carry on the work which is overseeing and implementing the continuous improvement of GNSO? So, that's in essence what we're asking. So, the questions are all framed around this.

First, we ask since we've done three tasks on the CCOICI. One is reviewing the WS2 recommendations and the second is the working group self-assessment and the third one is the one we all know the best the SOI thingy. So, these two these three are the tasks CCOICI has done and we're asking if you think it was done appropriately within the framework and do you think CCOICI in the future should be conducting more tasks regarding and relating to GNSO's continuous improvement? And that's about it. I was wondering if our group has any opinion on this, but if not, it's okay too, we can have a very neutral attitude and see what their groups and constituencies think. Thanks.

TOMSLIN SAMME-NLAR:

Thanks, and I see Stephanie's hand up.

STEPHANIE PERRIN:

Stephanie Perrin again. Sorry to be talking too much. I'll try and shut up. I was just wondering Manju I haven't looked at the guilty as charged.

I haven't looked at this survey but is there any room in there for us to complain about having the work on the SOI scuttled?

MANJU CHEN:

I guess, I don't know. I mean you can make room. So, it's not an intent that we ask about like specifically this but of course, we leave this as a set of questions where people are free to express their opinion especially relating to SOI task. So, yes in a sense, well, I guess eventually it's a yes to your question. Yes, we can complain about SOI if we want to in the survey and I suspect the contracted parties are definitely going to. Thanks.

STEPHANIE PERRIN:

If I may just respond to that Stephanie again. Yeah, even just looking at the first two questions. I mean if you pull everything up to a high enough level everything looks good. Right?

MILTON MUELLER:

If you're going to tell us what SOI is.

STEPHANIE PERRIN:

Ah, sorry. Statement Of Interest. There was a lot of work done on improving the Statement of Interest because, well, the bottom-line issue was whether or not lawyers had to admit who they were representing and of course, the lawyers generally speaking did not wish to do that. Some claiming solicitor client privilege, others arguing that solicitor client privilege does not mean that if you're on a policy making

forum that you don't have to say what company you're representing or working for because you're after all there to look after their interests.

So, we did a lot of work on the SOI and then all of the work got thrown out because at the end, the contracted parties refused to vote yes for the work we'd done and that's a waste of everybody's time. Everybody understands that there are boundaries to what people can agree to. We've often protested and voted against things and not that it ever did any good but figuring out a way to handle this in a better way and salvage the work done is important in my view. Thanks.

TOMSLIN SAMME-NLAR: Thanks, Stephanie. I'm guessing you're saying that you support the work of the CCOIC and the contracted party should also do, should also support it. One more comment on this Peter?

PETER AKINREMI: Yeah, thank you so much, Tomslin. I just wanted to like ask Manju like because I'm looking at the objective and execution of project like continuous assessment of that. So, does the team actually consider looking at specific projects that we want to really evaluate to understand whether it's actually the program was successful or not rather than just like trying to ask question on whether there is an agreement about the scoping or maybe improvement of the entire thing. We can look at a specific activity PDP process and try to like evaluate that and get opinion of people on that whether it actually was successful or not rather than just try to measure everything or assess everything. Just trying to like ask.

MANJU CHEN:

So, like I said CCOICI has done three tests and it's listed out in the survey and well I might as well say it again it's about the reviewing of WS2 recommendations and we recommend to a new form of working group self-assessment and then we did a statement of interest and if you click on like this document, Tomslin has a form and the very first line there's a CCOICI framework and in the framework it actually listed out a lot more tests. So, this is like a midterm check in a sense that do you think more tests which is listed out in this framework should be conducted in the future by CCOICI or do you think actually if we're dealing with the whole continuous improvement of GNSO this is not actually only about the council it's the whole GNSO.

If you think CCOICI which is formed only by councilor is the right and appropriate mechanism to do this. So, I would advise you if you were interested to look at the framework and look at the text and see if you think CCOICI is the right framework and also, I wanted to remind everybody the deadline of this survey is Tuesday. I don't remember exactly the date but it's Tuesday, which is like I don't know four days later. So, if we want a formal response we really have to talk after this also probably on the mailing list or whatever and then formulate our response. Thanks.

TOMSLIN SAMME-NLAR:

Milton?

MILTON MUELLER: This is not an impertinent question but just tell me what CCOICI is and I think I know what it is but I want to know what the acronym is.

MANJU CHEN: I don't know Council Committee on Continuous Improvement.

