
ICANN80 | PF – GNSO: IPC Membership Work Session
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BRENDA BREWER: Hello, everyone, and welcome to the Intellectual Property Constituency Membership Work Session at ICANN80. My name is Brenda Brewer. 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 the 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 IPC Chair, Lori Shulman. Thank you.

LORI SCHULMAN: Thank you, Brenda, and I want to thank all of the ICANN staff. I know that this has really been, it seems like a lightning speed planning session between Puerto Rico and today, and I just want to get it on the record that we appreciate your help and dedication and particularly reminding the Chair when she's supposed to log in. So, thank you so much, Brenda.

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Hi, I'm Lori Shulman. I'm president of the IPC. I will be giving a pretty extensive president's report today as there's been a bit that has gone on between Puerto Rico and Kigali meetings, and I've also been to some outside Internet governance meetings that people might have an interest in.

And I'm going to just give very high-level overviews today, but if you have interest in these events, outcomes, documents, please don't hesitate to contact me because the more intellectual property interests that are involved in these meetings, or at least following the meetings, I think is very important for us to gain more traction on the global scale.

And with that, I'm also going to say that I'll give my report and then I'm going to pass the gavel to Michael Graham as he's in the room, has a better sense of hands raised in the room. It's hard for me to see, but I'll be happy to help Michael with the queue online, and Brenda will too, and we'll make sure whether you're online or in the room that you have a chance to participate in this meeting.

So, the first thing on my agenda is talking about the leaders' meeting with Sally Costerton. As you know, the IPC leadership meets with the ICANN CEO, or in this case interim CEO, anywhere two to three weeks before the upcoming meeting to talk about open issues, things we'd like to see on the agenda, questions we have for Sally, maybe even the Board.

So, in this particular session, we talked about upcoming global meetings that I'll be talking about later, like the NETmundial in Brazil and the WSIS event in Geneva. We talked about preparation for that,

where ICANN was participating. ICANN participated in all these events. In fact, Tripti Sinha gave a long intervention at the WSIS high-level event that I will discuss as well. INTA, my organization, gave an intervention as well too.

But we did ask Sally to really think about how ICANN is messaging about the RDRS in all of its presentations to the community, whether it's inside the ICANN bubble or outside the ICANN bubble. There's a lot of confusion on our end. Giovanni, you and I had a lot of discussion about this, as did Xavier in Puerto Rico, that on one hand we're getting the message that the program is a two-year program, full stop. Sometimes we're getting messaging that says the program is intended to live on with improvements. So, which is it?

This is what I think it is, but I have had no confirmation of that, really. And I think it is a program that may be evergreen, that's meant to determine demand as to whether or not we should fully invest in a more robust program like the SSAD, but at a minimum, there will be an RDRS program moving forward, again, depending on usage. But the idea that the program simply will just, on day 1200 and whatever, at the end of the second year, the system turns off, I think is a lot of confusing for people.

I would almost rather hear, we're not sure where we're going with this. We are looking for demand to see whether or not we should build an SSAD and invest more money. However, we do see the centralized system as helpful, so we do plan long-term investment as long as it's used, or something like that.

So, I find the messaging right now, particularly for requesters, is extremely confusing, because you're asking us to learn a new system, invest a lot of time. Many of us are donating this time pro bono to our clients right now, because we're learning the system. And it would be very helpful from a planning and an input perspective to have better messaging.

So, Sally took that on board. I don't know where we're going to go with that, but this is an issue that I will continue to champion as the president at IPC, and the leadership will as well. Does anybody have questions about that? Any in the room, Michael?

MICHAEL GRAHAM: Susan raised her hand.

LORI SCHULMAN: Okay. Susan.

MICHAEL GRAHAM: Susan Anthony, that is. We've got too many Susans.

LORI SCHULMAN: Oh, well, there's Susan Payne, but yes, Ms. Anthony, please go ahead.

SUSAN ANTHONY: I wish Mark Trachtenberg were in the room, because he did something that I found incredibly powerful in a meeting earlier today, in which he

took a page of information about the, I still call it a red dress, since Nico said call it a red dress, it stuck with me.

And he read it, and he stopped at every word that is not intelligible to the average person, let alone a person who really may not understand intellectual property, GDPR, or even what is ICANN. And I wish I had had a recorder, and I wish I knew to record him, because it was beyond brilliant.

So, I think as we continue with red dress, and because I work with so many small businesses, truly small businesses, I would be glad to tell them about red dress, but it has to be something that is accessible to them. So, I'm hoping that as we go forward, and we think about messaging, about the availability of red dress, that we also think about really putting our messaging about red dress and ICANN in plain everyday language.

LORI SCHULMAN:

Thank you, Susan. I think that is well noted. Okay. Moving on, the request for reconsideration, which the IPC filed last fall in connection with the auction proceeds resolution, you'd call it, the Board resolution that exempted applicants to the grant. The auction proceeds funded grant program would not be allowed to exercise community remedies if they felt aggrieved.

And, well, we understood that this was a bona fide attempt to protect the proceeds from just sort of random and frivolous claims or hugely expensive claims that come off the fees of those who participated in the

program, that we understand the intention was well. However, the way the resolution was worded and the way that the Board proceeded to basically make a resolution around fundamental bylaws was not good.

So even though the intention was good, the outcome from our view is very dangerous to the multi-stakeholder model. We did get feedback from the Board saying they saw our point, saying that a fundamental bylaws change was required. They recognized that. They offered a new resolution that would be a fundamental bylaws change. However, that resolution, the language was so broad that the community has pretty much rejected that language.

The Board has also ceded that we are going to have to look at the RFR process. And I can't see if we look at the RFR process, how we also don't look at the IRP process. The administrative proceeding that could be a next step to a request for consideration is an Independent Review Panel, IRP. The whole mechanism right now for dispute resolution, whether you're inside the community or outside the community is confusing right now. We're right now more concerned about inside the community and how we can in a professional and bylaws compliant way challenge the ICANN Board.

Our RFR was rejected out hand for reasons saying that we didn't have standing, that our timing was off, and that the issue was moot, meaning that it's been decided because the Board has agreed to produce a new resolution, that this was no longer a valid complaint. The IPC disagreed with that ruling. The issue is not moot because the resolution from

October still stands. The applicant guidebook for grant application says you cannot use community mechanisms. You waive around it.

So, there's nothing about this issue that's been resolved except the Board has conceded a point, but that point has not resulted in any change that would suggest that the situation is moot. So, because of this we have asked for a negotiation process. It's called the community engagement process. The process has begun. We had our first session. John McElwaine and I are representing the IPC.

For the purposes of the negotiation, I'm considered the single point of contact. However, John is absolutely the co-pilot, and we will be engaged in these discussions as a pair. No one will go into a discussion alone. We don't think that's a good idea. It's good to show the strength of the IPC and the depth of their talents. On the ICANN side, JJ is the sole point of contact and then he has a team of two colleagues who are also participating. And together we're going to try to find a way forward where we could perhaps settle this issue.

And one of the things I'd like the IPC broadly to think about and how we'd like to see the issue settled is to think about do we want as one of the outcomes a potential promise or even something greater than a promise to reopen the RFR and the IRP since it's already been acknowledged by the Board this probably should be done. Becky Burr most notably. So, does anybody have any questions about that? None in the room, Michael?

MICHAEL GRAHAM: None in the room.

LORI SCHULMAN: Okay. Next we go on to NIS2, the European Cybersecurity Act. The European countries have until October 17th to legislate a transposition from the EU directive into national law, and they have until October 24th and then it starts. The transposition and the imposition of the law will be by the end of October.

