
SAN JUAN – Joint Meeting: GAC & GNSO
Sunday, March 11, 2018 – 15:15 to 16:45 AST
ICANN61 | San Juan, Puerto Rico

CHAIR ISMAIL: So, can you please start taking your seats. We will be starting in a minute. Thank you.

UNIDENTIFIED SPEAKER: Good afternoon, ICANN61 joint meeting GAC and GNSO.

CHAIR ISMAIL: So welcome back everyone. We are now going to start our discussion on agenda item 15. Our bilateral meeting with the GNSO scheduled at 15:15 on Sunday, 11 March, for 90 minutes: So, if you can kindly take your seats, I can see the agenda is on the screen. We don't have specific slides for this session, so first I would like to welcome Heather, Donna and everyone from the GNSO and Heather if you want to say a few words.

HEATHER FORREST: Thank you Manal. Very few words from me other than thank you for having us here. It's always an excellent opportunity particularly earlier in the week to establish what's on your mind as well as what's on our mind and often those two lists intersect. We have an agenda here with some points of note and some

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

opportunities for questions, so I think that's very useful, and I'm happy for us to use our time by diving right in.

CHAIR ISMAIL: Okay, then. So, first agenda item is an update on latest development regarding Red Cross & Red Crescent and IGOs so is it you please Heather, over to you.

HEATHER FORREST: Thank you, Manal, and I'm happy to update you and colleagues in the GAC in the context of my role as council liaison to the reconvened policy development process dealing with the protection of Red Cross names. As you might recall it was this time last year when a small group discussion was facilitated by Bruce Tonkin shortly after his retirement from the Board and that led to the reopening of various discussions in relation to Red Cross society names, the update on that is in...

(Audio/video frozen)

CHAIR ISMAIL: It certainly has been thanks to some dedicated work by ICANN staff turning around drafts quickly and working closely are colleagues from the International Red Cross. I understand you have a question as to the inclusion of GAC advice are recorded,

so we will be using the Wednesday evening here at ICANN61 to provide a drop in opportunity or open office hours for the PDP participants, all of them to comment on a straw man that staff have produced, that they believe captures at least a variety of, if not all of, the expressions that have been put forward by working group members. The intention here is to make sure that we have indeed recorded all of the various views on this point. Before we move forward to then making decisions about those so it's very important then that we ensure. Not here at ICANN61 that at the follow up students that happen afterwards because not all working group participants had here. It's important we see GAC advice is channeled through that process so I think we can make that happen. So important developments in that regard Manal.

CHAIR ISMAIL:

That is positive news for all GAC members. So, any questions or remarks on this agenda item? So great, thank you Heather. Yeah, so next we have an update on current PDPs and on GAC engagement in those PDPs, so.

JULF HELSINGIUS:

I think it's more useful we field your questions about specific issues in those PDP and whether your concerns have been

addressed or not so please bring up any of those that you have on your mind.

CHAIR ISMAIL: Thank you. So, any questions on any of the ongoing PDPs? So, can we just name them, and just to trigger the discussion?

SPEAKER: We are having a discussion as to who has this by memory and I'm happy to try and sack Heather Forrest again.

HEATHER FORREST: The present work load of the GNSO constitutes 5 policy development processes. One of those is that reconvened Red Cross protections PDP that I just mentioned in the previous agenda item. Another one of those is what we call curative rights for IGOs and INGO's that's the use of secondary mechanisms, for example, the UDRP those sorts of organizations might avail themselves of, of those two council is hopeful having participated in a fairly robust strategic planning exercise for 2018 we are hopeful that both of those 2 PDP will be completed by mid year. That gives you a sense of our time line as well as the substantive update. There are 3 more PDP's that I need to mention to you. One is the subsequent procedures for new gTLD's chaired by Jeff and Cheryl who you know you have had a

