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Bruna Santos: Hello everyone. Good afternoon, and I guess we can start recording. Yes?

Good afternoon everyone. Welcome to this very sunny afternoon in Barcelona. This is NCUC Constituency Day for ICANN63 and my name is Bruna Santos for the record. And just on the introduction note, I am the incoming chair of NCUC and I'm going to run you guys through the agenda for a little - for two seconds.

So the plan for today is to work on through some policy updates. So our agenda (unintelligible) consider doing updates from the EPDP, subsequent procedures, RPMs, (unintelligible) HR and we will also invite our NCUC policy committee appointees to give us a little update on the work of the group.

Apart from that we will welcome Shahul, which is NCUC's fellow to do a short presentation to us, and then we will have staff giving us a little explanation about the new CROP allocation rules. So this is our plan for today. If there's like anything else that you guys wish to include in the agenda or any like important thing, please let me know and I guess we can start with the policy updates.

So I will invite - okay, yes. We've had a great suggestion for us to do a round of presentations and if anybody doesn't mind. It's good. Okay? Yes, go ahead, Shahul, please. Yes, just state your name and affiliation.

Shahul Hameed: Shahul Hameed from India. I'm NCUC fellow to ICANN63.

Woman: (Unintelligible) from Brazil. I am representative of civil society in Internet steering committee.

Michael Karanicolas: Michael Karanicolas from Canada. I'm the North America rep on the NCUC EC.

Elsa Saade: Elsa Saade. I'm the incoming GNSO councilor for the NCSG and leaving NCUC as Asia Pacific representative.

Bruna Santos: Bruna Santos and I am the incoming NCUC chair.

Kathy Kleiman: Kathy Kleiman, United States. Together with Milton and others, we're co-founders of the Non-Commercial Users Constituency, and I'm co-chair of the Rights Protection Mechanism Policy Development Process Working Group. So if you have any complaints about, you know, multiyear processes or working group co-chairs, please let me know.

Julf Helsingius: Julf Helsingius, generic European, GNSO liaison to the GAC.

Olga Kyrlyiuk: Olga Kyrlyiuk, NCUC member.

David Cake: David Cake from Electronic Frontiers Australia, incoming NCUC Asia Pacific representative.

Ayden Férdeline: Hi everyone. Ayden Férdeline. I represent the NCSG on the GNSO Council. Thanks.

Joan Kerr: Hi everyone. Joan Kerr from Canada, I should say sunny Canada, NPOC chair.

Raoul Plommer: Raoul Plommer, vice chair for NPOC and member of NCUC.

Ines Hfaiedh: Ines Hfaiedh, African representative in NCUC from (unintelligible).

Louise Marie Hurel: Louise Marie Hurel, the representative for the European region at the Executive Committee at the NCUC. Thanks.

Farell Folly: Farell Folly, NCUC representative at the NCSG Policy Committee.

Milton Mueller: Milton Mueller, Georgia Institute of Technology and Internet governance project and former chair of NCUC.

Farzaneh Badii: Farzaneh Badii, Internet governance project, member of NCUC.

Bruna Santos: Thank you very much everyone. This is Bruna again for the record. I would invite those in the back also to state representation if so. And also there are like three spots still in the table so if you want to join us we have two chairs there and over there.

Emily Barabas: Hey everyone. I'm Emily Barabas. I'm on the ICANN policy support team with ICANN Org and I'm based in Amsterdam. And I'm not planning to talk. I'm just lurking and hanging out and getting familiar with what people are talking about, so that's why I'm in the back, not to be creepy.

Woman: And this is (unintelligible). I'm also ICANN staff, supporting the GNSO. I'm also with Emily and the team behind.

Juan Manuel Rojas: Hi. I'm Juan, NCUC member.

Woman: Hi. (Unintelligible) to learn more about NCUC. (Bening), Africa. Thank you.

Bruna Santos: Thank you very much, everyone. So I guess we can start with the policy updates.

Milton Mueller: We have one more introduction here.

(Shashan): I'm (Shashan) from India (unintelligible).

Bruna Santos: Thank you very much. So moving on to the policy update, I guess I'll give the floor to Michael to do a little explanation on RPMs, okay?

Michael Karanicolas: Leapfrogging right over the EPDP and subsequent procedures. RPMs first. So I'll start at a bit of a basic level and just describe the subgroup and what we've - what the subgroup is tasked with first because we have newcomers in the room, and then I'll go into what the specific debates that we've been having over the past few months to a year and what the issues are going to be going forward.

So the RPMs subgroup stands for Rights Protection Mechanisms. Basically we are assessing and reviewing the various mechanisms that are in place to protect and allow for the assertion of trademark interests with the domain name space. There's four main rights protection mechanisms that the subgroup is looking at. The one that you're probably most familiar with is the UDRP, which is a mechanism that allows the universal dispute resolution policy, which is a mechanism that allows a trademark holder to wrest control of a website that overlaps on their trademark.

