
ICANN74 | Policy Forum – GNSO Council Meeting
Wednesday, June 15, 2022 – 13:15 to 15:15 AMS

PHILIPPE FOUQUART: Thank you, Nathalie. I think we can start.

NATHALIE PEREGRINE: Tom, can we start the recording, please?

>> Recording in progress.

NATHALIE PEREGRINE: Thank you very much. Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council Meeting on the 15th of June, 2022.

Would you please acknowledge your name when I call it. Thank you ever so much.

Antonio Chu?

ANTONIA CHU: Present. Thank you.

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.

NATHALIE PEREGRINE: Maxim Alzoba?

MAXIM ALZOBA: Present.

NATHALIE PEREGRINE: Thank you, Maxim.
Kurt Pritz?

KURT PRITZ: Here. Thank you.

NATHALIE PEREGRINE: Sebastien Ducos?

SEBASTIEN DUCOS: I'm here, thank you.

NATHALIE PEREGRINE: Thank you.
Theo Geurts?

THEO GEURTS: Present.

NATHALIE PEREGRINE: Thank you.

Greg DiBiase?

GREG DiBIASE: Present.

NATHALIE PEREGRINE: Desiree Miloshevic?

DESIREE MILOSHEVIC: Present.

NATHALIE PEREGRINE: Marie Pattullo?

MARIE PATTULLO: Here. Thanks, Nathalie. Thank you.

NATHALIE PEREGRINE: Mark Datysgeld?

MARK DATYSGELD: Present.

NATHALIE PEREGRINE: John McElwaine?

JOHN McELWAIN: Present.

NATHALIE PEREGRINE: Flip Petillion?

FLIP PETILLION: Present.

NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: I'm here.

NATHALIE PEREGRINE: Thomas Rickert?

THOMAS RICKERT: Present.

NATHALIE PEREGRINE: Paul McGrady?

PAUL McGRADY: Howdy.

NATHALIE PEREGRINE: Wisdom Donkor?

Wisdom, you may be muted in the Zoom room.

I see Wisdom connected in the Zoom room.

Stephanie Perrin?

STEPHANIE PERRIN: Present.

NATHALIE PEREGRINE: Manju Chen?

MANJU CHEN: Present.

NATHALIE PEREGRINE: Farell Folly?

FARELL FOLLY: Present.

NATHALIE PEREGRINE: Juan Manuel Rojas?

JUAN MANUEL ROJAS: Present.

NATHALIE PEREGRINE: Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Present.

NATHALIE PEREGRINE: Olga Cavalli?

OLGA CAVALLI: Present, Nathalie.

NATHALIE PEREGRINE: Thank you.

Jeffrey Neuman?

JEFF NEUMAN: Present.

NATHALIE PEREGRINE: Justine Chew?

I see Justine connected. We just don't have audio for now.

Maarten Simon?

MAARTEN SIMON: Yes, I'm here.

NATHALIE PEREGRINE: Perfect. Thank you ever so much.

And we also have GNSO support staff in the room.

I'd like to note for the record that whilst we have many councilors in the room with us, we also have several councilors participating remotely.

I'd like everyone to remember to please state your names before speaking. This call is being recorded.

The councilors are panelists in the Zoom room. They could activate their table microphones; and for those joining remotely, their Zoom microphones.

A warm welcome to attendees on the call and in the Zoom room who are silent observers. They don't yet have access to their microphones, but they do have access to the chat. There be an open mic at the end of this session.

Please remember when using the chat to use the drop-down menu and select to whom you are to send the chat to, ideally all hosts, panelists and attendees. If you want to speak during the open mic you will have to still raise your hand in Zoom whether

you are in the physical room or not. When called upon, virtual participants will unmute their mic, and participants in the room will be either able to open their table mic or the stand-alone mic which is at back of the room of the Amazon room and in the middle of the room for the overflow room, the Yangtze room.

Once again, please remember when asking your questions and comments to state your name. Until then, please remember to mute your notifications on your laptops, on your phones, and to speak clearly despite the masks.

Thank you very much.

Philippe, it is over to you.

PHILIPPE FOUQUART: Thank you, Nathalie.

Good afternoon, everyone. This is Philippe Fouquart speaking here, obviously very happy to see you all -- well, not all, precisely. Some frustration to be only in hybrid mode. Hope you are well, for those remote councilors that have joined us for this June meeting of Council. And I think we can move on with our agenda and the usual 1.2 and the updates to states of interest that people might have.

Anyone?

Okay. Seeing no hand, any change you'd like to make to the agenda?

Okay. Moving on. We'll just note as usual the minutes of the last two meetings. And we'll move on with the next item. That's our usual review of the project management tool and action list. It was sent to the Council list last week and available, as usual, on the wiki space.

On this there was a recording which was put in place by ICANN staff that we encourage you and the SG/C chairs and leadership in general to have a look at. We distributed this to -- to the list sometime last week. Steve, Berry, anything you'd like to add on this? I don't see Berry.

Steve?

STEVE CHAN:

Sure. Sure, thanks, Philippe. This is Steve Chan from staff.

And just like Philippe said, we want to provide a reminder that that recording of the session was -- or I guess of the Portfolio Management Tool was developed, in a sense, to try to help demystify all the parts of it. So, one, how they're developed, how they intend to be used including what they're not, which is it's not prioritization or resourcing but really to help the council understand how they're developed so you can get a sense of what's in there, how they're created, and also how you can use

them. So if you see something that might raise a red flag, for instance, you can raise it for discussion on the Council agenda.

So it's to help you do your jobs as councilors to manage PDPs, and then also, for that status part, like I said, that helps you be more involved in the agenda setting.

So really just a reminder that that's the rationale for developing it, and then a reminder that it was developed. And so Berry and I can be available for any QA -- Q&A as it's needed, but by request, so let us know if that's needed.

Thanks.

PHILIPPE FOUQUART: Thank you, Steve. And we'd certainly encourage people to have a look at that as well as providing feedback.

Moving forward, there's a recurring question on a single place where we could get the information on the ongoing PDP policy work within the GNSO. It would be good to think on how -- about how we can disseminate this across the SG/Cs. That would be probably the right thing to do.

This being said, I think we can -- unless there are any comments...

I think we can move on with our agenda. There is nothing for consent. So we can move on to item 4, and that's the Council vote

on the final report from the EPDP on specific curative rights protections for IGOs.

Just a couple of historical note here. As you would recall, some of you would recall, the IGO-INGO access to curative rights protection completed in 2018, and the first four recommendations were approved and the fifth one, given the impact -- potential impact on the UDRP URS was further deferred for further work. That was started in early 2020 through a work track that was then converted into a proper EPDP.

The initial report was published in September and the final report in April. We've had the opportunity to discuss that, the conclusions and recommendations, during a presentation that we had in May -- in April, I'm sorry. And as you would recall those five recommendations should be taken in bulk, as I would remember. And at the last meeting, there was a question from the registrars, I believe, and we'll then go to the discussion on this and ultimately take a vote on the motion.

Any -- any comment or anything that you'd like to discuss on this?

I see Thomas, you have your hand up.

THOMAS RICKERT:

Thanks very much, Philippe. And this is Thomas Rickert speaking for the record.

Sorry for asking this at such a late stage, but when going through the report, there's one point that -- that I would be interested in learning more about. I know that the ISPCP has been pardon of that PDP and that the ISPCP has also been part of the full consensus; nonetheless, what happens -- this is particularly true for acronyms, because acronyms are the territory where conflict with existing domain registrations are more likely than with full names.

So I understand that there's an opportunity for the registered name holder to go to arbitration if the court does not want it hear the case, but arbitration rules typically do have a -- each party bears its own cost rule, whilst under many local jurisdictions we have a loser pays basis.

So what that actually -- what would this mean for, let's say, domain holders that have had a domain name for 20 years? So they can -- Would they be facing the risk of getting a UDRP and then being sort of forced to defend in an arbitration where they would -- where they would be landed with potentially substantial costs or would there be an opportunity for them to have a stipulation in the arbitration rules that it would be on a loser pays basis as well? Or do we even have some protection for legacy registrants who have innocently registered domain names many, many, many years back without potentially knowing about conflicts with IGO acronyms.

I hope that this question makes sense, and I hope that I could make myself well understood. I'm not sure who wants to take that.

PHILIPPE FOUQUART: Thank you. Thank you, Thomas. Appreciating that that's a somewhat substantive question.

I'll just turn to either John McElwaine, as our liaison, or Chris, as the chair -- thanks for being here, Chris -- whether there's any element that you'd like to offer to Thomas.

Chris?

CHRIS DISSPAIN: Thank you, Philippe, and thanks for inviting me to be here to answer any questions.

Thomas, we spent a lot of talking about what we should -- how much depth we should go into about arbitration and how the rules -- what the rules should be. And what we agreed in the end was that there should be a set of overarching principles put in place, and that those would -- should hone to the implementation. And it's at the implementation stage that the details, such as the things you refer to, would be dealt with.

And what we say is the arbitration process should be cost efficient, a fixed range of arbitral fees should be encouraged to

ensure predictability and affordability. And we make a statement -- I think I'm right in saying this. We make a statement in the report that the general principles, which that is only one, there are a number, should be very seriously taken into account when setting up the arbitral rules in the implementation plan. So that's the answer to your question.

Thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Chris. This is Philippe here.

Any other questions? Jeff?

JEFF NEUMAN: Yeah, thanks. I actually wanted to respond as well to Thomas's question.

First, I guess I wanted to say that there's no changes to the policy at all in terms of the substance of any kind of complaint. So the notion of an innocent registrant now all of a sudden getting a complaint when they've registered a name 20 years ago, you -- before any kind of arbitration, the complainant still has to prevail in a regular UDRP case.

So I think that the situation you sort of brought up is highly remote, right? I mean, the complainant still -- the IGO still has to succeed in a normal UDRP complaint. They have to show

registration and use and bad faith. And it's only if the registrant loses that the arbitration would come into play.

So just to add that, because I didn't hear that in, Chris, the response. So I just wanted to make that point. There's no substantive changes to what has to be proven in the policy. So in theory, at least, you know, the UDRP would weed that case out before it goes to an arbitration.