number of session was over the previous meetings and perhaps will meet with them again at/ICANN61. The review of all civil rights protection, what we refer it by the acronym rights protection mechanism and the 5th one is the next generation registration directory services PDP which is discussing who is, which we often tend in our acronym world to refer to as the RDS PDP so those are the 5. That gives you some sense of time line at least in relation to the two that were initially mentioned. The IGOs and the Red Cross. The work in subsequent procedures and the RPM, PDP is ongoing and we've only just come from a joint meeting with those the leadership of those two PDP's to better understand their time line and how those intersect and we have been discussing with the Board as well today the intersection of GDPR in relation to the work of the registration directory services PDP so all of these things let's say are in progress. The two that should immediately come off of our agenda if you know let's say if things go as we hope are the IGO on the Red Cross. Thanks.

CHAIR ISMAIL:

Thank you, Heather. This has been very informative. So, any questions or, so yeah Mr. Morris please. Go ahead.

MORISS DEAN: Thank you, I'm Morris Dean from Taiwan and my question is about next generation RDS PDP and the GDP of ... is challenging us to. I'm grateful to all the league who participated in the discussion and the contribution on this issue. And I hope we can complete all preparation in time. And now I have a question regarding the next generation RDS. I guess the GDP issue is even more challenging for the next generation RDS so what is your view about the GDP compliance of the next generation RDS? Is there any discussion or changes to the original content, time line or anything of the next generation RDS because of GDPR compliance? Thank you.

CHAIR ISMAIL: Thank you Mr. Morris. Okay.

DONNA AUSTIN: Thanks, Mr. Lin Donna Austin, so we have just come from a discussion with a Board where we specifically had a bit of a conversation around this issue. Chuck Garms (sic) is sitting behind you and he is the chair of the RDS PDP working group and I understand that the working group itself is aware of GDPR is factoring it into some of its conversations at the moment, but it's our expectation that in the event that ICANN or there is some agreement on a model, as it relates to GDPR that the council may receive communication from the Board which may direct

the or may, recast to some extent the direction of the RDS PDP working group but it's an unknown quantity but I can assure you if you need more information about how the group is factoring that into their discussions I'm sure we can organize for not to put Chuck on the spot but I'm sure he would provide an update and to the extent we get communication from the in the short term we can communicate that back to the GAC, thank you.

CHAIR ISMAIL: Thank you, Donna. Any other questions on any of the PDP's? Yeah, France, please?

FRANCE: Yeah thank you, Manal. For us GAC members it's difficult to follow you have the PDP as we are interested in many PDP because many have public policy implications. We are happy with briefing materials for us and PDPs and you know just to update us on what's going on in the PDPs and we were talk been what it jewels because we were thinking about what can we improve on that. It's very useful for us but low hanging fruit we thought about would be to add to this briefing and I'm talking to the ICANN staff as well because I think they are the runs drafting the briefing materials would be to add a part in the briefings how the possible outcome of the PDP depending how... as you know the primary way for the GAC to act in an advisory. ... Board

and on many PDP we have standing GAC advice so if the ICANN staff drafting these updates material updates on PDPs if you could add a part on how it relates to standing GAC advice it would be helpful for GAC members especially for newcomers that don't know about the history of PDP and the history of GAC advice. It would be helpful for us so it is just a suggestion. And, yeah.

CHAIR ISMAIL: Thank you France. So, would you like to comment on this.

DONNA AUSTIN: We are aware of many of the problems and I don't think the GAC is linking ourselves with that. The had a 3-day strategic planning session and we had a lot of discussion around some of the challenges associated with the PDPs. And we had a continuation of that discussion this morning with you know the broader community, and one of the what you're talking about was one of the challenges that was identified this morning. And there was some discussion around possible solutions. So what we and I can't give you specifics right now but what we hope to do in the near term is understand, do more work and what the challenges are. Possible solutions. See what we can identify as you know low hanging fruit and how we can deal with that. So maybe that fits into this category. I'm not sure. But we are we

do want to maintain the momentum that we have. And try to get some runs on the Board so to speak in how we respond to some of the challenges so we are aware of the issue, we understand the challenges. We have them ourselves and it's terrific to hear that the briefings that staff are providing for you are helpful. And any feedback from you about how we can enhance that would be greatly appreciated. Thank you.

