
ICANN79 | CF – Joint Session: ICANN Board and ALAC

Tuesday, March 5, 2024 – 1:30 to 2:30 SJU

LEON SANCHEZ: For our panelists today, please know that we'll be doing the introduction in Spanish, so please put on your headset for now. It'll just be the intro, then we'll revert back to English. And Spanish again.

FRANCO CARRASCO: This session will now begin. Tech team, please start the recording. Hello, everyone. I'm Franco Carrasco. I am the participation manager for this session. Welcome to the joint session with the ICANN Board and the At-Large Advisory Committee. Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. Interpretation for this session will include English, French, Spanish, Chinese, Russian, and Arabic. Please state your name for the record and the language you will speak, if speaking a language other than English. Please speak at a reasonable pace for our interpreters.

The discussion today will be between the ICANN Board and ALAC only. Therefore, we will not be taking questions from the audience. All are welcome to use the Zoom chat. Please note that private chats are only possible among panelists in the Zoom webinar format. Any message sent by a panelist or standard attendee to another standard attendee will also be seen by all session hosts, co-hosts, and panelists. I welcome the floor to ICANN Board Chair, Tripti Sinha.

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TRIPTI SINHA: Thank you, Franco. Welcome, everyone to the joint meeting between the Board and the ALAC. We very much look forward to these kinds of interactions. I know we send questions back and forth, but I'm hoping there will be a free exchange of thoughts and ideas, and there's going to be a degree of candidness associated with the exchange. Jonathan, you're not one to be shy, so I'm relying on a lot of spontaneity. But Leon is going to chair the session, so I'll turn it over to Leon.

LEON SANCHEZ: Thank you very much, Tripti. Welcome, all. Leon Sanchez speaking. Franco, if you could please share the agenda and the questions we have for this session on screen. As Tripti has already said, we're trying to look for a deeper involvement between the Board and all the stakeholders. Here we have some questions and concerns brought forward by ALAC. To that end, obviously, I will give Jonathan the floor so that he can share with us what At-Large and ALAC's issues are, and I hope we can take care of the responses.

JONATHAN ZUCK: We have so many issues. Thank you so much. We're always happy to be here and to meet with the Board. And just one caveat from the introduction, what we try to do in these meetings is identify a shepherd for a particular issue to raise it here, which doesn't mean they're always a part of the ALAC. So, it means that they're an issue specialist within the At-Large community as a whole, and that's who we try to bring to the table for each of the issues so that the conversation can be the most

robust. With that, I guess we could jump right into the questions we sent to you. You're the shepherd on the first one. Is that right, Justine? Oh, you are. Okay, sorry. So, I will introduce Alan Greenberg to introduce the first topic.

ALAN GREENBERG:

Thank you very much. The first topic is on one of the subjects dear to us. It's the new grant program, the former auction proceeds. The recommendations from the CCWG included a number of recommendations saying certain people should not be able to apply for grants. What came out in the document, in the guidelines, was that plus an addition. The addition was, nobody who participated in the CCWG could act as an advisor, an unpaid advisor.

That came as somewhat of a surprise to many of us because it wasn't mentioned anywhere, it wasn't discussed, certainly no one was warned ahead of time, and it has a significant impact, particularly in areas where there are relatively few experts. To have someone who happened to have worked on the CCWG not being able to act as an advisor could have a significant impact. And since it didn't come out of any recommendation but was invented by staff, we would like to see that removed, and we would like to see that removed for this round.

Going forward, I think there's a good argument for removing any prohibition for CCWG members to participate, including as principals. When you think about it, the recommendations, even if they were proposed by me or by someone else in the community, they were then vetted by the majority of other CCWG members, supported in full by every SONAC that participated in it, and then approved by the Board.

The concept that you might have snuck something in that no one else noticed and now you're going to take advantage of it, is pretty slim. Now, I understand perceived conflicts of interest can be anything and they don't have to be real, but this one seems to be a step too far.

So, given that going forward there may well be a mechanism for fixing this, that is go back to the ACs and SOs, and if they all agree to make a change and the Board agrees to make a change, it's a done deal. It's not complex like a PDP. So, going forward, I think there's a good argument for discussing that. Now, at this point for the round, which essentially will be happening over the next two months, we believe that prohibiting people from acting as advisors is inappropriate, and we would like to see that removed. Thank you.

JONATHAN ZUCK:

If I could just add quickly, another topic that came up was a distinction between staff or executives that have left the organization having like a one-year prohibition for being engaged in a grant application, and ideally there would be something like that that could apply to members of the community as well without them having to leave the community. But if they're no longer being used as sounding boards for changes to the program or whatever, there ought to be some sort of a definition that if not immediately, as Alan's put it, some period of time could pass that anyone would be allowed.