We see some very good news in terms of our advocacy efforts in Belgium and Denmark. Our meaning those who do advocate the IPC does not advocate but IPC members do advocate. And through the results of those efforts, I really advise people to look at the offered Belgium law where legitimate access seekers include people who request information for civil and criminal investigations. So, we consider this a big win.

Denmark also came out with very favorable language. We're carefully monitoring other jurisdictions. As there are 27 jurisdictions, it's impossible to monitor all. However, we are looking at those that may have the biggest markets, have the biggest influence and who are also the homes to many of the registrars and registries that would be subject to NIS2 provisions.

The needle has moved and so we're really pleased about that. We're going to continue our efforts. We are working with teams across the Board, the Internet Committee and the Data Protection Committee is working on this issue. There is an independent group of like-minded

souls working on this issue that include IPC, COA and BC members if you're interested in that. If your firm or your company is interested in advocating and using your own advocacy resources, we can help you.

But we still have the last stretch to go. The governments will basically stop working this summer as they typically do. Then what will happen is in September, we are going to see a flurry of activity. And what we want to make sure in our advocacy is that we advocate that countries follow Belgium. That Belgium is the model we like to see. Belgium will work.

And what my fear is is that some of these nations, because they're smaller, not as expertly staffed as maybe others, might rush to just basically pull in the NIS2 in whole cloth and not make some of the adjustments that we've been requesting at the national level. So that's something to very much watch. But now we have, thank God, a law in place that gives an example to other nations about how they could transpose the law. And it comes from Belgium, the heart of the Union. So, I think it's all very positive. Does anybody have questions about that? I see there's some stuff in the chat.

MICHAEL GRAHAM: Brian has a question.

LORI SCHULMAN: Yeah. Go ahead, Brian.

BRIAN BECKHAM:

Hi, Lori. We're all missing you here. That's really encouraging because of course I think it's useful to see that particular language. And I don't confess to know about how these things work on the ground, but I would imagine that Belgium being in Brussels, that might carry some weight. So just a question if you're aware if that could be shared through the IPC or ICANN with other governments who are looking at how to implement this in their national laws as a kind of model. Thank you.

LORI SCHULMAN:

Thank you, Brian. I think that's a great idea. Perhaps what we might ask is our friendly GAC representatives who are in the room to perhaps talk up Belgium's response, talk up Denmark's response. Maybe we could even ask the Belgian and Denmark GAC representatives to speak upon it. But I would like to see that coming from inside the GAC.

I mean, I can certainly help as an IPC member. Like, Brian, if you'd like me to talk to members of the GAC that you know personally who might be interested or Susan. There are many IPC members, actually, who could probably do that for you. And there's a few who could do it, I think, super well. Jan Janssen would be one. He comes right up to the top of the list.

Jan did a lot of work on the Belgian law. He transposed submissions into Flemish and German. I don't remember, Jan, if you're on the call. But he was fantastic. He did the translating for us. He helped with the wording. It was due to his efforts and the efforts of lots of discussion that we were able to get the word civil in. I mean, I think as soon as you

can take investigations and modify it with civil and criminal, you've won a big part of the battle.

We are civil investigators. There is no automatic assumption that law enforcement will be involved at a state level if you say civil and criminal. I really just want to congratulate everybody who worked on this. There's a lot of us. And Jan really pulled the heavy oar, so I want to shout out to Jan because it took a lot of work. And Jan also worked on our RFR. So, he's really been providing super expertise where we've needed in Europe. And I don't think he gets enough credit. So, you are very welcome, Jan. Rick, I see your hand is up.

RICK LANE:

Yes. I was just taking myself off mute. So as part of that, I asked a question during the geopolitical policy briefing. I put my question in the chat about how ICANN decides what they're lobbying on and what they're saying. So, I'd be very curious on what ICANN's view is on the Belgium legislation and where it is today and if they fully agree with the status or are they still raising concerns?

LORI SCHULMAN:

Michael--- I'm sorry, Rick. I called you Michael because I'm looking at Michael on his screen. Rick, I think that's a good question we can ask ICANN. I think that's something perhaps we could do it in the public forum. The status is it's a passed law. It's not going to get undone. So, in terms of the status, the status is what it is. Whether or not ICANN

agrees with it, I also think is irrelevant because it is the law. So, I'm not sure what I would ask.

RICK LANE:

I'm happy to put that in a phrase which would be, is ICANN going to follow the Belgium law and what are their next steps to begin implementing what the Belgians have passed, including ensuring that there's a thick and open and accurate WHOIS at all levels for the registries and registrars and to make sure that they are working together, and how do we move that process forward just as everything shut down during the GDPR because of a misinterpretation of the GDPR. Now what are they going to do and how does that impact everything else like the RDRS and other things that are going on in ICANN?

LORI SCHULMAN:

Thank you, Rick. Michael, you're next. Hopefully you're responding to Rick.

MICHAEL GRAHAM:

Well, just real quick. I think part of the response we're starting to hear here is wait to see what the other countries do. And I just wanted to get on, Lori. I'm not going to cut you off. I don't have the gavel yet, but we are at 17 minutes.

LORI SCHULMAN:

All right. Yes, I tend to go on. Thank you, Michael. I am trying to slow down the presentation and give people time to ask questions, but I

appreciate you monitoring me for the time. I'll go through the next things very quickly.

One, just to remind you that the CSG chair rotates back to the IPC as of July 1 in a few weeks. I'm going to step back in as CSG chair and John will be the wing guy, as always, this year—Thank you, John—for what goes on with CSG leadership. In the past, it has been the tradition of the vice president of the IPC to take the CSG chairmanship, although over the last few terms, because of some issues with the schedule of a prior vice president, in fact, I have been doing it since I've onboarded.

So, I'm going to continue for my last six months, but then I will absolutely feel that at that time John will be ready to take it on. However, if the new vice president of the IPC wishes to do it and John wishes to seat it, that's fine. And it's also possible that somewhere halfway through these six months, perhaps I will chancel the gavel to John early. We decided to keep it flexible. We're both capable. We're both, I think, good leaders. So, we're going to basically I'll be in name the chair and John and I will share the responsibilities.

After that, and I can put this aside, I was at NETmundial, which in a nutshell reinforced the multi-stakeholder model, but definitely seemed to be going after ICANN for not being as inclusive to non-commercial and civil society interests. That's my view of it. In NETmundial, there had been IP language, which we were at first pleased to see that IP language had been mentioned, that intellectual property rights should be recognized. But then there was qualifying language after there that I think attempted to get at fair use, but in my view overstepped the line.

So, INTA tried to enter balancing language into that IP statement, and it was rejected. The good news was the whole statement was eliminated. So even though IP is not recognized now, at least it's not recognized in a way that would force us to, if we agree with the multi-stakeholder principles, somehow see to the principles in NETmundial, which in my view were not good for the Intellectual Property Community. So, it's a win. It's a weird win, but it's a win. We didn't get language in, but we got language that wasn't balanced out.

Most of you in the room were at INTA's annual meeting. If you have questions about anything that happened there, you can let us know. It was pretty much an RDRS festival. We had a plenary that Michael very ably moderated. Steve Crocker spoke to our committees on alternatives, and it was just a very, very powerful meeting in terms of getting people interested again in what's going on at ICANN.

WSIS very quickly happened in Geneva. Tripti Sinha put in a statement that supported the multi-stakeholder model and really put into powerful words about ICANN working toward IDNs, universal acceptance, use of diacritical marks and anything that we can do to make the Internet more accessible from a language perspective inside the DNS. And thankfully, INTA did the same thing.