ANDREA GLANDON: Manju, we'll find it and put it in the chat. So, it's not one of these three-year reviews created by the accountability affirmation. So, is it possible to get rid of it?

TOMSLIN SAMME-NLAR: So, we should?

MILTON MUELLER: Well, I don't know enough about it these council members have been struggling with it but when I hear continuous improvement, I hear like endless efforts to redefine the GNSO's model that probably you should be spending your time on something else like on actually making policies.

TOMSLIN SAMME-NLAR: Thanks, Milton. I think, Caleb?

CALEB OGUNDELE: Oh, yeah, Caleb for the record. So, I just want to get a clear sense of what NCSG really wants with this survey, because NPOC is also

expected to fill the survey and we all need to align as well and so whatever alignment you're having in NCSG I believe we are supposed to follow after and so it is quite really nice if we can get your expected body language about this and we should align as well. And I'm thinking that NCUC also got this survey as well and it won't be good if we are all singing discordant tunes at the end of the day. So, it's good that we all align and know what NCSG wants us to align with.

TOMSLIN SAMME-NLAR: Thanks, Caleb. In fact, I only put this on this agenda to bring attention to it not really to get to the bottom of it yet because we don't have time but I wanted to remind NCSG that they should take a look if they're interested and perhaps talk on the mailing list about it. So, I'm hoping that this will be brought up on the mailing list and we can have a good conversation about it.

CALEB OGUNDELE: So, not that I'm doing a report at all but I feel that whatever court decision that needs to be made the time is of essence. Taking this back to the mailing list in the next two days. Today's Saturday we only just have Sunday, Monday and then, oops, Tuesday is already here and there will be limited things to be done. So, I am suggesting that having a corridor conversation on this and aligning very fast will make sense. We need a champion for this.

TOMSLIN SAMME-NLAR: Stephanie, is that an old hand?

STEPHANIE PERRIN: Old, sorry.

TOMSLIN SAMME-NLAR: We certainly need a champion for it, like you suggested, if we want to deliver it within the timelines we have. But, yeah, I don't want to hold the rest of the agenda on this, so I would defer to the mailing list still. If a champion for it comes up, let's know on the mailing list so that we can have that conversation on the corridors, like you suggest. All right. Let's move on to the next item so that we're able to get to the bottom of our agenda. And that is the PICs and RVCs. I understand there is a huge interest for that. I'll pass over the mic to Kathy to lead us on that topic.

KATHRYN KLEIMAN: Thanks, Tomslin. And let me just throw a few slides up. And I'm glad to hear Milton in the room because he and I, with others' participation, but mostly he and I, wrote these comments that were submitted on February 23rd. So, I'm just going to put in a few. I want to make sure.

MILTON MUELLER: Can you ask Kathy to turn up her volume or something?

KATHRYN KLEIMAN: You want me to go closer to the mic?

MILTON MUELLER: Yeah.

KATHRYN KLEIMAN: Okay. Thanks. So, Milton, I'm glad you're there. Just a few slides. So, this was due, in case you didn't hear me, on February 23rd, the noncommercial stakeholder response to the ICANN Board on PICS and RVCs. PICS are public interest commitments that going forward will be from the GAC. And RVCs are registry voluntary commitments that can come from a new gTLD applicant on their own, from a GAC early warning or GAC objection in response, or, and we're really concerned about this as well, from special interest groups that just want more than they're getting from the ICANN multi-stakeholder process. And so, sorry, let me, okay.

So, on December 7th, the Board started a consultation and we reminded the Board in our comments and anything you see in kind of this typeface that's not blue is from our comments. So, we reminded the Board that ICANN bounds itself in its 2016 bylaws not to regulate or impose rules or restrictions on services that use the internet's unique identifiers or the content that such services carry. So, we also, and this came out in the NCUC issues forum, which is why we do these things.

This was ICANN77 in DC, and a member of the accountability workstream one team named Malcolm Huddy reminded us that ICANN has its own commitment, a fundamental compact that ICANN made with the global community, not to regulate content. And Milton talked about this in a blog post right after the issues forum in DC. So, we wrote that actually, ICANN is really only looking at one type of voluntary commitment, and there are two.