THOMAS RICKERT:

If I may. I guess the big difference is that IGOs don't have trademarks, and, therefore, a registrant that may have checked the trademark database for conflicts wouldn't have been able to spot that as a conflict. But I much appreciate the answers by both you, Chris, and you, Jeff. And I think it's -- you know, you make a good point, Philippe, that this is a question on substance, and we should be talking process. And as some of you might remember that I was the chair of the original IGO-INGO PDP, which is I why I was interested in this and wanted to go on the record with this point so that maybe it can be taken into account when it comes to implementation, because I don't want users or registrants to end up incurring huge costs defending a case that they couldn't foresee at the time of registration.

I think it's a new workstation for those who register fresh and who know of these parameters, but I hope that this record will -- will resurface when it comes to working on the implementation.

Thank you.

PHILIPPE FOUQUART: Thank you, Thomas. And thanks for bringing that up. I think we can capture that. This will be captured in the minutes anyway and offered to the IRT for consideration. I think it's good that we have it on record.

Anything else that people would like to bring up?

All right. Seeing no one, I suggest we go to our vote. So what we will do is that we will -- well, John will read the resolved. We lost that habit of reading this in face-to-face meetings, but we'll do that. And thanks, GAC, for spotting the typo, by the way.

So we'll go through the resolved clauses and we'll go to our vote.

John.

JOHN McELWAINE: Thanks, Philippe. John McElwaine for the record.

So this -- I'll read the motion to approve the recommendation from the EPDP on specific curative rights protections for intergovernmental organizations, which I'll be referring to as IGOs.

In April -- Whereas, one, in April 2019 the GNSO Council approved the first four recommendations from the IGO-INGO access to

curative rights protections policy development process, PDP, but not recommendation number 5, which the Council referred to the review of all rights protections mechanisms PDP for it to consider as part of its Phase 2 work, UDRP review.

Resolved two, in January 2022 the GNSO Council approved an addendum to the RPMs PDP charter that created an IGO work track to address recommendation number 5 of the IGO-INGO access to curative rights protection PDP which was not approved requesting that the IGO work track consider whether an appropriate policy solution could be developed that is generally consistent with recommendations 1, 2, 3, and 4 of the IGO-INGO access to curative rights protection PDP final report and accounts for the possibility that an IGO may enjoy jurisdictional immunity in certain circumstances; b, does not affect the right and ability of registrants to file judicial pre- -- proceedings in a court of competent jurisdiction; c, preserves registrants rights to judicial review of an initial UDRP or URS decision; and d, recognizes the existence and scope of IGO jurisdictional immunity in any particular situation is a legal issue to be determined by court of competent jurisdiction.

Whereas, three, in October 2020, the GNSO Council launched a call for Expressions of Interest for a chair of the IGO work track and a call for volunteers from the community groups identified in the addendum, and the IGO work track commenced its work in February 2021.

Whereas four, in January 2021, Phase 1 of the RPMs PDP concluded with the GNSO Council's approval of all of its 35 recommendations while Phase 2 of the RPMs PDP, that should be, was deferred in order for the Council to receive an updated Policy Status Report on the UDRP.

Whereas five, in August 2021, considering the indeterminate timeline for the commencement of Phase 2 of the -- I think RPMs PDP while the IGO work track was closely to -- close to complete its initial report in accordance with its expedited policy development process, EPDP, manual, the GNSO Council approved the initiation of an EPDP to carry forward the work and momentum of the IGO work track as a purely procedural matter with the EPDP charter reflecting the same scope of work as outlined in the addendum.

Whereas six, on 14th September 2021, the EPDP team published its initial report for public comment.

Whereas seven, following the end of the public comment period, the EPDP team reviewed the comments that were submitted and amended its proposed recommendations as it considered necessary based on the input received and the EPDP team's continued deliberations.

Whereas eight, the EPDP team is proposing final -- five final recommendations in its final report which are intended to be

interdependent as outlined in Section 13 of the PDP manual and which have obtained full consensus within the EPDP team.

Whereas nine, the EPDP team delivered its final report to the GNSO Council on 4 April 2022.

Whereas ten, the GNSO Council has determined that the five final EPDP recommendations in the EPDP team's final report are consistent with the scope and principles set in the addendum to the RPMs PDP charter and the subsequent EPDP charter.

So it was resolved, number one, the GNSO Council approves and recommends the ICANN Board adopt all five final EPDP recommendations as documented in the EPDP team's final report.

Two, should the EPDP recommendations be adopted by the ICANN Board, the GNSO Council requests that ICANN org convene an Implementation Review Team to assist ICANN org in developing the implementation details for the EPDP recommendations and ensure that the resultant implementation conforms to the intent of the approved recommendations. The Implementation Review Team shall operate in accordance with the Implementation Review Team principles and guidelines that the GNSO Council approved in June 2015.

Three, the GNSO Council thanks the EPDP leadership team and the members of the EPDP team for their commitment and hard

work in completing the policy work on this longstanding issue within the GNSO.

PHILIPPE FOUQUART: Thank you. Thank you, John.

Nathalie, I think we can go to our vote.

NATHALIE PEREGRINE: Thank you, Philippe. As a reminder, this is a roll-call vote, everyone, and the supermajority threshold is required.

Farell Folly?

FARELL FOLLY: Yes.

NATHALIE PEREGRINE: Kurt Pritz?

KURT PRITZ: Yes.

NATHALIE PEREGRINE: Thomas Rickert?

THOMAS RICKERT: Yes.

NATHALIE PEREGRINE: Tomslin Samme-Nlar?

TOMSLIN SAMME-NLAR: Yes.

NATHALIE PEREGRINE: Marie Pattullo?

MARIE PATTULLO: Yes.

NATHALIE PEREGRINE: Desiree Miloshevic?

DESIREE MILOSHEVIC: Yes.

NATHALIE PEREGRINE: Theo Geurts?

THEO GEURTS: Yes.

NATHALIE PEREGRINE: Stephanie Perrin?

STEPHANIE PERRIN: Yes.

NATHALIE PEREGRINE: Flip Petillion?

FLIP PETILLION: Yes.

NATHALIE PEREGRINE: Greg DiBiase?

GREG DiBIASE: Yes.

NATHALIE PEREGRINE: Manju Chen?

MANJU CHEN: Yes.

NATHALIE PEREGRINE: John McElwaine?

JOHN McELWAIN: Yes.

NATHALIE PEREGRINE: Maxim Alzoba?

MAXIM ALZOBA: Yes.

NATHALIE PEREGRINE: Juan Manuel Rojas?

JUAN MANUEL ROJAS: Yes.

NATHALIE PEREGRINE: Paul McGrady?

PAUL McGRADY: Yes.

NATHALIE PEREGRINE: Antonia Chu?

ANTONIA CHU: Yes.

NATHALIE PEREGRINE: Wisdom Donkor?

WISDOM DONKOR: Yes.

NATHALIE PEREGRINE: Mark Datysgeld?

MARK DATYSGELD: Yes.

NATHALIE PEREGRINE: Sebastien Ducos?

SEBASTIEN DUCOS: Yes.

NATHALIE PEREGRINE: Philippe Fouquart?

PHILIPPE FOUQUART: Yes.

NATHALIE PEREGRINE: Thank you very much.

So for the Contracted Party House we have 7 votes in favor, no votes against, no abstention.

For the Non-Contracted Party House we have 13 votes in favor, no abstention.

The motion passes with a hundred percent in both houses. Thank you very much.

PHILIPPE FOUQUART: Thank you, Nathalie. This is Philippe here. Thanks. Thanks, everyone, and a warm thank you to Chris both for being here and for chairing the work group and helping clarifying those questions between our -- since our last call.

With this, we can move on to our next agenda item. That's our discussion on the impacts of the work on the SSAD Light, now called WHOIS Disclosure System, I think, on the proof of concept. And notably on the SubPro ODP, you would remember that both within the context of the ongoing ODP and the work of the small team on the SSAD Light, there was some feedback from staff that there might be some impacts in terms of a few -- a few weeks on the delivery of the SubPro ODA. And this was also discussed earlier this week in -- in the small team on the SSAD Light.

So for this I'd like to hand over to Sebastien. If you could provide us with an update on the small team discussed earlier this week.

SEBASTIEN DUCOS:

I -- I surely can.

So as was shared with the small team and with the Council ten days ago, before the deadline, I had discussions, and I had these discussions with Becky Burr and Eleeza Agopian, Marika was present also on the call, and specifically asking staff to better describe what they had noted in their report. And in their report, to remind everybody, they had noted that the work of scoping the SSAD Light or the WHOIS Disclosure System as it's now preferred to be called, would take six weeks, and the six weeks would disrupt the work on three other projects; namely, a CZDS update, improvement to the escrow -- sorry, the EBERO systems; and most notably for us, the SubPro ODP.

There was already, back then, when I -- we received that comment, there was already a note to the fact that it's not for the GNSO to decide how staff works and prioritize, but since the Board came back to us through the GDPR caucus and Becky Burr came back to us and asking us to at least give our opinion on how this should be done. We did pursue that avenue.

On our call ten days ago, two weeks ago, Eleeza Agopian signified that the two projects that are less in our purview, it affects the CPH but it is not part of the work that we do at Council, and that is the improvement to CZDS and the -- and the EBERO. These two projects could be put on pause and the staff that is working on

them be reassigned without major disruption to the rest of the structure, let's say. It would obviously put those two projects on delays, but that impact to external parties or other major impact to other entities within the organization.

And so we -- I feel we found a way to be able to proceed. There will be some impact to SubPro, certainly not a stoppage of SubPro. SubPro will continue working. There are just some staff that were working on the SSAD ODA that will be required to work on that rescoping exercise, and thus won't be able to work on SubPro. But my understanding at this stage is that it's limited to a few part of the -- part of the tech team. I seem to understand, for example, that Ash, who presented on Monday the direction that he -- he and the team felt that this could be going to, would be part of these people.

Now, I don't have a clear understanding of by how much SubPro might be delayed. I -- I repeatedly heard staff say it's not in any major way. It will continue working. In principle, the deadlines and the targets that staff had set for itself to bring before ICANN75 in order to have discussions then won't be affected or, in any case, there will be plenty of elements to discuss at ICANN75.