INTA President Dana Northcott, without any sort of coordination, basically did a very similar intervention. It looked coordinated, and it was a strong message about keeping ICANN's work in IDNs and language accessibility going and how important it is. I also want to thank Susan Payne and Paul McGrady who helped on that statement as

well. It ended up being pitch perfect. And we had, I thought, a very, very good NETmundial meeting. And I'm going to pass the gavel to Michael. At 18 minutes or 19 minutes, but it's okay.

MICHAEL GRAHAM: Yeah, that's fine. Susan Anthony does have her hand up, so I'll let her speak before going.

LORI SCHULMAN: Sure.

SUSAN ANTHONY: I have a question. I'm not trying to put you on the spot, Lori. Anybody in the room could answer this for me. I'm trying to figure out what the impact of the Belgium law will be on ICANN parties. As I understand it, the law applies to contracted parties who would be doing business in Belgium. Presumably that means if they work with a Belgian citizen or target a Belgian citizen in their marketing, they would be subject to the law. But I don't know because I've really not studied the issue yet and was hoping somebody here might be able to suggest something. And the other Susan is looking anguished.

MICHAEL GRAHAM: Susan Payne.

SUSAN PAYNE: Yeah. And I'm not sure I'm right on this, but I have a feeling that you designate the territory that you're going to be governed by. In some cases, you can't designate because there's an obvious place where you have your head office or something. But otherwise, I think you sort of identify where you're based for these purposes. And then you'll be regulated in the country that you're based in, I believe. But now David is going to correct me, hopefully.

DAVID HUGHES: No. No. You just made me panic because now I think everybody's going to move to Stockholm.

SUSAN PAYNE: I mean, you have to move your head office. It's not trivial.

DAVID HUGHES: I thought that Susan A was going to ask a slightly different question, which was, if they have an obligation to comply with the Belgian law, does that relieve them of their liability with regard to GDPR? That's the question that we need to start thinking about. They're so afraid of giving the data because we're going to have so much liability, we're going to end up in handcuffs. But if there's a legal obligation, it's mostly for you, Mark. There's a legal obligation to comply with the law. You can't comply with the law, Phil, and then get arrested for complying with the law. I'm just throwing it out there.

MICHAEL GRAHAM: Mark and then I'll close the queue.

MARK TRACHTENBERG: It's not clear to me whether they have an obligation to comply with the law in a different member state. I think that's the entire point of choosing which member state you're governed by for NIS2 purposes. So, to the extent that you are established outside Belgium, I don't think that you would actually be subject to the Belgium law. But I don't practice in Belgium or the EU.

DAVID HUGHES: If you have customers in Belgium, wouldn't that-- These are the questions we have to get.

MARK TRACHTENBERG: I mean, I don't know the answer to that question. It's a good question, for maybe a European lawyer.

MICHAEL GRAHAM: Marco.

MARCO MARTINELLI: Just one thing. It is my understanding that the country of origin principle from the e-commerce directive applies. So, we're just looking at where they have their main establishment. So of course, there could be a cause of fracture, because if I request the data to an entity based

in Germany, they might very well have different understanding of the regulation.

LORI SCHULMAN:

Okay. What I'm going to do, Michael, is I think this is a job for maybe Jan and Marco and our other European members. And Dave, I think the questions you're asking, we should dig deep. I'm going to write down the names of those who've expressed some interest and we'll get back to you. But again, I went over my time and we want to give the ICANN Finance Team's air time. I'm going to table it now, but note it and note it as a priority for IPC to address.

MICHAEL GRAHAM:

Thanks, Lori. And we had a bit of discussion. I wonder if rather than having Xavier sit through the entire meeting, we might move the CFO team up to now for the presentation and then go into our other things. Is that fine with you?

XAVIER CALVEZ:

It works for me.

MICHAEL GRAHAM:

And I know Becky and Giovanni are online. So, if you'd like to go ahead and do the presentation. This is on the impact of ICANN budget challenges on operations and recommendations implementation. Xavier?

XAVIER CALVEZ: Thank you. And Lori, please redirect what we are talking about to make sure it fits with what you wanted me to cover. So, thank you for the invitation. Go ahead, Lori.

LORI SCHULMAN: Oh, yes. So, what really the questions we had, IPC does take a great interest in the budget. We reviewed it and asked our questions during the planning sessions in Puerto Rico. And I know if it's either today or tomorrow, you'll be unveiling the strategic plan for the next three years as well.

When the announcement came out about the reduction in staff, that caused a ripple, I think, in the community, particularly when some of the names that mentioned who left, quite frankly, they were people that-- without any comment on your process, from our view, they were people that the community we thought were relying on for work and in the next rounds. And it was just very surprising, I guess is the word I'll use.

And I don't think this was really discussed in Puerto Rico about how the deficits were going to be handled and that there was even this idea that there might be a pending RIF. So, it caused some questions in my mind and I didn't really-- And I probably should have asked people to submit questions first. So, this might end up being a conversation between all of us. I mean, between me and the team, and then you all chime in from the IPC online in the room with your own questions.

Because it really begs the question in my mind is, well, what is going on? We're planning, hopefully, to improve RDRS, which is going to take more resources. We're planning to implement subsequent procedures. And there's a lot of work behind that, as we all know. We still need to do the guidebook. We're staffing up. We've actually hired more people, promoted people. There's a lot of flux and change in ICANN. There's contract negotiations going on all the time.

And when there is a deficit and a RIF, at least in my experience with other organizations, it usually also means reprioritization, some cuttings of programs, how things are going to look. So, that's the question I want to ask you. Given that ICANN has gone down this road of RIFs, I think it was 7% of the staff, which is a noticeable percentage. ICANN's about to unveil its new strategic plan. How have you been adapting to this issue with budget deficits other than RIFs? What's happening in terms of how you see implementation?

I know Giovanni is responsible for operational. I have to always remember that word, operational implementation. So how is this affecting your daily work? What decisions would you need or want or expect from the ICANN community or advice? How do we help you get through this as a community? I feel this was sort of announced, but there's a lot of follow-up discussion I think that should be had in terms of approving the budget. We've approved the budget. But what does that really mean from a practical sense?

Is that too much at once? But those are all the questions that were popping in my head. It's important to us. Because the ICANN backlog is very important to us, as you know.

XAVIER CALVEZ:

Thank you, Lori. It's a lot, but it's all related. Thank you for saying it's important to you and for hearing. Let me back up a second. We've been offering a number of presentations to explain that the run rate of funding of the organization is simply below its run rate of expenses. And that's a situation that has evolved over the past few months, but really been confirmed in the month of February or March.

Notably by the confirmation from Verisign relative to .com of the trends of domain name registrations that they see, which of course is very impactful to ICANN's funding. Because a large part of the funding of ICANN is anchored on domain name registrations and therefore on .com domain name registrations as well. Not only, but a lot of.

So, our funding has grown for as long as ICANN has existed up to last year. And now the domain name registration volumes are stable and looking to decrease a little bit. Therefore, not increasing anymore. When, in addition, an organization like ICANN, which is a non-profit, we try to spend all our resources to the delivery of the mission, we plan to spend basically about the amount of money that we expect to collect. Because that's our job. We're not here to drive excesses or "profits".

And we always try to do that conservatively so that we spend a bit less than we make all the time. And every year, except this fiscal year, we've

had a small excess, which is exactly where we want to be. Now funding has shown signs of decreasing a little bit, while expenses, of course, continue to increase simply with inflation, which is very logical and has always been, by the way. But funding has always also increased up to now.