There's one type of voluntary commitment that's not content related, and those should be reviewed within the scope and mission of ICANN, and I'm going to talk about how they can be reviewed. But for anything that's content related, NCSG submits, this is the second paragraph, NCSG submits, the best way for the Board to address content related PICs and RVCs is to make it clear that it will reject them categorically. They don't belong. We don't do content. Milton wrote that. So, for those that are not content related commitments, we would like to see six steps. You'll have access to these slides later, but basically these voluntary commitments, these registry voluntary commitments have to be within the scope and mission of ICANN.

They have to be legal. You can't posit something that's illegal in the laws of the jurisdiction of ICANN or the registry. They have to have a clear nexus to the string itself. Don't bypass the multi-stakeholder model to create extra trademark protections. Do something that's actually related to that string. They can't overrule the scope and output of a completed PDP, policy development process. They have to be enforceable by ICANN, number five. They have to be enforceable in our processes, and ICANN can't enforce it if it's not in the mission, if it's not in the scope of the bylaws. And then we talk about procedural principles that ICANN does seem to be embracing, that we have to put all these commitments out for a public review.

This is not just a negotiation between ICANN and the applicant or the GAC and the applicant. We have to be involved as well. And so, here's the big climax, that there is a big session on Monday at 10:30 in the main ballroom, and I'll be on the panel. Milton, over to you.

MILTON MUELLER:

Yeah, I would just like to say that we have worked on defining a policy response that both reflects everybody in NCSG and would be maybe feasible to the Board and to the GNSO, but if I had my druthers, I would want to discourage ICANN from doing RVCs at all. The clear question here is that, ICANN is insisting that these voluntary commitments be enforceable, and that means that the entire ICANN staff and its resources will be devoted to enforcing whatever commitments are made as a matter of contractual compliance.

Now, I guess it's okay for there to be some variation in these contracts, but when they get to basically regulating the business models of these domains, it means that every registry is different. They all have different policies, and it means that compliance is really a much bigger task. And so, I think we need to be asking ICANN why they want to do this at all. Why even have these things? And the answer you're going to get is that people will want to negotiate with objectors, most likely the GAC, but possibly also other external business interests. And they will say, okay, we're going to buy off this objector by making a commitment. And that shouldn't be happening either.

It's like, either they qualify or they're eligible for a domain, or the domain is like against ICANN policy, or it isn't. And if it isn't, then why are they not getting domain, right? So, what this does is, if you know the term beauty contest, that's where you have kind of an arbitrary selection of people from competing crowd based on how good they look, both literally and figuratively. So, if you want to turn the new TLD process totally into a beauty contest, then you would encourage this

RVC, PICS process. So, I don't know if it's possible, maybe Kathy can comment on that, to actually nip this whole thing in the bud, or whether we just have to come up with the modifications that we're pushing for in this response.

KATHRYN KLEIMAN: Tomslin, okay if I continue?

TOMSLIN SAMME-NLAR: Yeah, that's fine.

KATHRYN KLEIMAN: Okay, so Milton, I think one way or another, there will be some commitments going forward. But I think we heard from the GAC in the first round, that there were a lot of sensitive strings, a lot of strings that were regulated or credentialed. Let me give you an example, that doctor, that hotel, hotels are very highly regulated. So, we saw ideas that maybe only groups that are under those credentials should be allowed to register.

So, only doctors, only lawyers in a dot attorney, only actual hotels, credentialed hotels in a dot hotel. If we restrict who comes in, and the registrars actually talked about this in their comments, if we restrict who goes in, that may be within the scope of ICANN's mission and mandate. We've been doing that for a long time, .edu, .gov, are restricted TLDs. So, if we restrict who goes in, then they can be limited by the scope of their own professions or their own regulations.

MILTON MUELLER: But I just want to say there that ICANN actually does not enforce .gov, the .gov registry does. And same with edu, those are the registry policies. And I'm all for that. But the question is whether ICANN is responsible for enforcing those registry policies. And the question of whether the policy itself is multi, is developed by the GNSO, or just unilaterally negotiated between the registry and ICANN. Sorry to interrupt.

KATHRYN KLEIMAN: No, it's good. But it's not content related. And so, I think we're going to see a bifurcation. Right now, the big push is content related. If you register a domain name in this gTLD, you cannot say X, whatever X is. And so that's kind of the focus. And what we're trying to do is expand the focus. If we want to object to all commitments, we can. The focus right now is on content related commitments, and we are objecting to those being accepted. I don't know if that's useful. But come on Monday and join us in what will be probably a very big discussion. Thanks. Tomslin, back to you.