Again, I can't deny the fact that at this point there will be some delay to SubPro. Certainly not the six weeks and certainly not, from what I understand, it will put the SubPro in a situation of stopping it all together.

Now, this topic is obviously for discussion. This is not a -- a vote case. I personally, having led this effort, would like to be able to come out of this discussion and tell Becky Burr, the -- the GDPR caucus and, via them, the Board, that we think that this is a workable option and to ask the Board to invite the team to proceed with this work.

This is a discussion that I had also earlier yesterday within my group, not just the Registry Stakeholder Group. There happened to be a CPH group just because of the way this week is organized. And I have heard a number of people, so I need to make sure that I'm introducing here the topic as the Council leadership, as the person that steered that team, not representing my group, which is obviously not all -- as others will expose, is probably not in full agreement with.

Now, I see Jeff's hand. Actually, I'll give the mic to Jeff, and maybe we'll answer other questions, if there are other questions coming after.

JEFF NEUMAN:

Thanks. This is Jeff Neuman. And in this discussion I'm commenting as the -- the GNSO liaison to the SubPro ODP. And it's not really -- I'm not really making a comment but to sort of help shape the discussion and to start thinking about, with respect to next steps, if there's any kind of messages that the

Council would like me to take back to the ODP team, that would be helpful to me.

And I've heard Sebastien say he's not -- although they said that, you know, they'll keep working on it, he said that he wasn't sure what the impact would be. If the Council would like me to go back to the ODP team to get -- to drill down on exactly what the impact would be, I'd be happy to do that. I'm not here to offer my own personal views on this but just to ask for some guidance from the Council as to what, if anything, they'd like me to do.

Thanks.

SEBASTIEN DUCOS:

Thank you, Jeff.

If I can quickly comment on that. Just to be extremely precise, in my discussion with Eleeza Agopian, I asked her to be able to evaluate that, and the only word we got back from Karen Lentz, who manages that schedule, was that she didn't see anything in back book. But, indeed, and this is where it's blurry to me, she didn't say we will be a week, two weeks, three days late on our schedule. She just said she didn't see any major impact on it. So I just wanted to be able to say that.

Paul, I see your hand up.

PAUL McGRADY: Yeah, Paul McGrady here.

Yeah, thank you, Jeff. I don't know that we need to ask staff again. They've already told us that there won't be a major impact on the timeline, and I think that we can rely on staff. It was the high-up staff that was telling us that, too, so I think we really can rely on that.

Do I think we need to go back to Becky and the Board team on this clearly saying we think that whatever that impact, however minor it is, there's value there. We want you guys to do this next step and come back to us with a design. And then that sort of -- there's not really any decision other than that, right? I'm not even sure that's a decision. I think that's just a communication.

And then when they come back and they say here's the design, and we heard some really optimistic talk about it being able to be implemented within months, which was just a breath taking thing to say at ICANN. I promised staff that I wouldn't hold anybody to that, but it was so fun to hear. And then I think we'll have something more substantive to talk about. But I do think we have enough comment, enough input from senior staff today to make the decision to go ahead and get this under way.

Thank you.

SEBASTIEN DUCOS: Sorry. Kurt.

KURT PRITZ:

Thanks, Evan [sic]. Thanks for the cogent explanation.

I -- I forwarded to the group a fairly carefully response from the RySG on this issue, and I've done some more thinking, having sat in this meeting for a few days.

So we thought first that this is an issue much better left to staff than put to the community about operational decisions. It led us to questions right away about, well, can you outsource this? What if it's seven weeks instead of six weeks? What are the next steps? Will (indiscernible) continue to take information? All the sorts of operational questions that it's really inappropriate for the community as policymakers to ask.

And then our second inclination was, in talking to the small team, that the proposal was not quite baked yet, so do we want to start this. And normally, I think it's pretty cheap insurance to pull something forward and get this going. So I would be for that, especially if you have slack resources, you know, someone to work on it. Let's put them to work doing this. But in this case we don't have slack resources, right?

Anyway, so maybe we shouldn't pause other work because this work might be speculative or gets lost. But I've sat in this meeting for three days, and I'm amazed at the amount of oxygen this six-week thing has consumed. You know, I go to a GAC meeting and

somebody is saying what if it's seven weeks. And I go to another meeting and, there, well, staff, maybe it's going to be three weeks or two weeks. you know, I just think this is an inappropriate conversation.

You know, I've lost all this, like Paul has, about the staff proposal for getting this thing done rather rapidly, and that sounds very attractive. So, you know, if the staff and the Board think this is a good thing to pull forward, then they should do it, but they should continue to be responsible for the deadlines they've already met. So we shouldn't, you know, exhibit confidence that maybe it could be gotten down to two weeks. We should say if you think it's a good idea, so do we; let's go ahead and get these things done. But, you know, you have these published deadlines, too, and at the end of the day you're either going to meet them or not meet them and you might have an excuse or reason for that but we as a community are going to continue to hold you responsible for meeting the deadlines that you have.

So now that I've talked way too much, I vote we don't talk about this anymore. We just tell them to go ahead with the project and trite to meet all your deadlines the best you can because that's your jobs.

Thanks.

SEBASTIEN DUCOS: Thank you. Thank you, Kurt.

I would like to -- and I believe that Marika will speak to it, so I'll let her speak to it. I would like to note the comment from Eleeza Agopian five minutes ago on the chat concerning that it will result in a delay of six weeks of SubPro ODP. I just want to have noted because I just said to the contrary two minutes ago and I'm very sorry. It's not my understanding that it would definitely, and particularly not after CD CZDS and EBERO was put off the table. But Marika took her hand off, so I guess I said exactly what she wanted to say.

I understand that Eleeza is participating remotely, and we might want to give her the mic further. But first I have Maxim in the queue.

MAXIM ALZOBA: Maxim Alzoba for the transcript.

I'd like to remind us all that year over year, GNSO Council in its comments to financial plans and aligns the importance of properly staffing and funding the policy support. And the question we face is something related to that.

Also, it's a question of -- for managers how to manage process. GNSO Council is managers of policy process, not of the operational or bureaucratic procedures. So someone is paid to

order staff what to do, when to do, whom to hire, how many people to hire, and it's CEO of the organization usually.

So we -- I think we need to recommend to do the things which are regarded to be done by the organization, and that's it.

Thanks.

SEBASTIEN DUCOS: Thank you, Maxim.

I see Kurt's hand but I believe it's an old one, so maybe take it down.

And Jeff, as you spoke already, do you mind if I put Eleeza ahead in the queue, let her explain, and then maybe we'll hear your statement.

So Eleeza, please.

ELEEZA AGOPIAN: Hey, everyone. Can you hear me clearly?

SEBASTIEN DUCOS: We can, yes.

ELEEZA AGOPIAN: Thank you. Sorry. I'm elsewhere in the building as your room was full.

So I just wanted to kind of give that a little more context to the comments I put in the chat. As I said, the work on this paper would, in fact, result in a six-week delay, at least a six-week delay, to the SubPro ODP. This is because of the resources that overlap between the two projects.

To the point of what milestones, et cetera, would be impacted, there isn't a specific thing we can point you to. It's just that we want you to be aware that the overall impact to the work, is this the way to the final deliverable deadline for the ODP. And we just wanted to make that very clear.

Obviously the work will still continue. It will not stop. And as I noted, and I think Sebastien noted as well, the SubPro ODP team will certainly have plenty to discuss with the community in the coming months and of course at ICANN75 as well.

But, you know, I can't offer you more specifics than that. I hope that's -- that's clear, but I'm happy to take any questions.

SEBASTIEN DUCOS:

Thank you, Eleeza.

So I'll have to -- again to correct the record of what I said. My understanding was that once CZDS and EBERO were off, that six weeks timeline was also dramatically reduced, but I was wrong.

Jeff, I see your hand up.

JEFF NEUMAN:

Yeah, thanks. This is Jeff Neuman.

So I just -- again, so I understand, Eleeza said that it would be, again, at least six weeks. I want to point out that the original deadline was towards the end of October. Six weeks would get us into December and the Christmastime when presumably ICANN would take a break. So we're now talking really, instead of October, probably mid January at the earliest, which if you think about the timeline then would mean -- February, March, April -- April would be the earliest now that the Board could vote on the policy.

In line with what Kurt had said, which is this really shouldn't be our call but then more operations, but then I heard Kurt say, if I understand, that we should send a message that we expect ICANN to meet all deadlines that they've set. So I'm hearing sort of conflicting messages. And if the Council could discuss this, please, because I'm -- I'm confused now as to what the Council's being asked, what ICANN is actually saying to the overall timeline, and what the Council wants me to deliver as a message. Thanks.

SEBASTIEN DUCOS:

Thank you, Jeff.

And I see Paul's hand up.

PAUL McGRADY: Thanks, Paul McGrady here.

I guess I didn't anticipate that Jeff would be delivering this message. I anticipated it would come from Philippe, because it is a communication with the Board. So, Jeff, I think the answer may be -- right? The Board's asking this question, right? Do they -- or whomever. I don't know how we're going to communicate this, but I guess I didn't think it was going to be through Jeff. Is the communication going to be through Jeff? If it is, then we need to -- I guess we need to give Jeff instructions.

SEBASTIEN DUCOS: So, Paul, I think there might be a slight confusion. I had asked earlier to see -- for Jeff maybe to see, with the ODP team, to give better deadlines than what I have. I think the point has now been clarified, and that is six weeks' delay at least, which wasn't my understanding at the beginning of the conversation. That's the part that Jeff was going to communicate. I don't think that Jeff was asked by anybody to communicate with the Board, indeed.

PAUL McGRADY: Yeah, okay. Perfect. That makes sense, because I just wanted to make sure that we didn't need to give Jeff instructions today, and it doesn't sound like we do. That's great.

And I won't get into the six weeks' delay, and I've already said that I think that's a good investment, you know, so there's no need to sort of dance around that. But anyway, for Jeff's sake, I wanted to be clear that he wasn't needing anything or we weren't expecting him to communicate whatever this is back.

Thanks.