As you indicated earlier, Lori, we have, there's a lot going on at ICANN, as you're saying. There's a lot of projects, a lot of activities that require delivery, that therefore require support and therefore require resources. So, we have a lot of pressure to deliver, which is healthy pressure to deliver. That takes people. And we have less funding. And therefore, there's a conundrum that we had to address.

So, as we've indicated, we are aiming at reducing our run rate of expenses by \$10 million, so that we reduce it from \$155 million approximately to \$145 million, which is our current expectations on funding. Unfortunately, the reality of our expenses is that everything we do is done by people. And as a result of which reducing our expenses by \$10 million forces us to reduce our capacity and therefore headcount in order to be able to minimize our expenses.

As Lori indicated, and for anyone who may not have read the announcements, we reduced the number of positions by 33 on May 30th. That's when we announced. And in order to be able to simply do that, which is reducing our run rate of expenses going forward so that we are fiscally responsible and never spend more money than we make. That's obviously for the sustainability of the organization and therefore the ability to continue to deliver on the mission.

So, I won't get into the details of individual positions, but the general principle that we've applied to be able to identify reductions is to try to minimize the negative impacts on operations and delivery. Basically, trying to do the same thing with a bit less "resources". And there will be inevitably impacts.

Sometimes there are actually positive impacts to being a little bit more streamlined. But of course, there will be areas, for example, in my organization where we're going to need to rework things differently and reallocate work and trying to do the same thing but a bit more efficiently with a bit less resources.

We have looked at, of course, all the programs that we have in place. No area has been spared. But every area has considered the priorities of the various projects that are going on to ensure the minimum negative impact. And if we expect or see a negative impact, we try to reorganize the work so that that negative impact is eliminated and the work carries forward. 7%, as Lori was mentioning, it's very meaningful. It's very significant. But it's also sufficiently, "reduced" across the entirety of the organization that we expect to be able to absorb that reduction. I don't know if I've addressed fully the questions.

From an operational delivery standpoint, with that principle of minimizing the negative impacts, we are expecting to continue delivering everything that we have on the plate at the moment. That means RDRS. That means next round. That means review implementation. And, of course, we are addressing the areas where the departures are more impactful to be able to reorganize the work in a

manner that we believe is enabling the organization to continue to operate normally. Did I address the questions?

LORI SCHULMAN:

Yeah, Javier. I think you've definitely shared the thinking behind how you're going to operate moving forward with the anticipation of the decline. And even if it's sort of what is a stabilized decline, there's probably a lot of reasons for that, but this is not the time to talk about that. I do have some practical questions, though.

With this RIF, will there be a hiring freeze? Is ICANN implementing anything other than the RIF, which is reduction in force—It's an American term—to make sure that that cost savings remains saved? So, besides the RIF, what other measures are you taking?

XAVIER CALVEZ:

Thank you. I was going to ask you about the RIF because I don't know. I didn't know that.

LORI SCHULMAN:

Yes, it's called reduction in force. I'm sure your legal department is very familiar with it because California has pretty stringent laws about it. But when an organization of ICANN size does this kind of reduction, there are rules and laws around it in the US. I don't know about other jurisdictions. And California has some very strong ones. But with that being said, will you have a hiring freeze?

XAVIER CALVEZ:

And, believe me, we did look at the regulation in the US and in California before doing this. So, back to the point of we are enduring an intense delivery mode, have been for a while, largely driven by those various projects that we've mentioned, the next round, RDRS, review implementation, the grant program, et cetera.

So, we do have pressure and therefore needs for—when I say pressure, I mean workload pressure—and therefore needs for work to be addressed, sometimes also with skill set that we may not necessarily have or bandwidth that we may not necessarily have in the places where it is needed. So, we are extremely selectively identifying the positions that we think we need to hire so that we are only hiring where we have identified that it's impossible to do otherwise, is the bottom line.

Which means that the first things we do are to look at what is the work, or do we have in the organization skill sets that we can identify that could be reallocated to those needs and maybe to the expense of something elsewhere that needs to be stopped or reused or delayed so that we free up capacity and can then allocate that capacity to the new need identified. We have done that, I want to say, all the time, but now we are doing that extremely systematically, basically, so that we avoid having to hire and therefore continue to potentially increase our headcount.

So that's the approach we are taking. And of course, in every organization, there's also natural departures happening once in a while. So, we expect to have an extremely limited growth to only the

indispensable and we should manage that to numbers on a handful in any period of time.

LORI SCHULMAN:

Thank you, Xavier. That makes sense. I also have a question about, you talked about having whole programs and no programs have been eliminated, but there are any specific projects, something that might go under a program, that have been cut or that you're going to put on hold specifically for budget reasons?

XAVIER CALVEZ:

At the high level, there's none of the large projects that we've talked about that is being put on hold. Again, we are going to ensure we continue delivering on those projects with the impact of the positions that have been eliminated. At a more granular level across the organization, all the teams are going to continue looking at possibilities to do the work in a slightly more efficient manner.

There's few areas that I would expect would translate into stopping something that is visible and affecting directly the support to the community. But there's also plenty of things that you guys don't necessarily see. In my teams, when we process payments, you don't see how long that takes. If we can do it 5% faster or more automatically, you don't see the impacts of that. But that still helps reducing workload in the team.

So, if I multiply the examples across the organization, there's hundreds of activities and tasks that we want to be able to review to do a bit more

efficiently so that we can continue delivering on the mission with that reduced headcount. I have a selfish example of an area that was staffed with one person. That person departed the organization and that work will go away. We'll simply not do it. That was the economist position.

So, in a number of different instances, we have looked at the work that we are doing and looked at potential areas to identify, is it indispensable for us to carry out that work? And if we think it is not, then we have decided to eliminate that work and therefore eliminate the positions that were associated to it. So that's the type of things. And of course, everyone can debate whether that was the right decision or not, because everyone will have different perspective about it.

But when we have identified areas where we thought we could do without, then we, in therefore prioritizing other work like the next round, like the support of RDRS, et cetera, we have made those decisions. That's what management needs to do. It's never pleasant, but it's necessary.

LORI SCHULMAN:

Thank you, Xavier. I would imagine this has all been fairly painful. And not to imply at all, it's about that ICANN would not check US, California federal law. That was not my intention at all. It was just simply to say that when you make these decisions, they do have consequences. They don't come easy to any organization, no matter what its size. So, we really do appreciate your candor with that. I'm just curious for my own curiosity. You said there was a function that just stopped. Could you

name it? I mean, what function is just stopped? Just out of pure curiosity, because you mentioned it in your department.

XAVIER CALVEZ:

I took an example in my department, because that's a very clear example. There's no other functions of the organization that I know that completely stopped. So, the example that I mentioned is the one example that I have in mind, because I'm selfishly aware of it. And I don't know if any other functions of the organization that completely stopped as a result of this exercise. And to your point-- Oh, sorry. I'm being helped by saying that the function that I mentioned earlier is the economist function, in case that was not clear.

LORI SCHULMAN:

Oh, okay. Yeah, because you said that was the economist, and I thought you meant you had an economist advising you. The economist is the function that's gone.

XAVIER CALVEZ:

Right. And we had one employee in that function.

LORI SCHULMAN:

Okay. I got it.

XAVIER CALVEZ: And to your point earlier, yes, it is painful, and it should be painful, because this is not something you want to do without feeling the real pain of it, because it should always be the last thing you do. We should always want to never have to go there, is the bottom line. So, it should feel painful, and it was.