TOMSLIN SAMME-NLAR: Thanks so much, Kathy. Farzi has her hand up.

FARZANEH BADIEI: Yeah, I just wanted to talk about the RVC thing. So, because it's the government advisory committee that loves to have these commitments, one way or another, I think that, and I said it on the

mailing list, but I didn't have the time to come up with the wording. I think that we need to also, in one of our recommendations, we should have had human rights, like respect for human rights in these voluntary commitments.

And why human rights and not just a freedom of expression? It's just because that's the framework, that human rights are a framework that is globally, like governments understand it better maybe. And maybe if we use this kind of term and talk about human rights violation and impact, they might listen to us and reconsider it. But I don't think that we added that language, because I did not come up with it.

TOMSLIN SAMME-NLAR: True. We were unable to add that bit to it because of time. All right. Seeing no other hands up, we'll move on to the next item, which is the RDRS and next steps, which we had two meetings on this. I think a couple of weeks ago. And so, we just want to know what the next steps are from Ken and Wisdom.

WISDOM DONKOR: Okay. Thank you very much. Ken is not able to join, so I'll take it up. Yes, we had meetings. We have two sessions. I think last two weeks we had a part one, and then last week we had a part two. The part one of the meeting was to learn and seek more information on the RDR system, services system, to understand how the whole platform works. And then for the part two, the takeaways from the part one, we brought it to the part two. And then I will spell out what came out from the part two. So, in the discussion, the following came up.

The first one was a discussion about law enforcement regarding confidentiality and transparency. So, this was the first one that came up. And then the second one was a discussion on the registrars, regarding good practices and an assessment. Using those practice working for registrars that are careful and edging human rights assessment as the basis. So, that was the second point. And then the third takeaway was, I think it was a discussion about what to do with GAC.

Discussion with GAC to discuss the risks with regards to the system and all of that. And then this includes the need to recognize and also flag and likely limit requests from law enforcement in countries with poor human rights record. I think this particular one, Farzi elaborated more on this and she wants to pick it up and see how far we can go with it. The fourth one got to do with ICANN regarding the disaggregated data, transparency of all requests.

And then also requirement of GDPR and the need for human rights assessment impact in the current work and future plans for changing the RDRS system. So, these are the four takeaways that we got from the part two. And also, not to forget, Stephanie also, I think on the mailing list, also made a point. She pointed out that there was an issue with ICANN in its role and the need for us to also look at that. So, I think, Stephanie, if you are there and you'd like to elaborate more on this so that we can all decide collectively how to push this and then helping the community. So, these are the summaries I have to share.

TOMSLIN SAMME-NLAR: Thanks, Wisdom. So, if I understand correctly, in terms of next steps, we have the call out we're making to GAC, which Farzi will be doing later this week. And in addition to that, is there anything else we'll be doing? Will we be having another meeting or we'll be having a document come out of this?

WISDOM DONKOR: Because this meeting was an informal one. So, maybe we have to relook at it and see what we can do to collectively push for this.

TOMSLIN SAMME-NLAR: Okay, thanks. I see Peter signed up.

PETER AKINREMI: Yeah, thank you so much, Tomslin and Wisdom, for the update. So, during the informal meeting, actually, I raised an important question with regards to RDS. RDS, actually, is just a layer of security, actually, just to prevent some sudden things. But that does not really address who actually get access, who legitimately get access to this data. So, this is one aspect that we need to really watch carefully, because registrar, actually, there is no rules or guidelines that they have to follow. They make decision based on what they think is right or wrong to disclose access.

They put their own mechanism to ensure disclosure when someone requests for law enforcement agency or government, whoever care to access that data, do they submit information? So, they make discretion as to how they disclose that data. So, I asked, like, what are the

procedures on ground for registrar to actually makes that there are no unified procedures that guide them to disclose that data. Each of them follows based on the local law regulations and therefore. So, registrants are still the mercy of this program of this disclosing that. So, this is something that we need to watch carefully as NCSG and those that care about privacy, human rights, accountability, due processes in policy and standards. So, thank you.

TOMSLIN SAMME-NLAR: Thanks, Peter. We'll move on then. We're going to hear from Sam on the support implementation review teamwork, but I don't appear to see Sam on the call. So, we'll jump to the next item. Which is the applicant support program. Reviewing of the applicant support program handbook. That is an open comment. It's currently open for comment or for public comment at the moment. I'll kindly ask Manju who has reviewed it. I haven't. Please give a quick comment about it.