ALAN GREENBERG:

If we're looking at comparable to that restriction of one year, the CCWG ended an awful long time ago. So, we've been off the CCWG for many

years now. But we understand that was a recommendation and we're not saying go against the recommendation today. That will take a process. Thank you.

LEON SANCHEZ:

Thank you, Alan. Thank you, Jonathan. We hear you and we've discussed this at the Board, of course. But I would like to ask Martin if he could provide us with a wider view on what we've discussed.

MAARTEN BOTTERMAN:

Yes, thank you. Thank you for the question on a matter that is important for us all. We are looking forward to finally engage in launching the program and do so with a very gentle first call on \$10 million to also test out what we have been put forward to run the program. So, let me be clear. I mean, I was in the discussions too. I've been a liaison of the Board at some point and I've seen how this discussion has grown over time into recognizing the importance that we avoid any view of self-dealing.

That was at the ground of it. And with that, it's very difficult to determine whether somebody involved in a proposal is paid or not by the proposers. And for that reason, I think for a bonus of care and from our responsibility to maintain strong ethical practices and make sure we don't seem to be like self-dealing but really offering this to the world. That seemed to be an important way forward. Now, having heard the feedback about this and the questions about this, like, well, this may have been more than we meant or this may not have been what we meant, these are of the opinion right now that the best thing is to move

forward in this way to ensure that this non-self-dealing is central, to ensure that the strong ethical practices are clearly there.

We'll live up to it from the Board side as well, of course. And to use this first round, which is by purpose a limited round of 10 million, to see how this works out. And then reconsider together with the community after this first round. So, this is how it went. And let's see what we need to improve before we start with the second tranche. So, in that space, I can see there would be room for this. But the idea is that moving forward at this point with this limited tranche, with the current things that have been said and are in the book and are in line with the CCWG AP recommendation for sure, seems to be the best way forward from our perspective. I hope that makes sense.

LEON SANCHEZ:

Thank you, Martin. Anyone that wants to add to this? Well, if not, I see Edmon's hand up. So, if we could provide a mic to Edmon.

EDMON CHUNG:

Edmon here. So, just quickly adding to that, I think myself and many others, I think it's very interesting to see the grant program move forward. But at the same time, I think the issue that was brought up is quite well heard by the Board. One of the things that I wanted to point out as well is that I understand from different members from the community that this is quite a surprise from the discussion. And there has been discussion actually early on in the auctions proceeds working group, very early on, touching on the specific topic.

So, I urge the community, including the ALAC, to look back at maybe some of those arguments and maybe capture that so that the Board can make further decisions on it. Because from what I was told, and actually I was in the room as well and remember, that there was a pretty big discussion about whether people participating in the policy process should or not be able to apply. And the conclusions there or the discussions or the arguments there would actually inform us well. Because that seems to have been completely lost in the final report that was eventually produced. So, maybe going back to a little bit of that information might help us going forward as well.

LEON SANCHEZ:

Thanks, Edmon. Good. So, well, this might not be the answer that you were expecting, of course, but that's how things stand at this point. We have discussed it. We will review it. And then we'll see if there's room and space along with the community to try to make adjustments going forward. Anyone else wants to add anything? Yes, Martin.

MAARTEN BOTTERMAN:

For all clarity, the current consideration is to consider this after this. The combination is terrible. Without this, it's terrible to hear. But, okay. The current consideration is to move forward on the 25th of March and then take this into consideration following that, also learning from the experiences. And I think that's the point where Edmon said we should also maybe look back. But the experience will show us how we can do this best for the world, not only for ourselves, in an appropriate way.

So, that would be the goal. And tomorrow at 3:00 o'clock there will be also a session to talk about the content of the program itself, which otherwise I'm very enthusiastic about. I think it really looks like a very much good practice-based way forward. And we look forward to learning a lot from the upcoming round.

JONATHAN ZUCK:

Thank you. And thank you for your thoughts on this and for considering our position on this. I think we had a very extensive conversation about the grant program this morning, and we're very excited about it. And I think the issue is really more that part of the success of it is going to be identifying the right people to apply, trying to help them to navigate the waters of being within ICANN's mission while at the same time not being duplicative.

So, there's some work to do that somebody just coming out of nowhere to do might have some challenges, just as there was when applying for strings in 2012 for the TLD round. And so, I think that's the origin of our concern as opposed to somebody wanting to get paid. It's more a question of trying to identify some of these actors and helping them navigate the waters of this application process.

LEON SANCHEZ:

Thanks, Jonathan. Good. So, might we jump to the next question?

JONATHAN ZUCK:

Yes, and that's Amrita.