SEBASTIEN DUCOS: Thank you. I certainly wasn't expecting it.

Jeff, I see your hand up, but I believe it's an old one.

JEFF NEUMAN: Just a clarification. Sorry for being so precise.

So Eleeza works on the SSAD, but Karen works on the ODP. So is -- Just to clarify that the message that Eleeza is sending is from the SubPro ODP team.

SEBASTIEN DUCOS: It is my understanding. Eleeza is still around on the call, so she can confirm that. And I see her hand up.

ELEEZA AGOPIAN: Yeah. So the message I am communicating comes from my colleagues on the SubPro ODP team.

SEBASTIEN DUCOS: I still see your hand Jeff, but I do truly believe it's an old one.

Are there any other questions or comments about this? And seeing none -- and I'm sorry if -- I didn't follow the chat, so if somebody posted something in the chat assuming it will be read, please raise your hand and read it.

Otherwise, Philippe, the mic is yours. I'm not -- frankly, I'm not quite sure right now what the next steps are either. I've expressed what I was seeking out of this conversation, but I've heard positives and negatives. I haven't heard any final decision here.

PHILIPPE FOUQUART: Thank you, Sebastien. This is Philippe here.

So, indeed, there are two questions. There's what Council may want to convey through the ODP liaison to the ODP team, and also the feedback that we'd like to -- to give also to the small team on the SSAD, potential feedback, as to whether we have a view as Council on the delay. That's now been more or less clarified: around, at this point, six to seven weeks.

What I seem to be hearing is there's a sense that obviously both - - both items are very important on one hand. There's a sense that Council needs to be informed of any delay, and should that six to seven weeks be changed further, I think there's a sense that,

again, we need to convey that importance but on prioritization, there's also an understanding that it's very much an org's issue that Council would not like to weigh in. That's what I'm hearing.

So, Jeff, you have your mic on, but is it something that -- at least -- it's a question for you. Is that at least enough for you to go back to the ODP team? I know you're on the call, but the fact that -- I think there's -- there's certainly a sense that if that delay were to change again, Council would probably want to and need to be informed quickly. I appreciate that there are unknowns on the workload associated with the SSAD Light, or whatever it's called now. And again, if we're now talking about January, but if by the end of the summer it's further carried over, we would like -- we may like to know this sooner than later.

Jeff.

JEFF NEUMAN: Yeah, I -- I'd like to hear from Kurt, because that message is a little bit different than what Kurt said about expecting deadlines to be met. I -- but -- but you tell me what you want, right?

PHILIPPE FOUQUART: Kurt, am I faithful to what you said earlier?

KURT PRITZ:

I'd never call you unfaithful. I think we're torturing ourselves a little bit because we want -- we recognize these two -- our headline is we recognize these two efforts as being two of the key efforts on ICANN. Delivering on a long-delayed program and the opportunity to address access to WHOIS data are like the two most important things on ICANN's plates to many of us. And we're dumbfounded that -- or we don't know how to address how to pick between these two things. And I'm reading in the chat, you know, operational suggestions about can you balance the work a little bit better, and we're hearing from ICANN, you know, it's only six weeks.

So my opinion or our headline is we don't -- we want to move ahead with SSAD Light, but we don't want to delay ODP. So, Board, you know, time this the best you can to minimize the impacts and continue working through this so that there are no delays. It's not for -- you know, it's just not our role to interrogate about different methodologies. It's our headline. I think our headline is we don't want to pick between these two most important projects. We think the Board needs to figure out a way to move forward on them, even though, you know, it seems to be an impossible land right now.

So I hope that's cogent.

PHILIPPE FOUQUART: Thank you. This is Philippe here. Thanks for clarifying it. That's what I tried to phrase at the very beginning saying those are two very important items, and we probably want to reiterate that.

Okay. Sebastien, you have your hand up.

SEBASTIEN DUCOS: Yes. I -- sorry. I wanted to direct one thing that you said, and far from me from calling you unfaithful either, by the way.

We need to also get back to the Board -- Becky Burr made it very, very clear -- whatever our answer is. And the answer that Kurt just proposed sounds as good as any other for me. But whatever answer, we need to get back to the Board. The Board won't take any decision on this, whichever way, without having at least some kind of an answer from us. And so I think that that's important to know.

PHILIPPE FOUQUART: Okay. Thank you, Sebastien.

Greg, you're next.

GREG DiBIASE: Yeah, I was thinking something along the lines of Kurt. We believe that this SSAD Light is potentially important work. If you're asking us, like, accept the six weeks or kill it off, I guess we accept

the six weeks, but we're also concerned that -- you know, let's think about ways so we don't have to delete the -- or delay this six weeks, if that makes sense. That would be our feedback. Is there a way we cannot have a delay of six weeks? Because we think this is important. Maybe that's the feedback?

PHILIPPE FOUQUART: Okay. Thanks, Greg. Maybe we could -- we could say that, indeed. Who is next? John?

JOHN McELWAINE: Thanks. John McElwaine for the record.

I actually put it in the chat, but -- and forgive me if I missed this but do we have any information if we chose to go forward with SubPro, how long of a delay it would be before they could get started on the SSAD Light? And do we also know if the other two projects were delayed but SubPro wasn't, whether that would change the delay on the SSAD Light?

I think there's a lot of different contingencies that we might not have data on or I could have missed.

Thanks.

PHILIPPE FOUQUART: Thanks, John. This is Philippe here. I don't think we have those dependencies. At least I can't remember having seen those from -- from Jeff, since that was brought up with question set 3, I think, that question of prioritization. I don't think we have those. We may want to clarify that.

Desiree, you're next.

DESIREE MILOSHEVIC: Yes. Thank you, Philippe.

Well, it seems to me that we seem to be in agreement that we need to go back to the Board and we ought to say that, from our point of view, we would like to continue with both projects. And it seems to be an operational issue, not a policy issue. And as much data as we can get back, either from the Board or the org, would make the Council work better because we can also assign small teams to react to the ongoing work or we could just continue working with the SubPro.

So I think we are at this position where we are kindly asking for some more data, if there is, and saying we would like to proceed with both. Can you do something within the org?

Thank you.

PHILIPPE FOUQUART: Thank you, Desiree. Mindful of time, I'll cut the queue here after Maxim.

MAXIM ALZOBA: Maxim Alzoba --

PHILIPPE FOUQUART: Is that an old hand, John? Okay.
Sebastien, you're next.

SEBASTIEN DUCOS: Thank you, Philippe. I just wanted to answer to John, and this is authoritative that we did discuss that on our call with Eleeza. And my understanding was that it could start after the SubPro ODP is delivered. So SSAD Light would then be postponed until late October, November, something like that.

PHILIPPE FOUQUART: Thanks. Thanks, Sebastien.
Jeff, you're next, and then Maxim.

JEFF NEUMAN: Yeah, thanks. This is Jeff Neuman.
I guess one of the things I'd like, perhaps we could ask in the six weeks or however long it takes to -- again, I want to point out it's

just a paper on what the design of SSAD Light would be. The next step obviously is to implement SSAD Light.

So I think it's -- What this whole discussion to me is pointing out, and as what I hear is that both projects are important. So I think when staff delivers this SSAD Light paper, it should let the community know whether -- if there's a choice to move forward with actually building it, what will be the effect on everything else that's going on. Because right now we're just talking about a paper that's being written. What happens when we actually face, then, in October -- or, sorry, at the end of the annual meeting in September, when they bring to us the paper and then say, okay, do you want us to go forward.

I think what all of this is pointing out is that we can't just take things one step at a time. What we need to know is the overall production timeline. You know, we do this all the time in business. We have the roadmap. What we don't -- What we have now is like a speed bump without any road. We have no idea where we're heading.

So if there was a message, number one, I'll discuss with the ODP team is, okay, about the six-week delay and what's going to happen during that time, but I also think it may be important to, in this paper that comes back, get a clear indication of what going forward and building this thing would actually do to everything else.

Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Jeff.

Maxim, you're last.

MAXIM ALZOBA: Maxim Alzoba, for the record.

As I understand, it's going to be the design of the paper, not the paper itself. And potentially after that, we might face public comments for that and consideration period. And in the end, in a situation where the organization has limited resources, changing plans to this schedule usually have cumulative negative effect. I mean, it's not just subtracting six weeks out of other plans. It's going to be more.

And I really hope we see the end of this in the next year, because after having the paper discussed and approved and public comments and that, you see something like 12 month of implementation, just typical thing for the software creation. And who knows when we see the end of this? Thanks.

PHILIPPE FOUQUART: Thank you, Maxim. This is Philippe here.

So what I'm -- what I'm hearing is that I think we should convey the fact that, indeed, both projects are important; that there's

already -- well, there's some concern over -- already on this delay and potential and further delay. So we should go back to both the ODP team and then the Board through the SSAD small team channel to reflect that.

We could also say that limiting the impact of the SSAD work is -- on SubPro is important, but Council wouldn't like to weigh in on prioritization because it's not our job.

We'd like to be informed of any change, including when the SSAD Light work moves ahead. We appreciate that there will be next steps. And the sooner Council is informed, the better. And we may want, as Jeff said earlier, want to ask whether there's even at this stage any view from staff on what those next steps might entail in terms of further delay.

So hopefully that captures the discussion we've just had. We'll try to come up with some language after the meeting, and we'll circulate this to the Council list.

Okay.

Thank you. I think we can move on with our agenda, and that's the SubPro GNSO -- it's 6; yes, indeed.

As you would -- it's the SubPro GGP; I'm sorry.

So as you would recall, during the discussion on the work on the SubPro ODP and the feedback we've received through Jeff, our

liaison, on subset number 2, there was a question identified with Council on the degree, the level of substantive work that applicant support may require moving forward, and that this may not be appropriate for implementation work.

We agreed that staff and the liaison would work together to come up with the outline of a GNSO Guidance Process, the initiation of such a process, to give Council some sense of what that would look like. There's little, if any, precedent of such issues. And during the discussion it appeared that even beyond what was identified in the SubPro final report, there could be elements added to applicant support, and those are listed in the final report and they were included in the draft GGP, which was circulated to the list.

This is the outline of where we are. Jeff, would you like to take it forward? Jeff?