MANJU CHEN: Thank you, Tomslin. So, when I was reading it, I didn't expect I have to do a presentation of my review of the thing. So, I'm just going to read from the email I wrote to some of our members about this and probably will resend it to the mailing list too after this call so we can all add up to your own observations of my really shallow and initiate observation of this handbook. So, after reading the handbook, generally I felt the process was indeed improved from the last round, and some of the improvements I noticed include that, first of all, applicants can still apply for the strings if they are not qualified for applicant support,

which is not the case in 2012. And also, the criteria applicants have to meet are slightly different.

The first one usually was a public interest criterion, which is vague and you don't know what it means, public interest. But now they change it to public responsibility due diligence. And if you're interested in what that is, you can read the handbook for more details. Also, I feel like there is an enhanced diversity in terms of eligibility requirements.

In the 2012 round, mostly it's if you're from an underdeveloped region, and it's according to some UNESCO standards, and that's the only kind of eligibility requirements, you have to be from a poor region. But now, as an applicant for the applicant support, there are multiple eligibility requirements that you can pick and try to meet. For example, you are an NGO with a cause, or you are a small and tiny-sized business, or you are a group of indigenous people.

There are all kinds of requirements you can try to meet, and you can choose to meet multiple requirements too, so that can enhance your possibility of being successful in application. So, that's also one of it. The last one was they updated the financial stability criteria. In 2012, it's kind of weird because you have to prove that you're poor, so you cannot afford the full registration fee, but then you also have to prove that you are able to run the gTLD once you got the money.

And once you got the gTLD, so now they kind of changed it into, well, because it's a deduction of registration fee, you have to prove that you have means to collect the rest of the money, and that's a few observations I find. But the other thing is that I felt like it's still very unclear what kind of support a successful applicant can get. So, in the

last round in 2012, the only support, well, there were two, but in essence, the only substantial support an applicant can get is a reduction of registration fee.

And of course, SubPro thought this is less than enough, so they recommended actually a lot of more other kind of support, and I hope we all know, that the Board had rejected, well, they have non-adopted his recommendation because they felt it risks the Board's fiduciary responsibility. So, there are a lot of things that we're not sure if it's going to be supplied or provided to those who are successful in applying for applicant support. For example, they don't know if they can access to application councilors, and they don't know if they're going to get a bit credit if they end up in auctions. Also, they don't know if the base registry operator fees are going to reduce or waived.

So, these are all in the handbook. It says only like pending Board considerations or pending small group discussions, kind of like those kinds of words. So, you're like, oh, you're listing this support, but actually you don't know if they're going to get it. That's the thing I found very confusing. Another thing I found interesting was that in the handbook, it strongly advised the applicant to not against revealing what stream they're planning to apply, which I thought was quite interesting. I don't know why. I would like to see what others think of this. That's about it. I'm going to just resend this to the mailing list so everybody can look at it, and then, make your own observations or add on to it as you see fit. Thank you.

TOMSLIN SAMME-NLAR: Thanks so much, Manju. We'll use that as the start of our comment for that. Quick response, Peter, before we move on to the next.

PETER AKINREMI: Thank you, Manju, for that comprehensive update. Just wanted to ask whether you come across anything like post-award assessment mechanism in the applicant's guidebook, like a kind of mechanism to assess the effectiveness of the program or the success of the program in the applicant's guidebook.

MANJU CHEN: So, I think the handbook is for those who are applying for applicant support, so they will not be bothered by the measurement of success for whatever thing of the program, right? It's the GNSO or the ICANN committee who are interested in the successful metrics. So, I think it's another thing than the handbook itself. I think it's somewhere, but I don't think it's included in the handbook because that's not what those who are applying for applicant support cares about.

PETER AKINREMI: Yeah, if I respond to that, yeah, definitely I agree with you, but from the look of things, when you read a kind of a guidebook and something like that, then you will, it might not be formally written, but from looking at things, you will know whether this will be a successful program or based on what is written and what is given in the guidance. So, I would be interested to actually look at it as well and provide support. Thank you.

TOMSLIN SAMME-NLAR: Awesome. I think I have another volunteer for that comment. In the interest of time, I will skip item number eight and move it to our next meeting together. Then, and number nine too, because, oh, Pedro just came. All right, I didn't see you there. Pedro, if you could give us a quick update on the right protection mechanism implementation review team. And that's because we understand initially our comment was not considered. So, give us an update, please.