LORI SCHULMAN: Yeah. So, following up on my hiring freeze question. Is there going to be any freezes and promotions or bonuses or anything like that? Or are you going to keep everything status quo and rely on this prioritization and re-looking at efficiencies?

XAVIER CALVEZ: So, thank you. This is important. I'm sure some staff members in the room will benefit from the answer. So, with the principle of resetting our run rate of expenses so that we can operate in a sustainable manner, our expectation is to have done this so that we can operate normally from this point on, and operating normally "forever". That means that anyone who should be promoted should be able to be promoted. Anyone who's changing jobs should have a new position and a new salary, etc.

So, we don't expect at all to eliminate promotions. The staff continues to develop, continues to do their work, admirably, by the way. And therefore, people will be compensated and promoted as their work and their evolution and their teams evolves. So, this is absolutely something we wanted to be able to continue to operate as normally.

And operating normally means paying people for their work, being able to promote people if they deserve or have changed jobs that increase their responsibilities, and pay that accordingly. We're not going to ask people to do the same or more for less money. It has to be sustainable.

And of course, you may say, well, you could pay people less. I will make the point in case that would matter that we, on a very ongoing basis, have a policy of compensation that ensures that the staff is paid at the medium of the market or slightly above, and that we check those compensation against market benchmarks on at least an annual basis. Thank you.

LORI SCHULMAN:

Thank you, Xavier. Giovanni, did you want to add anything about the implementation of non-policy recommendations and whether or not this has affected any of your priorities, or how you see your daily tasks affected by a new focus or a renewed focus on efficiency and budget mindedness?

GIOVANNI SEPPIA:

Sure, I'm happy to do so, Lori. So, at the implementation operations level, work continues as it was in the past. We have not seen anything affecting the work of delivering on non-policy recommendations.

So currently, one month ago, we have released the latest quarterly report on the specific review recommendations, as well as on the Work Stream 2. And both reports show that there's been great progress, especially within the specific reviews against the previous quarter, with

about a 13% increase in the percentage of recommendations that have moved to the complete status.

So currently, out of the 71 Board approved recommendations, most of them, over 55%, is in the complete status. Most of them are also in the progress status, and several of them are expected to be complete by the end of this quarter or the next two calendar quarters of 2024. And there is only 3% of those recommendations that are in the not started status, but because there were dependencies, we're working on them with the different teams, so they will be moved to in progress very soon.

And the same applies for the Work Stream 2 recommendations, where there are currently 77% of the recommendations that were owned by Org that are in the complete status. So, we are nearly there for the Work Stream 2 recommendations to make good progress and have all of them complete in a reasonable time frame from now in the next 24 months, I would say.

And we continue to monitor the work of the different teams who have been assigned to the different recommendations. As I said, we have not detected any step back. On the contrary, there is a great willingness of Org to move forward with the implementation of all the recommendations. So compared to some years ago, work is in progress, work is heading the right way. So, I must say that, again, everything is on track.

And there's been also great progress on some special recommendations coming from the ATRT3 last iterations, including the work about the Pilot Holistic Review for which there was a call for

volunteers, which has been launched with the deadline of the 19th of June, as well as for translating and changing organizational reviews into a continuous improvement program. So, everything is on track and we keep eye analysis. We keep monitoring the work. And happy to answer any question that you may have at this stage.

LORI SCHULMAN:

Does anybody have any questions for Giovanni or Xavier? And if not, I'm going to ask Becky a question too. But IPC has a really strong history of involvement, always making comments, inputs. We feel that the best way to look at the health of ICANN is to really look at how the budget and the office of the CEO is working, functioning. And so, we really appreciate when we invite you and you take this time.

So, we're at the five-minute mark, and I'm going to recognize Xavier's hand, even though Michael has the gavel, so to speak. And then I have just a final closing question for Becky.

XAVIER CALVEZ:

Thank you. Very quickly. One, did look and we do look on an ongoing basis at the implementation work as an illustration of battery reviews to determine is this where we should reduce our capacity or not? And remember, it's never a choice of a very clear need and a very clear something work that we don't need. It's always the choice between two things that we think we need.

So, it's always a little bit difficult because Giovanni's team, its purpose is to implement recommendations. If I tell him to stop doing that and

go do something else, it's purpose that is affected. Giovanni's team is a good example of utilizing the capacity of the organization to do several different things. So, within his implementation operations team, there's been team members who have helped the grant program team, for example, to ramp up because we have more work there.

And so that's a good illustration of utilizing as efficiently as possible the resources that we have so that we don't need necessarily to hire externally and have other areas that are not fully utilized. So that's just an illustration of that.

LORI SCHULMAN:

Thank you, Xavier. And I'll ask the last question to Becky. I know tomorrow you're going to be evaluating the plan and the strategy, and we appreciate your work on that. Is there anything we should be looking out for particularly tomorrow? Anything you wish to highlight today, or you'll save it all for the big day?

BECKY NASH:

Thank you very much, Lori. Hello, everyone. This is Becky Nash from ICANN Org Planning. Here at ICANN80, we're very excited from the Org side that the Board strategic planning committee will be sharing the draft strategic plan. And in fact, we did have a session as part of the prep week as well, which I will pop a link into the chat, where there were presentations from the Board strategic planning committee on the proposal for the draft FY 26 through 30 strategic plan where we have

four strategic objectives and we've outlined all of the strategic goals and strategies.

And what we would just like to highlight is that community participation is very important. And we do realize that this is a busy time with many important strategic initiatives, but the public comment is planned to open early July just from a scheduling standpoint, but it will run more than 60 days. And we just want to highlight that the delivery is both a five-year strategic plan for FY 26 through 30, outlining the strategic objectives, strategic goals, and the draft strategies. And it also includes on the public comment our five-year operating plan, which outlines the high-level implementation plans or tactics to achieve these strategies.

So, we just encourage community participation. And I think just before I end, indicating as Xavier and Giovanni have both said, that this is a period of high momentum on very key strategic initiatives that are multi-year. So, you will see many of these in the next five-year strategic plan as well as the implementation strategies. So, thank you, Lori, for the invitation.

LORI SCHULMAN:

Oh, you're very welcome. And we're exactly at time. And I always find it interesting, as you know, I'm a great fan of the finance team. You keep the place going. And I also feel from an IPC perspective, even though we're really tasked with looking at policy at a very high level without understanding the operational outcomes and the operational impacts of policy and policy decisions, it's difficult to really understand how to

make the right ones. So always appreciative. You're always welcome. If there's ever a message that you want, particularly for our constituency to hear or anything that you need from us, please feel to reach out as always.

XAVIER CALVEZ: Thank you.

LORI SCHULMAN: You're welcome. And the gavel goes back to Michael.

MICHAEL GRAHAM: Thank you, thank you, Javier. And Giovanni and Becky, appreciate it. And so, I guess we'll return to the schedule. The next thing that we had up was the GNSO Council update. And Susan and Damon, our tag team, go ahead.

DAMON ASHCRAFT: Sure, I can start. Basically, I went ahead and I sent around the email which sets forth the different votes and things we're planning to have. Now, since that email, one of the items on the consent agenda was to vote on an aspirational statement. That has been taken off the consent agenda. I candidly don't know if that's ever going to come back on again for a vote. There seemed to be some concerns about it at the council level, but we shall see.

The other thing that's up for a vote is going to be the expiration policies. We discussed that yesterday. And the other update is going to be on RFR. And then, Susan, did you want to talk about that? I know there was some discussion at the Council meeting on that.