AMRITA CHOUDHURY: Thanks, Jonathan. Amrita for the Record, and next year is going to be very exciting times for Internet governance discussions, especially there's a lot happening, Net Mundial +10. We have the GDC, the Summit of the Future, and the upcoming WSIS +20 discussions. So, ICANN has been supporting the multi-stakeholder participation, and there are concerns for it. So, from our end, we actually wanted to know how ICANN would support the participation of multi-stakeholders, and for us especially the end-user voices in these fora, including all of these which were mentioned. Any thoughts from the Board on how you would be supporting it? And support could be in many ways. Thank you.

LEON SANCHEZ: Thank you, Amrita. And for this, I would like to pass the mic to Tripti.

TRIPTI SINHA: Thank you, Leon. And Amrita, you're absolutely right. It is the season of Internet governance. There's just this confluence of many, many activities that are going on, and what's captured the attention of this ecosystem is what's in particular what's going on in the United Nations with the global digital compact with the GDC and the effort there to move to a tripartite model, which is very concerning, which is essentially saying governance matters, the three stakeholder groups are governance.

In the matter of Internet governance, there are three bodies, stakeholder groups, the governments, businesses, and civil society. And then, of course, WSIS +20 and the Summit of the Future and Net Mundial. So, I think it is time for us to engage heavily on this and reaffirm that the multistakeholder model is the model that makes the most sense, and we need all the voices at the table, much the way ICANN is structured, where we've got different constituencies and we craft policies and technologies and standards are developed, and they're done so by all these various and sundry constituencies.

So, the way the ICANN Board would encourage and ICANN, the entity, would encourage you to get involved is every entity in its own right should speak for the multistakeholder model, should you believe in it, of course, and get involved with your national government so that you can have a voice, participate through the IGF website, and also directly with the Net Mundial effort. Now, Sally actually has quite a structured approach put in place, and I'm going to turn it over to Sally, who will speak to all the different modalities that they're working on. Sally?

SALLY COSTERTON:

Thank you very much, Tripti. It's such an important question, Amrita. And to do it justice, I've actually got my colleague, Veni Markovski. I can see him in my view. I'm going to ask him to just come up to the microphone and address a little bit more of the detail, but also specifically your question, Amrita, about the role of the At-Large members and how they participate in the activities directly. So, it's a very specific area that you also want us to address as well, isn't it, so that we're all being really clear. Veni, please.

VENI MARKOVSKI:

Thanks. I'll come here so you can face me and not go backwards. So, we always support and encourage people to engage with these processes because some of those processes, which are at the United Nations in particular, they only allow member states to participate. So, the way to do that would be through the national delegations. So, the appeal here to everybody, not just the At-Large, but CCs, others, who have contacts with their national governments would be to actually reach out to them and see whether they would like to have somebody as an expert. We trust you guys because you are subject matter experts.

You know all things Internet governance. Some of you have been here around the WSIS since the beginning in 2003. Some of you have actually been since the beginning of ICANN, so therefore it's very helpful to see you participate. We are announcing on Thursday, so in two days at 1:15 in this room, we'll have a session on the geopolitical developments, and we're going to talk more about the WSIS +20 Outreach Network that ICANN has established. And that's the way also to sign up for the mailing list, to sign up for the government engagement webpage, where we'll be distributing information that can be helpful with interaction with your governments.

And I think we have examples from previous WSIS-related forums where we see representatives of the At-Large of other parts of ICANN. Obviously, the GAC is instrumental because, these are the subject matter experts in the national telecom administrations, and they should also talk to the foreign ministries who are going to lead the negotiations at the United Nations. So, I think if we all put this together,

there will be a lot of--. If we all try, if all of us try, and some of us succeed, that will still be actually a big difference than the WSIS +10 negotiations, which were in 2015, where ICANN, be a witness because I was there and there was nobody else.

So, only a couple of people, who we can recognize each other, and they were only governments. And some of those governments were providing suggestions to be included in the WSIS +10 outcome documents, which were very strange, to say the least, from the point of view of the technical Internet governance. So, we count on you to be really active and to interact with us. My team, Government Engagement Team, we are at your disposal, as I keep on saying to every SO AC. Just keep us in the loop. If you hear something happening nationally, some meeting that you think is important, let us know so that we can monitor it.

And then we can inform everybody else. And if there is a need for some kind of position or something, again, reach out to us. We have the resources. We have the people and the specialists who can help you with that. I hope that's helpful.

LEON SANCHEZ: Thank you, Veni. Amrita?

AMRITA CHOUDHURY: I have an add-on here, if I may.

LEON SANCHEZ: No, no, of course. I was going to ask you if there were any more comments.