JEFF NEUMAN:

Yes, thank you. This is Jeff Neuman. And there was some discussion on the list. Unfortunately, I'm on the Council as the GNSO liaison to the GAC, so I can't -- I couldn't post responses to a bunch of the notes that were sent back and forth. But I did want to kind of start this out by kind of giving some -- what I think may be a misunderstanding of what we tried to do with the proposal for the GGP, recognizing, of course, the wording could change, and maybe it's our fault that there's a misunderstanding. But the

intention was, yes, that applicant support -- the Council would be giving the okay to move forward with this GGP for applicant support based on -- with the composition of a group that was described in a paper as a Steering Committee, and then the Steering Committee could either do the work itself or could get a group of experts or others to help assist with that and do the work.

There was a lot of back and forth on these other subjects that were included. So I thought I would explain what we were trying to do.

So as you can see, this GGP has taken -- I don't know. Was it three months ago we started talking about this, maybe? So three or four months. So it's 90 to 120 days already to talk about a charter, the composition of the group, et cetera.

What we were trying to avoid -- or let me say what we were trying to do. So we were trying to give the Council the ability to list some subjects that it could, in the future, add to the work of the -- or give to the Steering Committee to delegate to others to do that work without having to take 90 to 120 days again to talk about the charter and the composition of the group and everything else that goes into it.

So what we were not saying is that the Council should be giving a go ahead now to do all of this work at the same time with the same group. It was basically trying to establish a framework so

that if the Council wanted to add issues in the future, for example, those other issues that the SubPro final report had said would be -- or may need future work, the Council could then just do that without initiating this whole 90, 120 days, so far, process. So that's what it was trying to do, is establish the framework.

I guess that message really didn't get across, because it was interpreted as the Council was saying let's do all of this at the same time. And that's -- We can work on the wording. That wasn't the intent. But hopefully now you all understand what -- The Steering Committee was set to be the, quote, "representative" group, "representative" meaning people from each of the constituencies and stakeholder groups, and they would oversee all of this, but they could decide that the work could be done by just a few individuals that may have expertise on it and ultimately review that work product.

So that's why it seems bureaucratic and it seems like a couple layers, but that was the purpose. I hope that makes sense.

PHILIPPE FOUQUART: Thank you, Jeff. This is -- this is Philippe here.

And if I can just sort of draw a parallel with what we did with the CCOICI, whose acronym we should have changed, but it's very much a steering group that initiates various work tracks or whatever we call them.

The idea is certainly not to kick start the whole thing immediately, but, rather, to sort of empower that Steering Committee and approach that in a sort of lightweight manner. Hence the sort of intermediate layer.

So I hope -- I hope that's helpful.

Any comment on this?

Sorry. Paul, you're first, and then Kurt. I'm sorry, I should have looked at the screen.

PAUL McGRADY:

Thank you. Paul McGrady.

So Jeff gave me a good education over the last two or three weeks on the GGP, and I broke down and read the manual, which is not very long. It's only five pages. And I'm still fuzzy, to a certain extent, about what the GGP is, but it does make it pretty clear that we can -- you know, we can speak into the process on implementation issues and we can speak into the process on issues where there's clarification of policy that's already been made.

We have 19 recommendations -- right? -- I think on applicant support, for example, in the final report. So there's gobs of policy, right?

So we don't have to sort of reach the ultimate issue of the sort of existential nature of the GGP. I just think it's a nice tool -- right? -- that we can deploy.

The question is, and I think Jeff addressed this pretty well, is the giant sort of Christmas list of all the things we could apply. Just some of them seem very heavyweight, and we may have to go looking for policy already that we've made, right? Others things seem lightweight. The applicant support thing seems lightweight.

And so to the extent that we're going to do this, I think we might want to cherry pick an easier issue, like applicant support which is not very -- I mean, I don't hear a lot of people saying keep the applicants out that can't afford it, right? I think the community wants to do that, and there's a whole lot of policy recommendations already written. So I think the work of that GGP would be somewhat straightforward, and it might give us a chance to exercise this tool, because as we look at all the other things on our plate, I think we're going to use this a lot. It's pretty neat, right?

So I guess at the end of the day my question is is there any way to scale down the scope of all those items and say let's just go ahead and kick off the GGP on applicant support, see what we learn, see how it goes, and then maybe swing back around and see if it's appropriate for the other things.

Thank you.

PHILIPPE FOUQUART: Thank you, Paul. And maybe that would be a way. This is Philippe here, for the record. Scaling it down a bit without having a whole wish list and appearing to give a wild card to that Steering Committee may be also a way to sort of proofread the process somehow, since it's never been used. It's just a thought, but...

Kurt, you're next.

KURT PRITZ: Yeah, so I agree with Paul, and I agree with some of what Jeff said, that this is a good tool for pulling that work forward because we all agree -- we didn't all agree but many of us agreed that it made a lot of sense to pull applicant support forward because it is -- it matches the GGP well, but it is substantial work. So let's pull it forward so it's not the tall pole in the tent. And that way we have time this way to make a competent Applicant Support Program instead of the hastily constructed one last time.

This is the first GGP, so I would -- I would urge us to treat it as a pilot and manage it closely. And so my recommendation would be to not construct a 20-person plus 10-person alternate parallel group but that, rather, the GNSO Council manage this thing. The SubPro final report indicates that the skill sets required for this aren't, you know, seated at this table or generally at ICANN

meetings. They're somewhere else. So why do we not -- And I think Jeff, you know, you and I are on the same -- we have the same goal as far as wanting to do this as quickly as possible. And I think we would save time if we spun this up ourselves and populated this group and managed it, I think it would actually be kind of fun for us, instead of creating a parallel -- you know, I call it a parallel council but it's not, to manage a -- you know, create a degree of separation between us and this trial. So I would advocate for that simpler approach.

And another reason I did this is because there are some of these other topics here that, you know, when I finally got around to reading it, were surprising to me. And I think some of these are not policy questions. I think, you know, ICANN implementation experts are the ones who have time to run scenarios and do the testing and get much closer to the truth.

So that's a separate discussion for us. So instead of spinning up the big parallel group, I would urge us to, you know, get together and who's ever interested in this and say what skill sets do we need, how do we find them; get with ICANN, find the skill sets together and build the team.

Thank you.

PHILIPPE FOUQUART: Thank you. Thanks. Thanks, Kurt.

Next is Jeff. And I would encourage people to give some thought on that idea of having, probably through a small team of sorts, that oversight rather than having a Steering Committee as in the draft of the GGP moving forward.

Jeff, you're next.

JEFF NEUMAN:

Yeah, thanks. This is Jeff Neuman. Sorry. And I think Kurt and I have -- I think we do have the same goal, end goal -- right? -- to try to find faster ways to get the work done.

So there's almost kind of a -- I'm trying to think of the right words to say. We can achieve what Paul's proposal is by making it clear -- actually, let me take a step back.

The topics you see in there are topics that the SubPro says that there's more work needed and where the ODP team, whose -- you know, a lot of them are going to be responsible for implementation, has said that they need guidance from the community. So that's just the only thing different, Kurt, is that -- but they put those -- some of those topics in there because they do feel like they needed -- that they don't have the expertise necessary -- I shouldn't say the expertise. That they need community feedback on those.

So I think the way in between is make it clear that the list of topics other than applicant support is illustrative or is examples, or we

could take it completely out. It doesn't matter. The point is we could go forward with applicant support but provide a way that the GNSO Council could trigger another subject without having to rediscuss all of these things that go into a GGP charter, right?

So you see basically that you move forward with the applicant support, and then you have a sentence in there, make it easy, that the Council could at any point in time at its sole discretion initiate -- or add additional topics at its discretion, and you move forward on that.

The other thing about the Steering Committee, what we were trying to solve for there is -- and I agree with you, Kurt, I would love for the Council to manage it and just say, okay, let's appoint a couple people to work on it that are experts. But as we all know we get into these debates of every group saying that they need a person that represents them in every single working environment.

And so if the Council is fine with not having representative groups do the work, which is okay, too, that was why the Steering Committee was created; so that that was the body that was representative, and it would review the work of the experts and still likely focused and concentrate on it. But we could do away with the Steering Committee, too, that's fine, and make that the Council.

The point essentially is let's devise a way that we can, as Paul said, move forward with applicant support but also make it clear that we don't have to go through all of this again if the Council wants to add another subject.

PHILIPPE FOUQUART: Thank you. Thanks, Jeff.

Tomslin, you're next, and we'll (indiscernible).

Tomslin?

TOMSLIN SAMME-NLAR: Thank you, Philippe.

I just wanted to comment on this issue about the Steering Committee, because I strongly think that the community should be doing this work, not the Council.

I absolutely agree that the Council should have oversight, but the community should be doing the work. And so this -- this membership as listed on the proposal I think is good for us. It says that members will be responsible for participating in the GGP consensus calls. And so that should be the approach while the Council manages or have oversight over the process.

I think that as proposed, it's good where it involves the community.

Thanks.

PHILIPPE FOUQUART: Thanks, Tomslin.

Okay. Seeing no hand, what we'll try and do is -- what I'm hearing is that there's -- there's a willingness to kick start this as soon as possible. That's the flexible tool that we have at our disposal.

There's some sensitivity on the fact that there wouldn't be a Steering Committee. So as a way forward, we would keep this at this point. However, on the remit of this group and appreciating the need to not going into this thorough discussion again, we can -- having two or more sets of priorities for this -- for this GGP, starting with applicant support and leaving the other items for future work, potentially leading to an interaction with Council, if people would agree.

Okay?

Jeff?

JEFF NEUMAN: Yeah, thanks. So are we jumping to next steps? Sorry, this is Jeff Neuman. So as next steps, I think should we prepare a motion for -- because it has to be a motion --

PHILIPPE FOUQUART: Yes.

JEFF NEUMAN: -- and certain thresholds. So I guess that could be presented in the July meeting?

PHILIPPE FOUQUART: Exactly. Yes. I should have -- thank you. This is Philippe here. Thank you, Jeff. I should have repeated this at the very beginning. Indeed, it requires a vote so we'll have the motion. We'll make the changes to the draft GGP text according to the discussion we just had, and then propose the motion at our next call.