SUSAN PAYNE:

Yeah. Thanks, Damon. So, in relation to the IPC's request for reconsideration and the outcomes of the Board's decision, I guess is really the point. There didn't seem to be a strong will in the room for commencing a community IRP. There were reservations about the heavy lift that it would involve, and also, I think, previously discussed some reservations about the exact language in the bylaws and whether it's even something that could be applied in this situation.

But generally, I think there is concern. It goes largely, I think, across the board. We talked about what can and what should we think about Council doing. And really, we're coalescing around the idea of a sort of strongly worded letter expressing concerns, asking the Board to keep discussing this with the community, trying to come up with a solution, pointing out, I think, what was said previously. The Council has specifically written to the Board and asked them not to take some kind of nitpicking legal assessment in order to throw out the RFR. And that's exactly what was done.

Because the meeting we just had today was a kind of closed preparatory session and not recorded and so on, we'll have some level of discussion on our agenda during our formal Council meeting tomorrow, just so that there's a record of the fact that I think we will be putting together

a small group of willing volunteers to draft a letter. And then that will come back to the wider Council for review and adoption.

So, I think that's one of the main plans. And there was some discussion. I don't think we necessarily coalesced around the idea. But there was certainly some discussion about if this interpretation is the interpretation that's going to continue to be applied, well, then maybe it's time for us to start work on fixing that by fixing what it says in the bylaws and making sure that the bylaws actually say what the community thought they were getting. So, I think that's it.

MICHAEL GRAHAM:

Does anyone have any questions for either of our council? I don't see any online. Thank you very much. John McElwaine then, can I call on you to give a summary of an update on the RDRS small group?

JOHN MCELWAINE:

Sure. So, at a high level, the RDRS small group is formed to look at the statistics coming out of the use of the RDRS and any improvements to the RDRS that wouldn't involve substantive change. So that's really the high level. But what the group has primarily been working on and from the IPC perspective is four major issues.

The first is improvement in ease of use of the RDRS system. That could be anything from an API to just making sure that the questions are clear. And there is a Google Doc on that. So, if anybody has any improvements they would like to suggest, please feel free to email me and we can put that into the Google Doc.

The next falls under the category of improvements in what I would call the implementation. That's obviously going to be a harder lift. But what I see the IPC looking at with respect to that and we've talked about a little bit in our other meeting is, and for those who attended the registrar's session this morning, a common understanding of the standard to be applied when determining whether to disclose information is something that we need to be working on.

We need to be working on proper reporting of results. For instance, I believe that right now all situations where a domain name requested is behind a privacy proxy gets reported as a denial. I'm concerned that's going to skew results and sort of continue a narrative that there's bad requests being made and that's why there's a high number of denials.

And then we need to be working on the impact of NIS2 and the restarting of PPSAI and how that fits into the RDRS system. Again, those are more stretch goals for the IPC but what we need to be working on with respect to improvements in the system. And then lastly, assurances that the RDRS will not be sunset in two years. We just heard Lori speak on that. So that's my report. And I'm glad to be here.

MICHAEL GRAHAM:

Thanks, John. Any questions either in the room or online for John on the small team? No, seeing none. Thank you, John. Then Paul, did you want to update us on the Team 14, whatever it is?

PAUL MCGRADY:

Sure. Paul McGrady here. I had no idea I was on the agenda, but it worked out just fine. I was visiting with our friends at NCSG and then I went to the BC for a bit now here. The quick update on Team 14 is that it's grinding slowly.

We do seem to run into some scheduling issues over the last several months but it's cordial enough and we are hopefully going to be getting some feedback from all the constituencies and the SGs within the house to basically do a post-mortem on what went so wrong last time so that we can try to do a solution around it. I think sort of the aspirational goal is by end of this year. We still might make that and if we don't, I don't think it'll go terribly far past that but nothing new or exciting to report.

Since I have two and a half minutes left, I want to go back to the RDRS. And I just came from the BC session and will encourage anybody that hasn't had a chance to talk to Marie yet about the way that Belgium has implemented NIS2 and really interesting stuff in terms of perhaps creating a clear path for disclosures that are based upon essentially a legal purpose which we do away with the troublesome balancing test.

People wouldn't have to do the balancing test anymore. They can just say, I turned this over because the Belgian law says that IP enforcement is a legal purpose and so I definitely encourage anyone to talk to Marie about that. And I made a joke at the BC which they didn't quite get because they're not IP lawyers.

I said, "In a wild coincidence, my law firm is announcing its Belgium office and a sale on Benelux applications but--" see, it's much better here, right? But the bottom line is that this NIS2 thing might actually

move the dial a little bit so anyone who hasn't had a chance to talk to her, corner her tonight at the drinks and let her tell you what's going on. Thanks.

MICHAEL GRAHAM:

Thanks, Paul. And actually, I wanted to go back real quick to John and just to request, if you could share in the meeting chat a link to that Google Doc that you mentioned. I'm pretty sure I don't have that link anyplace and others may not as well so that would be useful. Thank you. Any questions for Paul or any other comments on what he was just speaking of on the RDRS or red dress or red rum? I don't know. No? Okay. Thanks, Paul. Jan, do you want to give the secretary's update?

JAN JANSSEN:

Sure, sure. Only one topic and that is the GNSO councilor elections. I trust you've all seen and I trust you will all applaud that Susan has accepted her nomination. That meant that we could skip, I think, our candidates call as we all know Susan very well but I'm sure that she's open to any questions of members may have.

And for those going on safari, be careful and be mindful to be back in time because there will be the voting starting next week on the 18th of June and that the voting will run until the 24th of June. That will mean that we will be able to announce that our candidate has been elected on the 25th of June.

Also, for members who haven't paid their dues, make sure that you have paid your dues or otherwise you won't be able to vote, and we will need

to have a quorum for the NIC. Assuming I don't get eaten by a croc by Susan, let's all hope for that croc or any other animal you might encounter. So, be careful.

MICHAEL GRAHAM: I think, Jan, that's also a good reminder for me to send out a reminder letters from the treasurer's desk for those who have not renewed. Any questions for Jan? We're getting through this without controversy, a change. Patrick, participation update, please.

PATRICK FLAHERTY: Thank you. There's only one open comment proceeding currently posted and I previously sent a note around about this. It's the policy status report, the GNSO policy and implementation working group recommendations. I already have one volunteer. Michael has agreed to help with drafting comments. If there's anybody else interested, please let me know. I will send a reminder after the meeting.

And then in terms of files comments, we did file two since Puerto Rico, and I guess the biggest one related to the proposed bylaws updates to limit access to accountability mechanisms. Susan did a fantastic job leading this. Susan, would you like to maybe say a few words about the filing? This was the proposed bylaws updates to limit access to accountability mechanisms.

SUSAN PAYNE:

Yeah, absolutely. Sorry about that. Yes, this is Susan. So, I suppose we've sort of been talking about this topic in a number of different capacities for much of the meeting really because this is related almost to the issue that we also brought our request reconsideration on. The Board having made a decision in Hamburg at the end of last year that they wouldn't follow the recommendations on how they would deal with disapplying accountability mechanisms to auction proceeds grants, did also say that they didn't think that they needed to do a bylaws amendment to give effect to that, but they would look to doing one as well.