AMRITA CHOUDHURY: Okay, thank you. I jumped the gun, actually.

LEON SANCHEZ: Please go ahead.

AMRITA CHOUDHURY: So, it's good that there is information and with the government team getting that information. However, for the end-user community, getting all the information is also difficult because these processes are very difficult for everyone to follow. Is there some kind of a central repository or something which you would want to create wherein you have this information where people can come in and look at it? Because you never know which community can help where and which country is going to do something. And obviously, if you have people at the table in some places, supported, that also helps.

VENI MARKOVSKI: Yes, there is the government engagement webpage. There will be a special part of it which will be dedicated to the WSIS +20 with all the information together, plus the mailing list which we're announcing on Thursday where people can sign up, which will serve as an exchange of information. But the webpage, we'll put links to it. Some of our community members have already published, for example, papers.

AUDA, to give an example, the Australian ccTLD managers. They have published a couple of papers on this subject. ICANN's government engagement also published last year a couple of papers. So, these will be on the same page where people can easily access them.

LEON SANCHEZ: Thank you, Veni. Sébastien?

SÉBASTIEN BACHOLLET: Yes, thank you very much. Sébastien Bachelet speaking. And if I can switch to French, it would be great if you allow me. Thank you very much. Thank you for all these answers. I just wanted to say two things. We cannot individually and even collectively from the end users read every paper that is published on all the topics that exist. I think that when we ask for help, yes, we need some physical help to participate in some meetings. But really what is important is to helping us what is going on without for us to have to read 300 pages, because we do not have the capacity for this, especially when it's published in different languages, et cetera.

The second thing is that we talk about WSIS +20, but we forget what is happening tomorrow next to us, which is the Net Mundial +10. And this is urgent. We need to know how we can collectively organize ourselves for this meeting that 10 years ago was really important in the definition of our model, and ICANN was a leader at that time. We do not need to be leaders now, but it's important to know that we are here for the whole community, and we need to know how we can organize ourselves. Thank you very much.

SALLY COSTERTON:

Thanks, Sébastien. I think that the -- I'll just say one thing, then I'm going to hand it back to Veni, because it's a very specific question. So, you said two things there. The first is -- Sorry, that is not helping. The last one was the question about Net Mundial. And correct me if I'm wrong, but what I'm hearing you say is, we the community, the ICANN community, need to coordinate and engage around the subjects of the event and how we contribute.

The first question you asked about was to do with curation and sharing of insight about what's going on. Not just, yes, sharing documents, but actually providing understanding of that. As I say, I would say curation, interpretation, analysis. So with that, Veni, because I know we're going to do the latter, we're going to provide analysis on our website. That's part of something ICANN is doing anyway, and that is something that will be made available. I mean, not of everything. We're not setting up a consulting firm, but we will share the work we're doing anyway on the analysis on that page. Veni, do you want to add anything more about Net Mundial?

VENI MARKOVSKI:

I'll add, actually, first to the first question, which is, for example, last week there were discussions at the UN about the Global Digital Compact. We had somebody following up what's happening, and we're going to write a short report with the key items from member states. I understand what you're saying. You don't have the capacity to spend 16 hours listening to recordings, if they exist. And if they don't, it's even worse, because unless you're in the room, you wouldn't know about it.

So, we are doing that. And on the Net Mundial, we have allocated--, I can share that with you. From ICANN's point of view, we've allocated somebody to be on the executive committee, and we are planning to send someone. And there are billboards outside about Net Mundial. Renata, the chair of CGI, is here. Demi Getschko, others are here. So, just talk to them. I don't think you need any particular coordination effort to participate, because it's a very open meeting. Everybody can participate if they want to.

LEON SANCHEZ:

Thanks, Veni. Chris?

CHRIS BUCKRIDGE:

Thanks, Leon. Sorry, I'll speak. I really wanted to just echo Sébastien. You're listening? Okay. No, I think the communication here, I think we on the Board are still listening to and learning from Org about the coalition idea that's building. But I think the focus on communication is very important. I think you're very correct in pointing out that it's a need that exists on multiple layers.

There is a need for the sort of more in-depth thinking, the kind of reports that really give us the robust argumentation for a multi-stakeholder approach and for maintaining that. But there is also the need to help people understand, in a more timely way and in a more easily digestible way, what's happening as it's happening, and particularly, as your question noted, the way all of these very different but intersecting events are coming together and what the different impacts might be. So, it is a really challenging time, I think, and I think the Board is

recognizing that in sort of making this part of the CEO goals and is very supportive of the efforts that the Org is making to try and build that loose coordination that's going to be necessary for us to all play a part here.

LEON SANCHEZ: Thanks, Chris. Amrita?