Justine, you have your hand up.

JUSTINE CHEW: Yes, thanks, Philippe. This is Justine Chew, for the record.

I just had a question, if you could help clarify my understanding.

I'm a little bit fuzzy about whether it's the Council that's going to do the work or whether it's the Steering Committee, but doesn't matter. We can discuss that at the next meeting. But I just wanted to know that whoever the group that is assigned to do this task, will they be doing the scoping of the work?

Thank you.

PHILIPPE FOUQUART: Thank you, Justine. My apologies if I was being fuzzy. I think the sense of the discussion is that it would be a Steering Committee and not directly Council who would be overseeing this, to your first note.

To the second note, I think there are elements in the SubPro final reports that will be carried forward to that Steering Committee, and eventually the people who would be doing the work, and hopefully and surprisingly those who will be doing the work would have been involved in SubPro in the first place and having the context of those discussions. I say hopefully. I see Jeff nodding.

To your question, there might be some element of scoping. If you read the GGP, there's still some -- the (indiscernible), there's still some latitude there, but we'll make the remit as tight as possible. But as usual, I think that there's some element of scoping by the Steering Committee.

Jeff, to this point?

JEFF NEUMAN: Thanks. This is Jeff Neuman.

So as Philippe said, a lot of the kind of scope is already in the draft that's provided, and mostly because that was what the SubPro group had scoped out.

So the resolution and the final proposal that would be voted on would contain the scope so that the group, when it's constituted, can just start right away with the work and, you know, deliver a work plan and all that. But the scope is pretty much set, is my understanding.

JUSTINE CHEW: So the scope is per what's in the paper right now for applicant support. Right?

JEFF NEUMAN: Yeah, this is Jeff Neuman. That's the plan. So if there's any comments on that, you know, please let us all know.

JUSTINE CHEW: Thank you for that clarification.

PHILIPPE FOUQUART: Thank you, Justine. Thanks, Jeff.

So with this, I think we -- So we'll certainly update as soon as possible to the Council list for -- and the motion, in due time, if you want to vote in July, at the July meeting.

So with this, I think we can move on to -- thank you very much for this discussion -- to the next item. That's the SubPro ODP. Timely. And I'll turn to Jeff, our liaison, for this.

Jeff.

JEFF NEUMAN:

Yeah, thanks. This is Jeff Neuman.

So we talked about a lot of it already, but the part we haven't talked about is that there's -- there's two question sets that have not yet been formally sent back to -- let me reword that. There's question set 3, which has been reviewed. Kurt made some comments. There was a response to those comments. And I just want some kind of direction from the Council, are we good to forward that to the SubPro -- sorry, the ICANN SubPro ODP team? That's been outstanding for several months, and so it just -- so there's been several Council meetings where we've kind of gone over this but I haven't gotten the kind of go ahead to just move it forward.

The more substantive one is question set 4. And I had asked everyone to take a look at these questions because there -- it's very long. There's a lot of questions. And so there's a lot of text for the answers that I had drafted as proposed responses, but I'm only one person and, you know, I want to make sure that others in the community, you know, support what the answers are.

This one's a little bit more complicated than the others, and so some of the comments are -- I drafted some of them pretty late at

night, and so some of them are brutally honest, I guess is a good word.

So what the ODP team did or the ICANN ODP team did in a number of circumstances is they essentially repeated comments that they made to the SubPro draft final report, which was considered by the Sub Pro Working Group. So the Sub Pro Working Group, as it does with all -- or did with all comments, considered them and ultimately came out with their recommendations.

The -- Some of the questions kind of border on, well, we don't like the fact that you didn't accept our answers so we're going to ask you the questions again. That's where my answers got a little snarky in the sense that the ODP team -- the answers I wrote essentially are to the effect that the ODP team should not be relitigating issues that were decided by the Sub Pro Working Group. That it's okay to ask clarifications, but bringing up the same exact comments and the same exact wording to comments that were thoroughly discussed by the working group to me, and I wrote these responses, which is why I really want your feedback, to me did not seem like an appropriate use of the ODP, right? As far as considering risks and other things. And so my answer is some of them are worded like that.

If the Council agrees with that approach, great. If not, then please -- I kind of wrote them in a way that there's they're a little

bit -- they're intended to get your attention and make sure this is the direction you all want to go in.

So please do review them. I think, you know, the original goal was to hopefully provide the responses back by the end of this meeting. It's clear that I don't think that there's been enough review of it. So we certainly have to move that a little bit, but already recognizing that it's been out for over a month.

So I guess I'll just leave it there. I just wanted to point out the importance of and the types of questions we're getting, not just for these responses but also as just part of thinking about ODPs in the future, you know, is this really what we kind of expected as far as clarification questions.

Thanks.

PHILIPPE FOUQUART: Thank you, Jeff. This is -- this is Philippe.

Any comment on this? For those of you who have read question set number 4, and for those who haven't, please give it a look and review both in terms, as -- Jeff said, both in terms of the -- not only the responses that I expected for this particular set but also whether that's the appropriate working method, I would say, for other -- eventually other ODPs.

Any views on question set number 4?

I see John. I'm sorry. I didn't see your hand.

JOHN McELWAIN:

So first -- John McElwaine for the record -- kudos for Jeff having gone through the question sets. I just pulled up one of your older emails. I'm looking at question set number 1 and some of the questions that are being proposed. There's simply no way I could know the answers to them, and it's probably why you got a bit of silence. I haven't looked at the question set for number 4, but I think it would be a good idea for us to discuss if this is going to be occurring every single time, how to address some of the questions. I mean, they're very much -- you'd have to have been a very active participant of the working group to be able to answer the questions with any sense of, you know, normalcy in terms of -- other than just guessing.

So I think it does bear discussing at a higher level what process or delegation can we do to make sure that we provide the right feedback.

Thanks.

PHILIPPE FOUQUART:

Thanks, John.

This is Philippe here. And that was very much the background of the paper and the process, even the informal process that we

used to appoint the liaison. The idea was, indeed, that we'd be very much relying on the liaison to provide elements of answers to those questions.

Now, nonetheless, I can appreciate that from the liaison's perspective. What is expected is the Council's views, if any, for that matter. But, indeed, some of the questions are -- require a thorough understanding of what happened.

Any other views? Jeff, you're probably next. There's an old hand there.

Jeff.

JEFF NEUMAN:

Yeah, thanks. Two things. I wanted to just first -- there's some comments in the chat about potentially having a dedicated call on question 4. I'm open, of course, to that if that's what the Council wants to do. I just wanted to make sure that got, like, mentioned here.

And the other thing, just about what John had said. Yeah, you're right, I think it definitely does need to be someone very familiar, because when you look at the answers, you'll see that I've gone back not just to the final report but also to the initial reports in the sense that when we drafted the initial reports, we did a lot of background and context, and not just the recommendations but a thorough discussion of history. And through some of these

question -- and then when we drafted the final report, it was already a couple hundred pages. We eliminated that part because we didn't want it to be 6-, 700 pages.

So when we got some of the questions, I definitely went back to the initial report to provide some of the context of why the working group went in a certain direction. So I thoroughly agree.

And I think after this, perhaps myself and -- I'm happy to write down my learnings. I'm sure we can probably get Janis, who did the first ODP, if I'm -- the first ODP liaison to give his thoughts. But totally agree. So thanks.

PHILIPPE FOUQUART: Thank you. Thanks, Jeff.

Paul, you're next, and we'll draw a line after your intervention.

Paul.

PAUL McGRADY: Thanks. Paul McGrady here.

First of all, Jeff, thank you. This is a lot of work. And I think the idea of a special call of volunteer people who want to be on that call to help Jeff think through these things and review them makes sense.

It's kind of like what we -- I don't know if we're still doing it or not, but what we used to do with the GAC letters or GAC responses. It was like a small team, ad hoc, and you drafted something, everybody agreed, and then you sent it to Council to look over, and then off it went off, right? Happy to do that.

And Justine and I have been drafting each other in chat to sort of not only be on that call but to be a standing resource and any other councilors who were heavily involved in SubPro to be a standing resource that Jeff can go to so he's not frustrated trying to get answers out of all of us. And we can help him put together something, and the Council could have some confidence that the SubPro nerds take a look at it.

So, Jeff, if that would be helpful, Justine and I I'm sure would be happy to do that as would others, probably, around the table.

PHILIPPE FOUQUART: Thanks, Paul. And that's -- This is Philippe here. That's certainly something that we could consider, even formally moving forward, having very much, as you said, the GAC communicate review; a standing small team, or whatever we call that, of a few people that would easily get together to have a look at the questions and suggested answers so that at least there's some oversight from Council, even indirectly. So that's certainly -- so we have two volunteers. Let's do this.

If others are interested in joining the team, please do. We'll have a look at the answers and go back to the ODP team.

Thank you, Jeff.

Mindful of time and being late with the agenda, what I'd like to do is to take item 8, and we'll defer item 9 to tomorrow for the informal wrap-up so that we keep some time for the open mic, as is customary during face-to-face meetings.

So let's move on to item 8, which is our discussion on the closed generic and the read-out of the closed generics small team paper.

As you would recall, we -- Council responded to the Board's invitation to have a dialogue with our GAC colleagues on closed generics. The small team got together with the mandate that was given by Council for three tasks. The recommendations that the small team would like to put to Council's review are contained in the document that was circulated. I believe it was on Saturday morning our time. And I'll briefly go through the -- those three tasks and try to summarize the conclusions of the small team.

The first one was with the criteria of the facilitator, and the small team would consider that obviously some independence and commitment to driving the group to consensus is important as well as the absence of conflict of interest with regard to the issue. Prior involvement isn't a prerequisite, although may be a nice to

have, but it's not required. And there was also some thought given to using a professional facilitator in this process.

I will just note that, to some extent, it aligns with the initial feedback that our GAC colleagues provided, since the -- their paper was also reviewed by the small team.