PEDRO DE PERDIGAO LANA: All right, I'll be quick, I promise. Pedro Lana, for the record. As noted in the mail list, Katty joined the 60 RPM IRT meeting and noticed that our comment was not inserted in the post-public comment versions of the documents there. So, it's important to notice as well that a relevant part of our comment was related to the IRT extrapolating the working group recommendations, inserting some new things, mostly towards IP right holders' interests. And then, after that, they inserted our comments to the seventh meeting.

We are still debating them in the meetings that will follow. And since NSCG, afterwards, we made this step expressing our concerns and the answer it was a mistake caused by human errors and assuming responsibility by it. It seems that there is a push by some actors, including WIPO, to use the IRT work as a way to go beyond what was decided by the working group consistently.

There are a lot of commentaries like that. And it seems that they are not being consistently remembered of the scope and limits of IRT work, especially about the innovation beyond recommendations. And most of our points are now being accepted within the IRT, but there are still

a few meetings that we have to go through to check what's really going to happen. And an important concern right now that's still pending is that the materials produced to educate and inform, especially important for registrants and defendants, still seems a bit threatening, and they are really hard to understand by people who are not IP lawyers, neither have ICANN-specific knowledge. So, that's it.

TOMSLIN SAMME-NLAR:

Thanks so much. It's always good to know that they considered some of our comments now. Thanks for being there, because that really helps us keep track of these things. We were meant to have a prep for SSAC, and the meeting with SSAC, the meeting with the Registrar's stakeholder group, and the meeting with the Board. I think, again, because of time, the one that's really pressing is perhaps the meeting with SSAC, because we haven't really discussed what will be done with them. And then you can also tell us about the intervention with the DNS Abuse outreach team and the GAC intervention as well.

FARZANEH BADIEI:

Yeah, thank you. I think that, well, first, for the DNS abuse outreach session, I have sent the mailing list a bunch of recommendations and what I'm going to say on the panel tomorrow. So, if you look at that document, it doesn't have anything extraordinary about it, but it's about more about transparency reporting to encourage registries and registrars to report on how many DNS Abuse incidents they tackle, the source of the kind of evidence that they get. Also, I added perhaps a recommendation on they can do a human rights impact assessment as well as an internet impact assessment in the long run to see how their

actions when they are mitigating DNS Abuse could potentially impact human rights, and what are the remedies, and also how it could potentially impact the internet, the global interoperable and accessible internet.

So, these are the recommendations. We can discuss them a little bit more on the mailing list. But also, for like the GAC intervention on Tuesday, as I said on the mailing list, so GAC has this open mic session. It's brand new. I think we have three minutes to tell them what our concerns are, and I think that we should first introduce ourselves and our values, but also, I would very much like to mention that the RVCs, we should use a human rights framework for RVCs so that we understand if they violate human rights. So, that's one thing that I'm going to mention.

The other thing that I'm going to mention is the confidentiality, their request for confidentiality of law enforcement and for access to WHOIS data and where NCSG stands on that, and also like invite them to have follow-up meetings with us. For GAC intervention, I have not sent the interventions that I want to make to the mailing list. I'm going to do that tomorrow. That session is on Sunday, I'm sorry, on Tuesday at 9 a.m. and I only have three minutes. So, for our request to meet with SSAC, so Security Stability Advisory Committee, this group is supposed to be a technical group of people who look at the policies of ICANN and see if technically, they actually make sense and they can keep the internet stable and secure.

Most of them don't know that we exist, so one of the reasons that we should meet with them is to tell them who we are, what our values are,

how we work, that we have GNSO councilors, and also like recently they published a document, so they call their documents SSAC something, like SSAC something. So, they published something on urgent requests for access to WHOIS data, a domain name registrant sensitive personal private information, and they very much ignore many of our concerns that urgent requests could have if it gets abused, and if we categorize almost everything as urgent, or if certain law enforcement agencies use this urgent request to, in a sense, do human rights violating operations.

So, I think that when we go there, we tell them who we are, and we tell them that how we participate, and we tell them that we would be at their disposal when they are coming up with these documents to tell them like what our human rights issues are, and what sort of rights violating effect these various access requests could have, and generally to raise awareness about our existence. Anything else you want to tell SSAC? Also, like to be honest, the composition of SSAC is very interesting.