AMRITA CHOUDHURY: Thank you. And I know this is dynamic feeling and thank you for kind of updating things. But sometimes it's very pressing. For example, the submission to the GDC is on 8th of March. Having a report later may not help because if we want the community, I know it's a very opaque process to submit the responses on those four or five questions which I've given, we need to give them some hints on it. So, if we really want to make an impact, we have to work really fast. We know it may not be taken, but at least we should try. Thank you.

LEON SANCHEZ: Thanks, Amrita. Veni, you want to follow up on that?

VENI MARKOVSKI: I can respond very quickly to that because unfortunately, in some cases, it's not possible to respond fast. For example, they finish their meetings, their public meetings on March 1st. We were already here, and this week there is open-ended working group on cybersecurity. So, it's just physically impossible for us even though we would love to be

very quick, even to bring you, what are the key moments from the speeches. Now, we are also not going to send like guidelines or you name it. The whole idea about the outreach network is that this is not a formal structure.

There should be no expectation that ICANN will provide talking points which will coordinate with others, et cetera. It's actually up to everyone, including individual users and organizations to do their contribution because at the end of the day, you mentioned the GDC call for comments, they've put questions, and that means anybody can read those and contribute. And it's much better to hear the same thing from 100 different voices than to hear one thing from 100 different organizations which are coordinated between each other.

The beauty really is in the mass participation in these processes. Keep in mind also, regardless of what they are calling for contribution and stuff, at the end of the day, this is a multi-government, multilateral, intergovernmental negotiation process. So, some of those things that people are submitting may never be used. There is no way of bidirectional communication. So, it's a little challenging. We need to accept that the rules of procedure of the General Assembly are not going to change just because of the internet governance being such an important issue and having such a successful multi-stakeholder model.

LEON SANCHEZ:

Thanks, Veni. Good, so we still have one more question from the elected Board, and we still have the questions from the Board to the elect. So, I'd like to just keep the pace on this so that we are able to take

care of each of the questions. So, the next question, Jonathan, who's the shepherd for this in the elect?

ALAN GREENBERG:

Okay, thank you. This one was added just recently. You may know, people on the Board who saw our list, it wasn't there yesterday. But I did attend the GNSO board session yesterday and this too came up, and I thought it was appropriate to say a couple of words. And I don't necessarily need a real response. The ALAC gave advice to the Board on NIS2 several years ago. It essentially said that when NIS2 is active, do something. We later withdrew that advice because having advice sitting around for years, which you couldn't do anything on, just was messy.

So, we withdrew that advice saying we would reconsider it at the appropriate time. And this is the appropriate time. The Board asked the question, is policy work necessary to allow contracted parties to comply with NIS2? And the conclusion I heard yesterday was no. And I agree. I don't think anyone will argue that. But I don't think that's the right question to ask. The question is, is policy work needed because of NIS2? And I personally believe, and I hope the ALAC will agree when we discuss it, that it is indeed. NIS2 regulations associated with DNS-related things and WHOIS-related things are there to protect the DNS ecosystem and consumers. We will be in a situation where contracted parties who are subject to EU regulation will have to follow all these rules.

But there's a large number of other contracted parties who will not. And that, I believe, puts all of the problems that NIS2 is trying to solve. It

may solve them for Europeans, but it doesn't solve them for the rest of the world. And I believe they are worthy of being solved. And what we recommended last time is that once NIS2 was in place, that the Board initiate a PDP to make sure that we have a level playing field, that all registrars and registries have to work to the same baseline, or at least close to the same baseline.

So, that's the short answer. We will be discussing it in the ALAC. I'm not an ALAC member, so I can't promise the ALAC will do anything. But I expect that we will take a look at our old advice and reformulate it as appropriate for today and possibly reissue it. So, I just wanted to put that on the table since obviously the Board is discussing the issue right now. I have discussed this with a number of other parties. I think you'll probably, well, I think if we ask the CSG whether they agreed, they probably would. The GAC might agree also. We haven't talked to them. But that's where, just wanted to put it on the table. I don't think we really need a response, although if anyone on the Board wants to comment.

LEON SANCHEZ:

Thanks for putting it on the table, Alan. Anyways, I think Becky could help us share a little bit of what we're looking into.

BECKY BURR:

Yeah, so thank you for that and you did answer the question that we've asked. And that is, your answer is consistent with ours. Well, it remains to be seen whether anybody disagrees with you on that. With respect to the notion of developing policy to set a level playing field, that's

really, it's a different question that you're asking. I get that, and it's an interesting idea. As you are socializing this and talking about it and thinking about it, I think I would encourage you to keep two things in mind.