CHAIR ISMAIL: Great. So, this is more encouraging news. So it's all encouraging today. Any more questions on any of the PDPs?

UNITED STATES: This isn't specific to a PDP but it's an issue that doesn't fit in the context of the agenda which is implementation reviews teams such as a privacy proxy IRT and whether or not this would be an opportunity to maybe includes those types of activities in the briefings in terms of what the status is, and where things are because I do know that GAC members participate at least in the privacy proxy IRT thanks.

CHAIR ISMAIL: Thank you U.S. I think that is a sensible request as well. So thank you. Any further questions or comments? If not, then let's proceed to the following agenda item which is on the

completion of implementation of the GAC GNSO consultation recommendations and any specific just to announce the completion? Okay perfect. So again, for new GAC colleagues at least, there has been a GAC consultation group working on how to involve the GAC early in GNSO policy development processes. The consultation group concluded its work and provided a few recommendations that we were trying to implement, and again more good news today is that the recommendations, the implementation is completed, so this is just to announce the completion. So, moving forward we have status update onboarding of our new liaison to the GAC so we have JOLF. The new liaison to the GAC... we have I go Ghislain as the point of contact so if you would like to speak to this both of you that would be great.

SPEAKER: Well thank you Manal and I would like to thank Julf for volunteering.

CHAIR ISMAIL: Can you please just, so we have now Ghislain for the transcripts thank you.

GHISLAIN DE SALINS: I wanted to thank Julf for volunteering for the role. It's a very important role for GAC so thank you very much. I think we've been taking this role seriously. The liaison of the GNSO to the GAC. My role is much less official. I'm only liaison to the liaison so to speak so I'm only here to assist you Julf but I think we had a lot of good interactions and since last meeting to try to identify as it was low hanging fruits to improve interaction between GAC so we talked earlier about early engagement of GAC in processes so it's one of the important topics as well but again we are very happy to have JULF and we've had a lot of interactions in the last meetings and we are on a good track. And it's really good to have his liaison role because it facilitates interaction between the GAC.

JULF HELSINGIUS: Thank you for those kind words, and I would like to thank you for really being helpful in getting me up to speed on this and helping with the communication. It has been extremely useful.

SPEAKER: So thank you Julf and so any questions to our point of contacts and by the way this facilitated our work very much because Julf and Ghislain both worked on preparing for this session, and they were very helpful in compiling the agenda so it was great, and thank you for thinning the facilitation and we maintained the

own channels so now on the exchange of views on proposed fiscal year '19 budget so anything to share when your side? Yes please thank you Heather.

HEATHER FORREST:

Thank you Heather Forrest for the council. It's very unfortunate I suppose the timing that the deadline for submission of comments was immediately prior to this meeting as many of us were boarding airplanes and travelling to Puerto Rico. It's entirely likely that many of you have not had an opportunity to, to let's say even learn the GNSO council chose to submit a comment. It's also important to note the GNSO is a very large and complex body that is made up of a number of stakeholder groups and constituencies, and that each of those stakeholder groups and constituencies also likewise may have seized the opportunity to make a comment. So, our comment that comes from the GNSO council looks at FY19 budget purely from the perspective of the GNSO council and it's in intended to complement and not override or supercede any comments that may have been made by for example the registry stakeholder group or the registrar stakeholder group or the business constituency or the noncommercial stakeholders group and so on. So I think we need to consider that there are then a multitude of comments around the FY19 budget that are coming from the GNSO community. Hour is specifically looking at things