So, we waited with bated breath to see what that bylaws amendment looked like, and it was extremely broad. It wasn't limited to the auction proceeds principle decisions. It was a much broader proposal that would see in a situation where there was a cross-community working group with a certain number of chartering organizations and a certain level of support. If they made a recommendation to disapply an accountability mechanism, it would just be-- And the Board considered it to be in the best interests of ICANN, it would happen effectively automatically and there would be no formal process to amend the bylaws.

And this is important because not only would this be a sort of circumvention of amending the bylaws, which has a process, but actually application of the accountability mechanisms, that's what's called a fundamental bylaw, which has an extra high bar for amendment. And so, it would have effectively circumvented that whole extra high bar for changing the bylaws to disapply accountability

mechanisms. And we felt that that just was much too broad and inappropriate and we couldn't support that.

It's interesting to note that actually pretty much the whole of the GNSO put in similar objections as well. I think the At-Large seemed willing to accept the proposal from the Board, but pretty much the whole of the GNSO was opposed. And so, we have heard from the Board that they have heard us and that they have recognized that they shouldn't proceed with this bylaws change in this particular way. So, it was a very positive outcome.

PATRICK FLAHERTY:

That's great. Thanks again to you and to everybody else who helped with drafting those comments. There were eight in total filed and the deadline for the report being issued is coming up on June 25th. And then one other comment that was filed back in March were comments on the draft applicant guidebook or specific sections to that guidebook. And Paul and Mike helped with drafting comments. And there was then a version of the guidebook that was published on I think it's April 6th.

So, I'll pause there in case there's anybody else who wants to mention anything of interest either for filing comments or otherwise either since Puerto Rico or coming up in the very near future. I'll give it back to Susan.

SUSAN PAYNE:

Sorry, it's Susan again. Coming up in the near future the proposed revisions to the IRP rules. This is something we have interim rules in

place at the moment. It's been a long and challenging process to come up with some proposed revisions to them. The most challenging issue is about the time for filing and specifically whether there should be what's called a repose. In other words, sort of an outer time limit after the date of the Board decision after which you cannot challenge.

We've previously put comments in the IPC on previous public comments on this timing issue some time back. What is coming out from the group is not completely opposed to what the IPC put in but I think it's worth us reviewing our original comments and looking at what now is being proposed and seeing whether we think it's something we're comfortable with. I would say it's been extremely contentious within the group. Very difficult to reach agreement. We haven't reached a full consensus on that timing issue, but we sort of had enough of a level of support that it's coming out for public comment for people to look at.

I don't really want to say too much more. For me it's been a bit of a difficult issue because I'm the chair of the group and I've got a sort of responsibility to kind of try to be neutral and take us forward with the path that as much of a consensus of the group as possible are supportive of irrespective of my personal view. Yeah. I think we need it on the radar. Certainly, it's something the IPC should look at and see whether there should be some comments.

PATRICK FLAHERTY:

We'll do. Thank you. Anybody else in the room or online?

LORI SCHULMAN: Hi, Patrick.

PATRICK FLAHERTY: Go ahead, Lori.

LORI SCHULMAN: I wanted to thank Marco Martinelli who's here in the room. We've been tag-teaming on this cross-community group on continuous improvement. There's been several in-person meetings, there's been a lot of online meetings and ICANN has come up with a framework for constituencies to self-improve, so to speak, continually improve, and we will be asked to comment on it.

I assume since Marco and I've been doing the lift we'll hold the pen. A lot of the concepts are fairly familiar to everybody. I don't think there isn't anything the IPC isn't doing on this list. Marco had begun a presentation at our regular IPC meeting. It was an ICANN presentation and to be frank about it, it was so detailed it was really not good for the constituency. It was more like what will be contained in the final report.

So, what we'll do when the comment period comes out or before, we will shorten. I've already spoken with Marco about taking what ICANN's already written and shorten it maybe into like the top 10 bullet points that we'll distribute to the list and then the list can comment if it wishes. I think this project was needed in terms of accountability mechanisms. It's one of the requirements, but at the same time I don't think there's

really anything that's going to come out of this project that's revolutionary.

And certainly, in terms of self-improvement, while the constituencies definitely need work, I still think that the focus should be organizational because that's where we see a lot of the inefficiencies. So, Marco, if you want to add anything to that you'd be very welcome.

MARCO MARTINELLI:

Yeah. Thank you, Lori. I just want to say I sent you already a shrunk down version of the contents we have been receiving from the working group. I don't know if you received it, but we can also, as you mentioned, just make a series of bullet points because it's really not that complicated of a topic.

LORI SCHULMAN:

Okay. Marco, I've been on the road constantly for the last month. That's really not a joke. I haven't been in my house. So, I might have missed your email, and my goal over once ICANN80 is over and over the summer I'll be catching up on all of this stuff and we'll make sure that we get everything that we need to in timely. And I just want to thank you for being a really stalwart alternate. He's been great, absolutely great. Thank you.

MARCO MARTINELLI:

Thank you, Lori.

MICHAEL GRAHAM: So, we've come to that point of any other business that anyone wants to raise or discussion regarding the meeting so far or from talking points that were discussed. If you've gotten any responses that you think are significant.

LORI SCHULMAN: Drinks. Drinks.

MICHAEL GRAHAM: Wait, wait, wait. So, one thing that was sort of a request, and I will pass this on to Mark. Before you arrived, Susan sort of summarized your intervention at the RDRS this morning, the reading of the instructions from the RDRS. If you could, in your spare time, record that with the same emphasis that you applied, that would be really interesting to share.

Because I think that was, as you pointed out, Susan, that was a moment that should be captured in the minds of everyone dealing with the RDRS and especially those who are drafting it or considering revisions to it. Because I think that really pointed out some of the falls, not only for those of us who deal with the RDRS and domain name challenges professionally and day in and day out, but as Susan mentioned, small businesses that only do it once in a while, who don't understand the language to an nth degree that we do, and we don't understand most of what's said there. So that would be useful or sharing that somehow if you could.

MARK TRACHTENBERG: So, for clarity, you want me to record this verbally or do you want me to draft something in writing?

MICHAEL GRAHAM: I was thinking of the recording or both.

MARK TRACHTENBERG: That's a good question. Was the session recorded?

MICHAEL GRAHAM: Oh, you can record it on your phone and just share that. That's sort of recording.

MARK TRACHTENBERG: I'll do that. I mean, if there's a transcript already, that would be fantastic. But I can say that Mukesh from ICANN--

MICHAEL GRAHAM: Oh, that's right.

MARK TRACHTENBERG: Well, Mukesh from ICANN certainly acknowledged a lot of these points.

MICHAEL GRAHAM: I don't think they were recording that session, were they?

MARK TRACHTENBERG: I don't know.

MICHAEL GRAHAM: I think it was. Was it? Okay.

MARK TRACHTENBERG: Well, let's find out. If not, then I'll put something together.

MICHAEL GRAHAM: Okay. Yeah. Well, I'll take that as a project to take back and check on that. And if it is, I'll go ahead and then we can share that.

MARK TRACHTENBERG: Nobody who heard the points really disputed any of the points that I made, whether they're from registrars, registries or from ICANN. I mean, it's pretty clear that this splash page is kind of a gating function to any normal person that is not in this artificial community that ICANN acknowledges, which is just the people that come to the meetings.

For anyone else in the world that really matters, which is the people that use the Internet. Those people could never use the system. First of all, they could never find it. Right. And then when they find it, the first thing they have to do is set up an ICANN account. Well, who the hell is ICANN? They don't know. Right. So now they have to set up an account with an organization they don't know. Then they have to create a request. And

this is the first thing they see with all these terms that no one could possibly understand. So that was a little preview for those of you that weren't there.