One, the picket fence. So, the case needs to be made that this is necessary for stability security within the picket fence, which of course does include accurate and up-to-date WHOIS information. So, I'm not prejudging that, but when an issues report gets issued, that's one of the things that will be asked. Is it within ICANN's remit?

The other thing that I don't have an answer to, but I would just caution that, to the extent ICANN is acting like a standard-setting body that is affecting competition, and you specifically used the words level playing field, there are a bunch of competition and antitrust law considerations that come into play. I suspect that the lawyers for the contracted parties would say, no collusion, no collusion. So, I would also caution you that I don't have a view or an answer on it, but that is another important consideration that would come into play.

LEON SANCHEZ: Thanks, Becky. Chris?

CHRIS BUCKRIDGE: Yeah, thanks, Alan, for the question and for the response. And yeah, I think part of why we sort of brought this in was because we heard at least in sort of informal ways, a number of different perspectives which are mutually exclusive, and we're trying to understand how we get to

an objective position there. So, I think as Becky said, I certainly agree with everything Becky said, and I think that captures it very nicely. I think the idea of leveling the playing field is an interesting one, and I'm simply riffing here. It's not something I think we've put thought into, and Becky's raised some obvious concerns around that. But I think the other thing that, as not a lawyer here, so coming very much from a lay perspective, would be that this is a very dynamic space.

So, if we're going to try and level the playing field, that seems like an ongoing and very active effort that would need to be undertaken as regulations in different parts of the world evolve and change. So, I would imagine what we're looking for would be something more stable and robust than that. But yeah, it is a really interesting idea, and thank you for bringing it to the table.

ALAN GREENBERG:

Just one comment, in listening to the responses, I suspect level the playing field is the wrong expression to use, but provide the same level of safeguards to all consumers and registrants may well be a more appropriate way of stating it.

LEON SANCHEZ:

Thanks, Alan, thanks, Becky, and thanks, Chris. So, we've answered the questions that the ALAC has posed. Now we can go to the questions that the Board has to ask the ALAC. And the first one is, what would you, ALAC, regard as a success with respect to contention resolution? Who will take this?

JONATHAN ZUCK:

That's me, I guess. I'm Jonathan Zuck, the chair of the ALAC. And this has been a very interesting type of discussion for us, because there are a lot of things that were meme-worthy of the last round, starting with digital archery and moving into the failure of the Applicant Support Program, the flow of DNS Abuse, the failure of the safeguards, the dot sucks business model. There were a lot of craziness that sort of happened there. And one of them was the whole auctions thing. It was an embarrassment, and really sort of underscored this as a game for millionaires to play and to leverage, to get money from each other, to apply for domains.

And as one of the communities within ICANN, that's very focused on really broadening the registry community and the applicant pool. We'd really love to see that not get repeated. And there's been a lot of discussion about what is needed to make that take place. And I feel like what's happening is that over time, the notion of how to prevent that is getting more and more watered down. And so, we had a session that included Monty Kahn, and he came up with an idea at the time about doing an auction of First Resort that was a Vickrey auction, that contentions were handled at the outset, and that people didn't even know they were in contention.

And while it's not a perfect proposal and would require some implementation details, there was pushback. Well, there's been things that have been approved by the Board already in terms of timelines for evaluations, and are we going to leave these evaluation periods open or close them and have to reopen them? And I get that it's a little

disruptive to make a proposal like this. But I find myself, the more watered down I hear this becoming, the more I want to go all the way back to that proposal that we wrote up and we took to the GAC to join with us on. Because I think the idea of gaming this is something that was really new at that time. And I imagine the situation will be worse this time. And I think even the named collisions risk assessment framework actually provides some opportunities for further gaming in this space.

And I just feel like dealing with this upfront, the way Spectrum is handled in certain parts of the world, et cetera, is the way to go. And again, we're going to have to go back and revisit the advice that we drafted so long ago. But I think we really need to take a hard line. And I don't know what that should be, but a hard line on really preventing the kind of ridiculousness that took place in the last round with respect to private resolution.

LEON SANCHEZ:

Thanks, Jonathan. So, what I'm hearing is that success for the ALAC in terms of contention resolution would be to have a mechanism that would allow us to prevent what we've seen in the past. Is that right? Good, thanks. So, the next question is what are the top three topics the ALAC sees as essential to be addressed before going to the next round of gTLDs? That's Justine.

JUSTINE CHEW:

Thanks, Leon. This is Justine Chew for the record. I'm here as a topic lead for next round, subsequent procedures, whatever you call it now.