On the second task, which was the extension to ALAC, there was, within the small team, no concern as of itself to include ALAC in the dialogue; more only the balance of the number of members between the GAC -- or whether that would affect that balance between the GAC and the GNSO. So we worked on this, and through Justine, our liaison, ALAC currently agreed to appoint one member. And as a matter of fact, as you would have heard on Monday, maybe even the GAC would be happy to leave one of their seats just to make sure it's a small group, which is necessary for this to come up with a way forward.

So that's for the second task. And the third one was on the conditions and parameters of the dialogue. I'll just repeat what I said on Monday, is that it was critical for the small team that whatever dialogue may come up with, it was important that the output of this would then follow the GNSO rules and procedures. And, for example, should this lead to recommendations to be approved by the Board, for example, as they relate to gTLDs, then that would have to fit into the PDP.

There were some comments or adjustments to the framing paper. And I'll just go through a couple of them.

Regarding definitions, the group, as you would see in the paper, the group -- the thing that -- those that are referenced in the SubPro final report and also discussed, to some extent, are a good starting point, but they may not necessarily be proscriptive for the next steps.

As far as the framework and criteria that the end product is concerned, then that should be predictable for the applicants. And the third -- the third note from the small team was also that in terms of size of each set of participants, six to eight people would be a good match. So that would mean a group of 12 to 15, 16 all together.

And finally, the group reiterated the need to, at some point, probably, in this process use external expertise in areas like those that were alluded to in the final report: competition law, policy, public policy, et cetera.

So in a nutshell, this is what you would have found in the report from the small team on Saturday, and that would be the basis for our discussion dialogue with our GAC colleagues.

So what I would like to hear from you now is whether there's any concern with us moving forward; i.e., next steps being we respond both to the Board and to -- and to the GAC providing our initial

input to this, and we start convening those two groups and asking for volunteers, potentially.

Any comment on this?

I see Mark.

MARK DATYSGELD:

Thank you very much. Mark Datysgeld, speaking.

Very brief comment. I would like to extend BC support for ALAC's participation in the team. In particular, during the proceedings of the DNS abuse small team, ALAC had very extensive contributions to make. They were quite helpful for our team to proceed. And Justine Chew has been a very active member who has contributed a lot to our progress.

So just formally stating our support and recommending that the group proceed in this way.

Thank you.

PHILIPPE FOUQUART:

Thank you, Mark.

Manju, you're next.

MANJU CHEN:

Yes, thank you, Philippe.

So -- so I kind of -- I was late to submit my comment to our latest drafts, and I would like to kind of propose what we were proposing to add it to the recommendation.

Another thing first. I think, so the document was circulated on Saturday, and this meeting, ICANN meeting, started on Monday. I don't know if any of -- like, every of us have read through the document and fully digested what was in the recommendations. So I thought it might be a bit of too hurry if we just decide now, oh, we accept this and we're going to just accepted it to the Board or send it to the GAC. Maybe we need more time to read it and decide if we like it.

But aside from that, so what we were proposing to add to the criteria of this future group who is going to talk to the GAC is that we think the members should have no financial connections to this issue. And they should have no intent to represent applicants on closed generics in the future.

So we have proposed that they should have no connection, financial connections to this issue in the past, but as you currently kind of pointed out in our email threads we were thinking, well, past doesn't really matter because we're now dealing with the future. So we're just proposing that they shouldn't have any intent to represent applicants on closed generics in the future.

So we -- we ask this criteria to be added to this future group that is going to talk to the GAC.

Thank you.

PHILIPPE FOUQUART: Thank you.

Justine?

JUSTINE CHEW: Thank you, Philippe. This is Justine Chew, for the record.

Firstly, I'd like to thank all the councilors for expressing their support for ALAC's participation in the dialogue. I do want to point out a couple of things, though. One is we -- the ALAC asked for a member plus an alternate, and the reason why it's a member instead of a liaison, as was proposed earlier, is just to avoid any confusion that the member has to be the liaison to the GNSO Council, the ALAC liaison, which is me. So the ALAC wants to reserve the opportunity to appoint the best person they think for the role of ALAC's rep or the member representing ALAC in the dialogue.

The second thing is while we noted your comment, Philippe, about Manal's gesture in including the ALAC member into the GAC contingent, I think that to be fair to both parties, GNSO and GAC, we shouldn't -- we should consider, and I would ask Council to seriously consider, supporting ALAC as sort of like a third party, really, outside of GNSO contingent and the GAC contingent.

We're only one person so it's not going to affect the balance that much. And I really support the fact that you want to maintain equal balance between GNSO and GAC, and I think that is, you know, fairly achieved by having the ALAC member outside of either of those contingent.

Thank you.

PHILIPPE FOUQUART: Thank you, Justine. And my apology if I misspoke. It wasn't intended to say that the ALAC participation would be under -- under GAC's team or something. It -- But your point is taken. I think it was essentially a side note to say that if people were concerned about the size of that group, then it seemed that, on GAC's side, it may be smaller than ours. I think that's what I was trying to say. But your point is well taken. Thank you.

And as well as the nuance between member and liaison. If the term liaison would assume it would be you, and if you need some latitude for this, likewise, I think that was accommodated in the last version.

We'll come on to Manju's points in a moment, but I would like to go to Paul, who is next in the queue.

PAUL McGRADY: Thanks. Paul McGrady here.

Three things. First, I'm thrilled that and I think we came to the right conclusion that we want to talk to the GAC about this. In this analogy, the Board is the judge, and if you can work things out before you go see a judge, you're almost always better off, right?

So I'm not a big fan of rolling the dice and hoping the Board gets it right. I'd rather talk to the GAC and see if we can reach an agreement. So hurray us.

To -- Along with what Justine had to say, I think we just need to be signaling that the ALAC is an equal partner and friend in this process, and so I'm glad that there is support for that. And I'm very sympathetic to what Justine was saying about not being put on a team, necessarily, but be there speaking with her own voice. And Justine's been just always an incredible resource on this topic anyways, and so I'm hoping that she is the one that ends up there on that day.

And then I just wanted to briefly address Manju's suggestion with regard to excluding voices that have some role in this and sort of the ecosystem. We -- The small team gave this a lot of talk. We had several robust conversations about that idea. Ultimately, it didn't end up in the small team's report.

The bylaws are pretty clear that this is a multistakeholder community, and having a take in the outcomes are -- is an important part of why we're all here. And in fact it's sort of enshrined in the bylaws where it says that we're to ensure that

those entities most affected can assist in the policy development process.

And so I don't think we should be undertaking to rewrite the bylaws or change the nature of our community. I understand where Manju is coming from, but I think that we need to sort of stick with multistakeholderism here. And I'll just leave it there.

Thank you.

PHILIPPE FOUQUART: Thank you. Thank you, Paul.

And on this point, by the way, I should have -- that's something that I missed, that the small team, as Paul said, discussed it quite extensively; it's the fact that the members would be expected to contribute as independent individuals and not as representatives of their respective community organizations, and make sure that they would adhere to the overall goal of trying to find a happy medium on this -- on this topic.

Next is Tomslin.

TOMSLIN SAMME-NLAR: Thanks, Philippe. This is Tomslin for the record. And I just wanted to address what Paul just said there about ensuring that those entities most affected can assist in the policy development process, because I wanted to make it clear that this is not a policy

development work we are doing with the GAC. We are meeting them to determine a framework to bring to policy development work in the GNSO.

So I don't think that commitment that he has read applies in this. This is a group that has been put together to meet with the GAC to develop a framework, not to develop -- make a policy -- coming to a policy development process as such. So this is separate from -- from somewhat Paul read.

So I think the -- If I recall well, the reason why this -- this independence and this no conflict, as defined as no financial interest in the future on closed generic, is brought up is because of the -- this spirit of making sure that the participants have that latitude or independence to participate to be able to work towards a common goal. And I think it's important that participants with an interest or a financial interest are left out so that we have -- we will reach that common goal in this framework we are trying to develop with the GAC.

Thanks.

PHILIPPE FOUQUART: Thank you, Tomslin.

I see, Paul, you have a follow-up.

Paul, you're next.

PAUL McGRADY:

Yeah, sorry about that.

Bad habit, I unmuted on the computer instead.

Yeah, so I put in the full text of the paragraph from the bylaws. You know, the bottom line is -- and I don't mean to speak so direct that I am viewed as uncharitable, but when you exclude voices around the table in a multistakeholder community, it's a way of enhancing other voices that don't -- that aren't excluded, right? That's why we have a multistakeholder process.

There is no such thing as a conflict of stake. You know, this is the point. People come here and they participate, and they have ideas, and we don't want to develop unimplementable solutions to thorny questions by excluding voices around the table. This is why I was a big supporter of ALAC being at the table. This is why I'm a big supporter of NCSG, who has a completely different view on the closed generics topic than the Board does in terms of wanting to maintain a complete ban on them, being at the table because more speech is better. The more we talk, the more views, the better outcomes we'll get.

So I don't want to belabor this. It's just that we have a choice: Is it going to be a multistakeholder process or is it not? And it's kind of stark.

Thank you.

PHILIPPE FOUQUART: Thank you, Paul.

Manju, you're next on this, and then we'll need to wrap up. Manju.

MANJU CHEN: Thank you. I don't know how many times I have to emphasize this. We have never explicitly said -- we have never stated that we want completely ban on closed generics. I don't know why people keep saying that. We are against having this proposed parameters, but we are accepting it as suggested parameters. And we are actually happy with the GAC's -- you know, this advice of closed generics should only be allowed serving public interest goals. I don't know why people keep saying that we're against closed generics or we want completely ban. We have never, never said that. At least in the small group, I have never stated that or in these kind of words.

So that's it. And the other thing is -- So in these recommendations we have clearly say that we want members that are not bound by their stakeholder groups. And I think that's good because we want to reach agreement, and we want people to not be, you know, restrained by what, you know, stakeholder groups they're representing or, you know, following orders. But then how is that fair if we are asking them not to be bound by their stakeholder groups but we're allowing people who are bound by returning

client relationship, which is even more like stricter and more legally binding relationship where they can, you know, simply follow what their clients wants.

So I don't think -- I mean inclusion is one thing, and this kind of (indiscernible) attorney-client relationship, that's going to have the similar effect of people representing their stakeholder group. It's really just -- I don't get how it works. Thanks.