from a council perspective. Our commencement was submitted on the 8th of March. I'm very happy to the extent that you haven't received it. Maybe it might be easy if I forward to you a copy of that comment so you can circulate it. It is a fairly detailed comment. It runs to an I believe 3 pages. I can say at a high level that we have prioritized and have encouraged the ICANN Board to prioritize the budget spend around policy development. That is perhaps you know hopefully no surprise to you that we would make a comment to that regard, in that policy development is really mission critical for the GNSO and the GNSO council. What the bylaws say that we are here to do is manage the policy development process as it relates to gTLD so the efficient and effect of use of resources as regards policy development. There are other points in our comment and one may be to draw out picking up and that Donna said we had a special budget request fund to get together and identify our own work lead on priorities for 2018 and beyond has contributed in a significant way to our ability to comment on the budget. It is helpful we know what we need to do in order to comment on how the organization intends to utilize its fund available and we have asked that that process be perfectly permitted to take place again in forward looking years that. We better align and let's say mature our budget development process to take on Board at an earlier stage input from the SO's and AC's to ensure that rather than let's say comment on a budget that maybe

makes guesses as to what we are doing, that that budget development process can take on Board a better, a more accurate and more fulsome sense of what we have as a work load. Those are two points of a number of points that have been made in in the budget. I'm happy to turn to Rafik, Donna and Julf if you would like to add any specific points on the budget or the budget comment.

CHAIR ISMAIL:

Thank you, Heather. So, any comments on the budget from GAC colleagues? We didn't normally used to look at the budget every year, but I mean this year in specific, we were seeking clarification on the travel support seats. The number of travel support seats for the SO's and AC's and the GAC in specific if our case so this is what alerted us to the budget. So I hope we will I mean, we will need to keep an eye on this as well. I mean in the context of the post IANA transition and now the powers for the empowered community that this is one of the things that needs to be looked at. So any comments from GAC colleagues on this topic? Yes Heather please go ahead.

HEATHER FORREST:

Thank you. Heather Forrest. Indeed, I believe I could say the same from a GNSO perspective. Our process in reviewing the budget has been more robust this year as well. Largely because

of our role in the empowered community and we have formed a standing committee on budget and operations. And that committee was charged with developing the draft of a comment that then went to council. But we are formalizing our processes around this as well. Exactly as you point out to address that higher level of responsibility. As members of the empowered community.

CHAIR ISMAIL:

Thank you for this update. So any comments? We are doing great on the agenda. So this is terrific. So any other business? Okay. So maybe yeah. France? Okay.

FRANCE:

Yeah thank you. Thank you. I had a question for GNSO regarding a thing called the empowered community. During our last GAC meeting we managed to adopt principles for the GAC involvement in empowered community. Well, of course we haven't had any substantial issue to deal with since but might emerge in the future. And I was wondering on the GNSO side what was the status of this? Are you considering it? What are the issues for you? How are you envisioning your involvement in the empowered community so if you can talk a bit about that thank you.

HEATHER FORREST:

Thank you very much. Heather Forrest. So we've referred in some previous comments to the strategic planning session that we had in it January, and one of the key objectives, and indeed one of the key reasons for asking for the money for that session was we understood that there was a need to review the various governance documents including ICANN's bylaws. Including the GNSO operating procedures to incorporate mechanisms that will enable us to fulfill our responsibilities in the empowered community, and it was important us to as a community not to do that, if you like. In a sort of quick and passive way, it was an opportunity for us to review the actual provisions of the bylaws and really give careful consideration as to how to actual lies the new responsibilities. We spent an entire day together in our strategic planning session. Review the would, that had been done by a working group to review the bylaws. Review operating procedures and a specific example one of the changes we have put forward to ICANN's Board, having approved them in the GNSO counsel, is a change in the voting thresholds on items relating to care carrying out you on responsibility where previously in relation to other matters the voting threshold may have been a simple majority. We felt that that wasn't appropriate in it terms of carrying out our responsibilities in the empowered community so that's a very very specific example of