So, as Jonathan alluded to, actually have a lot of issues, but obviously I'm limited to the top three. So, I'm going to focus on the top three for today. The first one is ironically private contention resolution, which Jonathan has already spoken to. So, I'm not going to elaborate a little bit more just to save time. But we do need some sort of acceptable solution that is going to address the problem of gaming and the problem of the opportunity for people to make money out of the auction process. So, simply just applying for a gTLD with no intention to actually run it. Although we have bona fide affirmations in place, but that doesn't really mean anything in implementation.

So, we need a mechanism to ensure that there is no gaming of the process. And as Jonathan alluded to, we had such incidences in the previous round, although it's not majorly reported. And because of that, the fact that people know that happened, they're going to try and do it again. So, we really need to step up our game and stop that, because it's just simply not acceptable. The second topic that we have in mind is applicant support. And under this, I'm going to break it down into three components, the first one being the funding plan. We have no visibility on the funding plan.

We have not had too much updates, whether it's through the community or even through the IRT. So, as far as we know, the word is just \$2 million from the ODA that has been mentioned for the next round of the ASP fund. And we simply don't think that \$2 million is enough if we're going to try and make a success of the ASP and get more applicants to apply for that, and along the lines of diversify the applicant pool, make it more competitive, bring in new players into the namespace. So, that's one. So, if we can have some sort of update with

a bit of detail, not just saying that we are working on it, which is sort of the answer that we keep getting when we ask the question of, do you have a funding plan in place? Are we going to see more than \$2 million allocated to the ASP? So, that would be appreciated.

The second point is, and of course, that may or may not include the bid credits because we don't know what's happening with bid credit, and that's tied to the auction mechanism that it's still being worked on. We've just been told that ICANN org has appointed an auctions expert to try and come up with a solution, but we have no details further than that. The second component is the communications plan for ASP, for applicant support program. So, this is something that we've been asking for, for a while. Again, it's March now, and we have this blog out that says that ICANN org will launch some kind of communication plan in May for not only the ASP, but also for the next round.

So, that's the only information that we have seen put out in the public. And as far as At-Large is concerned, we are concerned because we want to see applicant support program succeed, which means getting out there, getting the message out there for people who are eligible to consider applying for ASP. And that requires a communication plan. So, we want to participate in the communication plan, not necessarily to structure it. But it would be nice if we were invited to provide some input as to whether we think it's complete enough, whether there's some gaps in there that we can help fill, because it's also about At-Large, we having the networks to viralize information or socialize the information for you about the program. So, we'd really like to be a more concrete partner in that sense.

We have ALSs waiting on information, their interest with the ASP program, but we don't know what to tell them, really. And the third one is the implementation of the non-financial support under Supplemental Recommendation 17.2. Now, I know that is still stuck at GNSO. So, it hasn't come to the Board yet, but we're hoping that, the way Supplemental Recommendation 17.2 is now revised to say, it's very generic, very high level.

Because we've received and we've heard pushback to say that don't be too prescriptive, although in the past, ICANN org has conversely said that we have not been prescriptive enough, so I don't know where we stand on that. But really, we want, again, it's down to the success of Applicant Support Program. So, it's not just about financial support, it's also about the non-financial support. And we want it to be holistic.

We don't want it to just say that, if someone volunteers to be a service provider, that's the only thing you're going to get. I think ICANN needs to do more to make sure that the breadth of pro bono services that's going to be offered to applicant support qualifiers is reasonable, if not complete.

The third one is the registry voluntary commitments. So, this one, I will preface to say that, I want to thank the Board for taking the lead in doing that community consultation on RBCs, okay? We know that PICS is settled.

So, I'm just going to concentrate on the registry voluntary commitments. So, the consultation that we've had so far has been great. I hope that it will carry on because there are still many aspects of it that we are very unclear on. Like, for example, in terms of who gets to

say whether the commitment is acceptable or not. And under what circumstances is it acceptable? Even to the point of, is this contrary to the bylaws? Does it touch on content? I know the conversation has just started and we're looking forward to carry on that conversation, but again, we are very concerned about the timeline as well. So, don't wait too long to get that settled. Thank you.

LEON SANCHEZ:

Thank you very much, Justine. I understand this is your answer to our question and the top three things ended up being five, but that's okay. But I don't know if any of my colleagues wants to react or comment on what we just heard, or should we just go to the next question? Becky, yes.

BECKY BURR:

Justine, I just want to assure you that conversation has to continue. You're absolutely right. There are a lot of unanswered questions and we need to move quickly on those. I think a lot of the unanswered questions come into play with sort of how we make the mechanisms for evaluation work and be affordable and the like.

The one thing I want to say on who decides whether they're acceptable, the Board made a significant point of this to the GNSO Council and the GNSO Council concurred that the task would be that ICANN and the applicant had to agree that the commitments were enforceable, both as a legal and practical sense. And so, I don't want to leave anybody with the misunderstanding that that's really a big discussion point. That was something that was discussed and something that was

important to the Board and was the topic of a clarification from the GNSO.