MICHAEL GRAHAM:

Yeah. And for those who weren't able or did not attend that session, it was very interesting at the end. The last part of it were small talking tables going over some actual requests and responses and seeing those and chatting about them at the table, which was interesting. I thought it was good to see that.

But then the question at the end was whether or not we would like to see a similar session at the annual meeting or elsewhere. And I think almost everyone in the room raised their hands except for Brian and Steve Crocker, that they weren't interested. And I think that probably is the right message because it was very interesting. But as far as moving the ball, I don't think we moved it an inch. And I think that's the conversation that really needs to be taken. What was said at those tables needs to be taken at heart by the registrars and by the folks who are managing the RDRS from a technical standpoint.

MARK TRACHTENBERG:

I think there's one way we may have moved the needle, which is that we've now at least started an argument or a point that was made that people seem to acknowledge that the system is not really usable by most people. And so later when they try to address the data they do have, which will be the low numbers of participation, we'll have more

than just our existing argument and data point, which is, well it's hard to use and GoDaddy doesn't respond. So that's why people aren't using it.

That is only so persuasive. But I think it's more persuasive and harder for people to deny that the system itself is not really accessible for the majority of people who use the internet. And so, it's not reasonable to rely only on the numbers that are currently in the system.

MICHAEL GRAHAM:

Paul?

PAUK MCGRADY:

So, a couple of things. Why not take it the next step instead of just talking about it? And why should the IPC not send a letter to the RDRS Standing Committee? Why not have the IPC send a letter to the Standing Committee and ask them to ask staff to rewrite the landing page and hire a consultant to rewrite it in plain English, which is a business people are in, and ask them to register a more friendly second-level domain name so that it's easier to find and to take some of these steps, right?

Because then if they do it, then more people can use it. Great. And if they don't do it, then you can say when they come back and say nobody used it, we could say, yeah, because you didn't do what we asked, instead of just sort of saying it in that one forum.

And then the second thing, we moved things an inch today. And that inch was that the issue that came up at our table, where they ended up rejecting it for different reasons. But you could see Reg's the light bulb go on in her head when I said, listen, if I'm a victim of crime and I'm trying to gather information to tell the local police department what happened to me, and I want the information, I shouldn't be rejected because I picked law enforcement, because I think that's why I'm writing in.

And so, I think one of the things that may come out of it is that we may get another requester law enforcement, and then victim of crime. And so that's an inch. It's not much, but it's a little something.

MICHAEL GRAHAM:

Yeah, we're coming up against the end of our hour, but I have two people in line. And then I think Dave in line as well. So, you're after Fab. But real quick, that might be something I think for leadership to talk about, because I would be in favor of a letter thanking because-- I'll take that back. We did move maybe two inches, because the one inch that I would point to is the fact that we sat at a table with registrars, and we talked with each other and enjoyed each other's companies and shared what worked and didn't work in both directions. And it was not antagonistic sort of setting. So, I've got Susan, Fab, and then Dave. Susan. Okay. If you can respond quickly.

MARK TRACHTENBERG: I just I agree with your letter concept. I think one thing that should be added in, which is another idea I post posted then, which is they should do a focus group, like real companies do. I do a focus group with people who are normal internet users, not in this community, and see if any of those people can understand how the system works or what is even purposes.

MICHAEL GRAHAM: We'll have to talk with Xavier, if that's in the budget. Susan?

SUSAN PAYNE: Yeah, super quick. I think I thought it was a good session. It was certainly better than I was anticipating. Let's put it that way. It was good to sit around and talk. What was disappointing to me was that there wasn't enough time when there was the run through of the summary from the tables. There were a couple of things said that really needed drilling down into.

So, the one that really struck me, and I might go back and listen to it again and see if there's more, but was this request where they said that they wanted to investigate in order to bring a UDRP, and the registrar disclosed the data. But I think all of the registrars here in this room think that that should have been a no. And I think all of us here in this room probably would think that should have been a yes. So, we have a real disconnect, and we didn't have any opportunity to discuss the disconnects at all.

And maybe we send a letter to them pointing out like how useful we were found the session, but there are some real disconnects we'd love the opportunity to get together and talk about.

MICHAEL GRAHAM: Thanks, Susan. Fab?

FABRICIO VAYRA: Hey. Yeah. I just wanted to really quickly say that I totally agree with Paul and Mark on the letter and suggestion focus group. And I just want to point out that I think we have an opening, right? Because in the prior ICANN meeting, what we heard was actually a huge registrar gripe session about how incoherent and incomplete requests were submitted, and how frustrated people were.

And to Mark's point, I think Reg at one point said, if you leave something blank or you don't click the right box, I just reject it out of hand. And I think it's right for this question of, well, maybe what you're getting is garbage in because your instructions on how to submit don't make any sense, and people don't understand it.

And so, sort of one of those help me help you moments where if you want better data, make it clear what it is you're asking for. And I don't think that they'd have a leg to stand on to reject that if they're genuinely saying we want the submissions, we just want to make sure we understand what the hell the request is, will then help us help you get those proper requests with proper instructions.

MICHAEL GRAHAM: Thanks, Fab. Dave and then Brian, if you could make your comments short. Brian?

BRIAN BECKHAM: Thanks. I think that this question about the formation of the requests, but I think the real question that emerged, and as not a new question, but as Susan usefully pointed out, and I would think this might be a string to tug at. And I know, I think it was Paul mentioned, speaking with Marie on this Belgian text on the legitimate interest. Clearly, there's a disconnect. And I think there's a question to be unpacked there on the grounds for which the-- Even if we have perfectly formed requests, we're still left with this question of how the decisions are taken.

MICHAEL GRAHAM: Okay. Dave, did you want to pass?

DAVID HUGHES: Yeah. Yeah. No. So, going back in the meeting, we talked about the example that came up at our table is the same one that Paul and Mark just mentioned, which was, if I'm an IP attorney working on behalf of somebody who wants to collect information so they can make a claim to law enforcement, there's no way to explain that. So, I say our table, we said, I should be able to say that the purpose is law enforcement, but

identify myself as an IP lawyer or whatever, or representative or something.

The problem with that is that Steve DelBianco told me that when he was trying to get them to change another field for a different reason, the ICANN staff told him, "Well, we can do that. But if we do that, then we can't compare any of the data from the last six months, because as soon as we change the form, the data will be different." And then it's like next thing you know, they'll want to extend the trial for six more months or something because-- And we've got to be really careful. We've got to be very cognizant of the implications of fixing it. I just wanted to put that out there.

MICHAEL GRAHAM:

We can talk about that, Dave. Those who aren't online, this is an invitation following this meeting to have a drink on the house at the Fellini Restaurant, which is on the way out, and you just duck back in. The bar is on your way in. Let them know that you're with Michael Graham. Grab a drink at the bar there, and then we're outside. Love to go there, and we can continue some of these discussions there, I hope.

Lori, thank you. Those who are online, thank you for joining us. And those who are in the room, thank you for joining us for the discussion. More to come, and I think we're done and can conclude.

MARK TRACHTENBERG:

Hey, Michael. Michael, are you talking about drinks now or after the community cocktail?

MICHAEL GRAHAM: Drinks now, after this meeting.

DAVID HUGHES: The community cocktail started five minutes ago. That's why Mark's asking.

MICHAEL GRAHAM: Oh, yeah. If you want to go in the community, you can go up there, but otherwise for us--

DAVID HUGHES: Are you going to take us personally by going to the community?

[END OF TRANSCRIPTION]