the sorts of things we looked the at. From a procedure point of view re commenced it was perhaps it time last year maybe a little later. We did constitute a working group to review carefully the documents put forward a series of proposed corrections and edits and I'm and that was the mechanism that was used let's say for bringing those changes about. We do understand and I encourage my colleagues to add their own views here but we understand it a certain sense we are in new territory, and we may welcome up with things that haven't yet been addressed that we haven't yet through about. We did our very best at taking a first pass at those changes but of course recognize that these are living documents in if a living situation, so we will, we will continue to reflect on this, but in terms of our ability to carry out our responsibilities, I do need to specify that the Board has not yet considered the amendments that we put forward and until they do, our voting threshold remain as they are stated in the bylaws today, which is to say simple majority. We have committed as a group to say, if something were very unfortunately, to arise in between now and sign off, that that would be our responsibility let's say, to deal with on a rather quick basis despite the you know the not having action from the Board. But that is the process, and that is one very key outcome. If you would like more detail what we can do is provide a summary of changes that were, that were made in addition to that very specific point about voting thresholds.

CHAIR ISMAIL: Thank you Heather. U.S.?

UNITED STATES: Thank you. I wanted to raise another little issue this. One is GDPR the GAC hasn't had the opportunity to discuss it yet but from a GNSO perspective I was curious if you could share your views as they stand today with respect to the ICANN proposed interim model and what you think the basis of your conversations are going to be this week on GDPR? Thank you.

DONNA AUSTIN: So we as a council have not had substantive discussions on GDPR, notwithstanding those that relate to the management of the RDS PDP so the interim model itself hasn't been discussed by council. We expect that there will be discussion amongst our SG's and C's but at this point in time we don't see a role for the council. As I said earlier. We do anticipate that there might be some follow up action required from the council as, as a possible direction from the Board to consider in the work of the RDS PDP but from a council perspective we haven't had substantive discussion on the model or the discussions that has been happening within the ICANN community. So I hope that answers your question.

CHAIR ISMAIL: Thank you, Donna. Any further questions on the I think it may be a good opportunity under any other business, Heather to mention the CO meeting with the SO and AC chairs this week. We had a very good meeting. It was my very first meeting actually but I think it's the second between the CO and the chairs and I think it was very useful. We had so many good discussions on I mean prioritization across the organization, and among all SO's and AC's as well as the strategy, so Heather would you like to yeah please, go ahead.

HEATHER FORREST: Thank you Manal. Heather Forrest. Yes, I'm very happy to wholeheartedly agree with you. That was a useful opportunity to get together. You, me and the various other chairs. We had 2 key things and the agenda and in fact we were we had other things on the agenda we didn't quite get to because our discussions were very very lively. One dealt with, as you've said Manal. The identification of trends, so there is an effort within ICANN staff and the Board if you like to conduct brainstorming as to what the trends are that affect the domain names a list of 10 or 12 were presented to us Manal to comment on, add to. Subtract from. And that exercise was very interesting in a sense we identified a number of trends not captured on that list. There

was an agreement around certain of the items that were captured and the list, and that exercise will, as I understand it, be offered to the community at large, let's say I assume Manal that the GAC would be involved in the opportunity and the various stakeholder groups and constituencies of the GNSO likewise have been asked if at the would like it participate in that activity. It took us now we we were very active in our engagement so it took us about an hour and a ha ever to review this list. We broke into small teams. We talk about whether we agreed or disagreed with the various trend that are already been noted and as I said add few more. I found that to be a very interesting exercise. I confess I wasn't entirely sure what to think whether it started. And on balance, I thought it was very helpful. The second thing that we did, and, in fact, I'm speaking to them out of order so I apologize the if first thing was a roundtable and matters that might affect other stakeholder organizations, and advisory committees, and that actually was an opportunity for me to raise to Manal, and others, the nearing completion on two of our PDP's which I've raised with you this morning, and the difficulty in reaching consensus on that PDP involving IGO curative rights so that is a helpful way I think to put the broader community on notice. These are things that we are dealing with that may well effect you, and that gives you some extra time to think about those. So how you and I can

seize that opportunity in the future Manal to as a start to the week I think is a good thing.