LEON SANCHEZ: Thanks, Becky. Justine.

JUSTINE CHEW: Thank you for that, Becky. I mean, it also goes into if, say, you need a third-party monitor. Who's to say that the third-party monitor is going to be the right one, whether there are conflicts of interest involved with that third party? Is it someone that's going to be reliable for the purposes of ICANN enforcing the contracts? So, things like that as well. Thank you.

LEON SANCHEZ: Good. Well, so let's now go to the last question that the Board has to the ALAC. So, I've heard through many calls in the CPWG and the ALAC monthly calls, et cetera, that there is, of course, some curiosity, if not concern, about the status of the ombudsperson selection process. So, our question as Board to the ALAC is, what would you like to know on the ombudsperson selection process?

SÉBASTIEN BACHOLLET: Thank you very much. And I will speak in English because some documents I will read are in English. The 24th of June, 2018, the Cross-Community Working Group on Accountability worked to issue a final report. Inside this final report, there were parts about the ICANN

ombuds office, and I will read just a small part. ICANN should establish an ombuds advisory panel and made up of five members to act as advisor, supporter, and wise council for the ombuds, and should be made up of, et cetera. The panel should be responsible for recommending candidates for the position of ombuds to the Board.

On the 7th of November, 2019, the Board resolution, the resolve that adopt each of the consensus recommendation contained within the workstream to final report. We are five years later, almost, and in the quarterly report, there is no saying that this part of the recommendation will be put into order and contrary, there is explanations that the Board set up a committee, and with this committee, we'll go ahead with the next ICANN ombuds office.

During a call of the last workstream to report group, as a call we had as a shepherd of workstream two was stopped, but was supposed to be reorganized upon request, I request for such a call, and this never happened. It's why we are questioning why the recommendation accepted by the Board is not taken into account and set up to take the next ICANN ombuds office in office. Thank you.

LEON SANCHEZ:

Thank you, Sébastien. As you know, the Board has designated or created a committee to take on this task of searching for the new ombuds person, and Danko, who is the vice chair of the Board, is the chair of that committee, so I would like to ask Danko to comment on this.

DANKO JEVTOVIC:

Thanks, Leon. Well, it's more kind of a subcommittee because it's temporary in nature. So, first, Sébastien, thank you for bringing this topic. I was wondering if you want to answer today or during the public forum, but I think it's much better today because we have more time. The recommendations on the ombuds office for the workstream two are extremely good and valuable, but the fact is that setting up this body, I don't know exactly, this advisory body here, hasn't happened. So, this is just unfortunately one part of lots of recommendations that are pending and in implementing phase, but we were in the situation that we received a resigning letter from the current ombudsman, Herb, and we had to act because the role of the ombuds office is very important for the community.

So, the Board created this small ombuds board search committee and I'm chairing that, and I have Sarah, Alan and Jim in the committee. So, we started our work and the work is progressing well. I cannot go into many details at this moment. We did some interview, we are optimistic and positive and the role of this committee is not only to find the next person, but also to oversee the current situation when we have Krista as the interim and also to make recommendations how to evolve the ombuds office in line with the Workstream 2 recommendations.

And that's what we will do. But I think this not ideal situation of not having the advisory body in time would actually be viewed from hopefully positive side in a way that now we will get, we expect very experienced person that will help us and work together with us to implement these recommendations in the best way and to create the ombuds office that will serve the community best. Thank you.

LEON SANCHEZ: Thank you, Danko. Sébastien?

SÉBASTIEN BACHOLLET: Yes. Thank you, Danko. I guess we don't disagree with the fact that the Board is doing what they can and they are doing a good job. But my understanding was that this advisory panel was not set up because there were no needs because the current ombuds was in place. It shows that sometime we need to take the things in advance and that's a pity that we were not able to put this advisory panel in place because it was this advisory panel who will have done the job that you are doing in your subgroup because it was really set up for that. Thank you.

DANKO JEVTOVIC: If I can only say thank you. You are exactly doing what community should do, keep us in line with what our promises are and we will work to be better than before.

LEON SANCHEZ: Thank you. So, that takes us to the end of the agenda. I don't know if there is any other business or any other topic that anyone would like to raise at this point. We have one minute to go, so. Good. If nothing else, then I'll go back to Tripti to maybe say a final word.

TRIPTI SINHA: Thank you, Leon, and thank you very much for this honest exchange of thoughts and idea and the very candid conversation we had. We look

forward to the next meeting with you and also, we do take your input very seriously that you have given us and we'll follow up on those. Thank you.

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