PHILIPPE FOUQUART: Thank you. Thank you, Manju.

So what I'm hearing is that with everything that -- well, potentially except that thing about the conflict of interest, people are happy with the recommendations as they were distributed on Saturday.

I'm hesitant in making a call on that one last element of including the condition of not having -- of committing to not being associated with an application.

My sense is that is essentially -- now, my personal feeling is that it's essentially captured in the language that we have today with the need for participants to -- to contribute as individuals -- as individuals and not represent their respective community organizations.

What I would suggest is that we -- we keep -- and I would just note that the language that you suggested Justine -- i.e., a

commitment -- inasmuch as it's enforceable, a commitment to not being involved in -- with an application is actually something that the GAC put forward in the elements, conditions for the small group.

So what I would suggest is that we keep the recommendations as is. We kick start the discussion. This will come in the discussion anyway as far as the next steps are concerned. But in terms of how we convene the teams, we keep it as is, and we, for the sake of its -- we've had four -- more than four weeks within the small team to discuss this. I think it's good enough for us to move forward and kick start the discussion. And I would like -- I would like to do this. So that's my -- that's my proposal.

Anyone opposed to doing this;? I.e., "doing this" meaning we take the recommendations -- I didn't hear any concerns on this. We take these recommendations and we circulate those for next steps to the Board and the GAC. Anyone opposed?

Mindful of time. It's already 14 minutes past, and I'd like to take five minutes for the open mic at least.

Okay. So we'll do that.

Thank you.

MANJU CHEN: No, sorry. I raised my hand.

PHILIPPE FOUQUART: Oh, I'm sorry. Manju.

MANJU CHEN: Sorry. I wasn't sure I understood you. Are you just going to circulate the recommendation document to the GAC and the Board?

PHILIPPE FOUQUART: Yes, I am.

MANJU CHEN: But obviously we have raised that. We wanted to edit and add this criteria. And we think it needs more time for people to read it, because it was circulated on Saturday, and I don't know if most of us, any -- every one of us have read it. So...

PHILIPPE FOUQUART: The -- I appreciate what you're saying, Manju. Now, on the content of the recommendations and the elements, leaving aside that one last change, we've had four weeks. Those elements were available within the small team for more than two weeks. They were available for more than two weeks within the small team.

I take your point about the last point, the last addition. It wasn't. But given that it was available for that period of time, you can't

say it was circulated on Saturday and we didn't know what was in there. It was available within the small team within the draft longer than this. I guess that's what I'm saying.

And I think we need -- at some point we need to move on. What we are talking about here is essentially a series of meeting -- of meetings with the GAC. I appreciate that maybe for some of us the later the better, but again, those elements have been available for quite a long time within the small team.

Now, that -- To your second point on the inclusion of new criteria, as you could hear there were also some concerns about having some stringent conditions that, moving forward, it would be difficult to enforce, even if the spirit of the independence that you alluded to are somewhat captured in the criteria that are already there, and those that are referred to in my latest intervention.

So I hope --

MANJU CHEN:

Sorry, just very brief. So still if it's not captured in the recommendations it could be reflected in the rationale or something. It's not going to be in the recommendation, but I think it's just an important thing to be noted, you know, in the document, so it doesn't, you know, get lost.

PHILIPPE FOUQUART: Okay.

MANJU CHEN: Because -- yeah, thank you.

PHILIPPE FOUQUART: Okay. So what we'll do -- So again, we will not change the document that was circulated. We capture that in the record of the meeting. But at this point what I heard during this meeting is -- is that there was no support. There was no support for the inclusion of that -- that criteria.

Anything else?

Thomas, would you like to -- yeah.

THOMAS RICKERT: Yes, I'm not sure whether you want to do AOB now or tomorrow?

PHILIPPE FOUQUART: We'll do -- Thank you, Thomas. We'll do the open mic now. We'll take five minutes over, or a bit more than this, for the open mic now. And we'll do the AOB tomorrow, the other AOBs that you might have.

THOMAS RICKERT: Okay.

PHILIPPE FOUQUART: Including in the paper that was originally on the agenda.

THOMAS RICKERT: Yeah, that's great. Then I'll introduce my point tomorrow. Thank you.

PHILIPPE FOUQUART: Thank you.

So with this, and with apologies for being late, it's now open mic. I'd like -- I'm sorry we'll have to stick to our five minutes. But if anyone would like to speak, feel free to.

Emily. I'm sorry, we don't see the chat, but...

Emily?

EMILY BARABAS: Thanks, Philippe. We have George Kirikos on the phone only, and I am raising my hand on his behalf.

PHILIPPE FOUQUART: Thank you. Thank you, Emily.

So, George, you have -- you have the floor. Mindful of time, I would like you -- if you could would keep your intervention as short as possible, or your question, for that matter. We only have

five minutes for -- So if other people would like to speak, they'd be welcome to.

George.

GEORGE KIRIKOS: Can you hear me? George Kirikos from Leap of Faith Financial Services.

Today's vote to accept the IGO final report is an unforgivable betrayal of domain name registrants' rights which will not be forgiven. I've written -- and not forgotten either. I've written extensively on my blog at freespeech.com on this topic, so I would direct people there, but I would like to read into the record some of the comments from the working group members themselves that really show how it's a betrayal of domain name registrants.

So on May 13th, 2022, I blogged about this. This is Jay Chapman speaking. He wrote, he said: So really what the problem is, as I see it, the current proposal as written today, it doesn't provide for due process. It's a forced process. And at best it seems to be somewhat intellectually dishonest, and I think everyone kind of knows it on the call. With the mutual jurisdiction requirement also currently thought to be disposed of, it seems to be a kind of a wink-wink on the registrant being able to find relief or at least a discussion on -- sorry, a decision on the merits, I suppose, by going to court. It's kind of like the group wants to say, well, good

luck with that Mr. and Mrs. Business Registrant. There won't be any jurisdiction in the court and thus no remedy for you. And the ICA, Internet Commerce Association, actually wrote about that in their comments. Such right to judicial review can only entail a substantive review, not merely an opportunity to receive a dismissal.

Paul McGrady also talked about this. He said it was just an early thing I put in the chat that a waiver of the right to go to court, those rights that are being given up could really never fully be captured in an arbitration mechanism. Let me say that again. Never fully be captured in an arbitration mechanism, because the rights in Poland are different than the rights in South Africa or different from in the U.S. or whatever.

So what we would be doing is creating some sort of amalgam of protection for registrants in the arbitration process that we, I guess, think thus blend all the various rights around the world. Then we would be offering that to registrants in lieu of their local protections. Let me repeat that: In lieu of their local protections. As I said before, I think in the chat, the optics of that, they're hard to get your arms around that. We don't want ICANN to be accused of overreach. For that, for what it's worth. Thanks.

And even Chris Disspain, the chair himself, and I pointed this out on the May 18th blog post. So I would argue that we would be significantly challenged on scope, I suspect --

PHILIPPE FOUQUART: I'm sorry, George. I'm sorry, I have to cut in.

This is an open mic. So if you -- if you -- and my apologies. We only have five minutes

GEORGE KIRIKOS: I'm almost finished. I'm almost finished.

PHILIPPE FOUQUART: If you would have a (indiscernible) --

GEORGE KIRIKOS: Like, your (indiscernible) would be less than letting me finish.

PHILIPPE FOUQUART: -- to your question, that would be helpful.

GEORGE KIRIKOS: I will have a question at the end, but I want to put context. You guys spoke for like two hours and didn't let the public speak at all before the vote. I should at least be able to put this on the record.

So I would -- So this is Chris Disspain saying: So I would argue that we would be significantly challenged on scope, I suspect, if we were to make a recommendation that required an IGO --

PHILIPPE FOUQUART: Again, I'm sorry to --

GEORGE KIRIKOS: -- to go to court and to not have a --

PHILIPPE FOUQUART: Let me just -- We can't have that.

GEORGE KIRIKOS: -- substantive hearing on the merit, which of course is what would happen if IGOs were successful?

PHILIPPE FOUQUART: George, are you listening?

GEORGE KIRIKOS: Yeah, I'm listening.

PHILIPPE FOUQUART: I'm sorry, we can't go on like this for more than two minutes. If you have a question, please ask it. But if it's a comment or a statement, share. You have my email and you have the Council's email, so please do.

GEORGE KIRIKOS: Yeah, but what's the point when the vote has already taken place?

PHILIPPE FOUQUART: But it's not going to serve the community here.

GEORGE KIRIKOS: Yes, it does put it on the record. It shines a light on what you guys did today, which is really unforgivable betrayal of domain registrants' rights to judicial review. And I just want to point that out in a short statement, and you guys, you know, spoke for two hours. You know, you had a month. You didn't have a single public call about this topic. And I just want to put it on the record.

And so my last point is even the working group itself acknowledged this prejudicial impact on pages 23 and 24 of the report. Conversely, the EPDP team acknowledged that removing the requirement for IGO complainants could prejudice a registrant's right and ability to have an initial UDRP or URS determination reviewed judicially and that a successful assertion of immunity by an IGO means that the court in question will decline --

PHILIPPE FOUQUART: Again, George, I'm sorry; I have to -- I'll have to (indiscernible) --

GEORGE KIRIKOS: So this was at odds with the scope of the charter.

PHILIPPE FOUQUART: It was even difficult for us to get into the substance of the discussion during this meeting, as you would have noted. I think you're getting into the substance, not the -- what is under the purview of Council anyway. So again, I'm sorry --

GEORGE KIRIKOS: Do you want to --

[Multiple speaking at once]

PHILIPPE FOUQUART: Going to have to move on to the next --

GEORGE KIRIKOS: If I applauded -- If I applauded the report would you have allowed me to make a statement? Only the people who are critical of the report are allowed to speak, I assume.

PHILIPPE FOUQUART: Thank you, George.

Are there any other questions?

Okay. No hand. So, well, then, we'll adjourn the meeting. Thanks, everyone. Hope you're going to have a nice rest of your

stay. Rest of your day. For those taking part remotely, I hope you are here the next time.

Thank you.

NATHALIE PEREGRINE: Thank you.

Thomas, stop the recording.

[END OF TRANSCRIPTION]