So, while I don't think that we should go there and say, oh, you it's interesting, I think that we should look at the evolution of the composition of SSAC, and see how that could have an effect on the operation, and on their technical advice. And if we see that raises a big issue, then we need to raise the alarms. Yeah, Peter?

TOMSLIN SAMME-NLAR: I think Juan was first.

JUAN MANUEL ROJAS: Yeah, just to add the first, you said that the it's a public comment, it's a proposed top-level domain string for private use, it's a SSAC document that Farzi said, and also invite all of you to a MPOC membership meeting, because we will have a member from SSAC talking about that topic, about domain name for private use. So, you are all invited to be there. It's on Tuesday on the morning, I think.

TOMSLIN SAMME-NLAR: Thanks. I don't know who came up first.

CALEB OGUNDELE: So, just to add to what he's saying, it's the dot, he's referring to that dot internal proposal, which was spearheaded by SSAC. And just to make an additional comment to what Farzi mentioned, Caleb for the record, by the way. Now, speaking about SSAC, I totally agree with her that they are not diverse enough. And one of the statistics that they mistakenly did put out during the leadership program, which I attended, was the fact that they do not have even someone from Latin America, or even from Africa. And I feel it's an alarm, because they probably don't even incorporate everyone. And I made a bad statement of almost saying that it looks like it's a cult to me. That everything around them is just mysterious.

TOMSLIN SAMME-NLAR: Thanks. So, I'm giving it to you, but I'm assuming that we don't have a formal agenda for this that we've shared with SSAC. Okay.

JULF HELSINGIUS: Sorry, I was still going to comment on the SSAC thing. And I just encourage all of you, I'm not going to sort of, on a publicly recorded thing, say anything else, that you should all just look at how you become a member of SSAC.

TOMSLIN SAMME-NLAR: Last one, Peter, before we jump to it.

PETER AKINREMI: Yeah, thank you so much. And thank you, Farzi, for actually raising that, because these are the things that was discussed in the leadership program, and they're willing to open themselves up based on their compositions, as well as the critical roles that they play. I guess this is where we need to have that conversation with them to know, because I brought it out that, I know that a lot of you actually shout things about NCSG and something, we're there to actually ensure that there is accountability and due process and transparency in everything that we do.

So, we call people out based on all these things, and they got to know us, and they're willing to actually cooperate with us. So, if we can have a meeting with them, discuss our value and say, we're going to raise some alarm based on your report and something like that, there will be more caution. So, thank you.

TOMSLIN SAMME-NLAR: Okay, one minute.

BENJAMIN AKINMOYEJE: Thank you, Benjamin for the records. I think there's an opportunity, because they've been talking about their governance processes that they've been trying to put into place. And I think it gives us a great opportunity to jump onto that conversation and have imputes in it. We can't just go to them and say, oh, you're not diverse group, put us inside, we must be in your group, because there's a prehistorical infrastructural reason why they are there. And I mean, they have numbers that is also intimidating.

They are running those, or whatever things they are running at their own expense and all of that. Do we have people who are willing to do that to be a member of those groups? Two million dollars is a lot of money. Membership fee. Thank you.

TOMSLIN SAMME-NLAR: Thanks, Benjamin. Julf, do you want to quickly speak about the meeting with the Board? Just an update for the other meetings.

JULF HELSINGIUS: Yeah, very quickly. The important thing to know that this time and last time, we had a long list of questions. And basically, the whole session went through sort of reading out the answers to our questions. So, this time, we will only actually give them three questions, which we have discussed on the email list. So, I'm not going to go waste time going through them now. But I'm trying to leave as much time as possible for

free discussion, which is something we really miss with them. So, let's have a free discussion.

TOMSLIN SAMME-NLAR: Awesome. Thanks. And that brings us to the top.

BENJAMIN AKINMOYEJE: I also wanted to tell you that Sam wrote an email, maybe in lieu of him speaking.

TOMSLIN SAMME-NLAR: I did look for the email and I didn't find it.

BENJAMIN AKINMOYEJE: On the mailing list.

TOMSLIN SAMME-NLAR: All right. We'll take a look on Sam's email. But so as not to make someone angry at the back, we'll end on time and we'll take a look at Sam's email. Thanks, everyone. And thanks, everyone online as well.

ANDREA GLANDON: Thank you. You can stop the recording.

[END OF TRANSCRIPTION]