CHAIR ISMAIL:

Yeah, sure and Manal speaking here. So the the exercise really was very useful just to add to what Heather said, that this has been done across different departments, and ICANN organization has been done also by the Board, and now the SO and AC chairs, and finally it's going to be also done within the community. So we are having this for 90 minutes on Tuesday I guess. It's the last session on our GAC agenda, so I encourage everyone to participate actively. It's very interesting.

UNKNOWN SPEAKER:

Of and, yeah, I see the SOAC chairs work together. It's a very useful vehicle and I mean it's channel between the Board and the community as well, and I look forward to having coordination and good discussions on this. Please, please Heather go ahead.

HEATHER FORREST:

Thanks Manal. This is Heather Forrst. I wouldn't like to give the impression in my comments if I have it's entirely wrongly. I'm delight that had there are 4 of us here with you today Rafik and Donna and I work together as a team and we of course include

Julf to ensure that he is fully prepared to be let's say a competent and efficient and effective vehicle for you to have information. Otherwise that role won't necessarily be as effective as it could be. So, I think you know you and I maintaining a point of contact is excellent but I wouldn't like to exclude the vice chairs or Julf and certainly not the entire GAC leadership. So how you and I strategically include the others I think needs to be something that's constantly on our mind. So, there isn't an impression I will never stand before you and represent the GNSO or the GNSO council and presume to speak for them. We have a leadership team for a reason so as long as we maintain at that I think that's very helpful. Thanks Manal.

CHAIR ISMAIL:

Sure, Heather, and we do the same within the GAC. I mean we have 5 vice chairs and we work very closely together as the GAC leadership team, and no one there to speak and gaffe behalf of the GAC without consulting the GAC so this is well taken care of. So any other business? So, Heather.

HEATHER FORREST:

Thank you Manal. Heather Forrest. I suppose one thing that we can update you on, it wasn't necessarily a product of the SOAC chair meeting with the CO but it is indeed on the working agenda of the SOAC chairs is the matter of the security stability

and resilience review team, number 2SSR2. You perhaps may know it better by the acronym. The SOAC chairs were tasked by the Board at Abu Dhabi at ICANN60 with investigating certain concerns raised by review team members and enabling the group to resolve those concerns and then move on. The word pause was used at the time, and it is now upon us to unpause those that review team. We have been working very closely together as SOAC chairs. Manal and I are new to the chair role but Manal I understand from my predecessor that that group met once a month previously, and we now meet once a week. So, I can assure you we are put great deal of time and effort and energy into that discussion. It is of course a difficult exercise across all of the SO's and AC's to canvas the views and to have those expressed and agreed upon in documents. We are in in the process ever working on a reply to the e mail that we most recently received from, from the Board organizational effectiveness committee. We made a request that one way forward to their group may be the appointment of an external facilitator to help them to resolve any final issues and clarify their membership and begin working again. And we are in the process of working on that response and intend to have it out in the very near future. So that is a current status in relation to that particular effort. Of thanks Manal.

CHAIR ISMAIL:

Thank you Heather. So, yeah, it's been a very active, group, I have just joined recently, and I am amazed with the amount of energy. I mean even without support you're doing everything yourselves so the group, I mean is doing everything itself. It's quite amazing. So, any other business? Any questions? Comments? So great. Then with this, I thank you very much, Heather, Donna, Julf, Rafik and all the colleagues in the room. Thank you for coming. We really look forward to our face to face meetings, and we look forward to further engage many in intersessionally as well. Thanks to Julf and Ghislain. So, with this we conclude our discussions on the GNSO meeting, and I think we are supposed to so we now have half an hour we are half an hour early so I'm not sure whether we want to have a long break or so Julia, am I looking at the right times or so I thought I closed the session. So yeah now so the session is closed, we are concluding our discussions on the GNSO and the session is, we have to close officially and then open officially again for the transcript. So the session is closed and then I will get back to you but the session is closed.

[END OF TRANSCRIPTION]