So for example if I went out and registered adidas.shoes or, I don't know if .shoes is a thing, but adidas.whatever and Adidas was unhappy with that and they wanted the website, they would file the UDRP to try to say that it's their trademark and it should be theirs.

Related to that is the URS. So you may be more familiar with the UDRP because it's an older system and I think it's more commonly talked about. The URS is a relatively new system. It was only rolled out to new gTLDs, new global top-level domains, not legacy top-level domains, so it does not exist in

.com and .org. It only exists in the new, you know, .cars, .whatever that have been rolled out more recently.

And the idea there is to allow for a fast-track resolution for clear cases of trademark infringement. So the famous one that people like to point to is some guy registered something like 450 different slight misspellings of Ashley Furniture across a whole bunch of a different new top-level domains that were used for various bad purposes. I don't remember what they were used for.

But basically the URS is a faster track to allowing the resolution of clearer claims. It's quicker. There's less of a procedural element to it, and the flipside of that is that there's a higher standard of evidence and rather than getting the domain name - rather than the complainant getting awarded the domain name, at the end of the day all you get is the domain name will be suspended.

So that's the URS. It was basically introduced at the same time as the new global top-level domains were in order to mollify trademark interest complaints that the wider playing field is going to disadvantage them by giving them more space to have to guard against.

The other two are the sunrise registration period and the trademark clearinghouse. The trademark clearinghouse is basically a database of trademarks. If you're a trademark holder you can pay to have your mark included in the trademark clearinghouse and, as a result of that, you will get a notification anytime someone tried to register your mark or something similar to your mark in one of the new gTLDs.

Technically that's only supposed to last for the first I think 90 days of operation. Kathy's nodding, which is a good thing. She will correct me for anything I get wrong here. But in practice, a lot the...

Kathy Kleiman: I should say that's only because I helped write the rules.

Michael Karanicolas: That's correct, yes. But that's - technically it's only supposed to last for 90 days but in practice the - it's been extended in practice longer than that.

And then finally the sunrise registration period, when a new gTLD opens up, there's an initial period that people with registered marks in the TMCH, trademark clearinghouse, can get kind of an inside track on grabbing up domains that they want for an additional fee without - so that it doesn't fall prey to cyber squatters.

So that's basically the landscape of RPMs. Apologies if I'm covering ground that you're all very familiar with but that's the introduction to what we're studying broadly.

So in terms of the NCUC's interest in all of this, I've talked a lot about trademarks and about the enforcement of rights. The flipside of that and the main concern for the NCUC are issues of due process and registrants' rights. So we want to make sure that when these claims go forward, first of all, there's proper respect for freedom of expression and fair use.

So if I register adidas.sucks and Adidas comes forward and says, "Well that's our mark, you're infringing on our brand," there's a clear fair use there where I can say, "I'm not trying to sell counterfeit Adidas. I'm trying to send a message that I hate your brand and that's a perfectly legitimate thing to do even if you have the trademark adidas.sucks."

And so, you know, that's an example of where due process and freedom of expression come into play. Privacy comes into play with regard to registrants' information. So all of this is wrapped up in the Whois to a certain degree and we've spent some time talking about the impact of Whois.

And in addition to issues of due process, there's also a transparency question, which is core to what we're looking at, particularly the fact that the marks which are protected in the TMCH are not transparent so there's no - we don't know what's been listed in the TMCH. There's no information about that, which is a huge problem. ECF and a lot of different NGOs have been very active in complaining about this, so far to no avail, but that's another major issue that we've been looking at and that comes up from a non-commercial perspective.

So those are the major issues. In terms of what specifically we've been doing and where we are now, at the moment we're just wrapping up our -- wrapping up, is that fair for the work on the URS -- we're wrapping up our work on the URS. Over the past year or so we split up into different sub-teams within the working group to assess different aspects of the URS ecosystem, so looking at the providers, the practitioners, the people that kind of oversee the URS complaints, as well as looking for different data sources.

One of the interesting things that we discovered, there's a huge default rate among URS, so the vast, vast, vast majority of URS cases that are filed are not defended. There are some who say that the reason why they're not defended because they're all obvious cyber squatters and so the people aren't bothering to defend their cases. There is some truth to that.

I mentioned the guy who registered 450 slight misspellings of Ashley Furniture. You know, him not defending it is not that surprising because he is a cyber squatter. But the default rates are also, at least in part, one of the potential aspects of that is because there's been some problems that we've discovered in how notice is delivered. It's a very short timeframe for a response so people might not be knowing that their sites are subject to a URS complaint.

Oftentimes complaints aren't being sent out in the language of registration, which they're supposed to be and that's another problem. So there's issues

around notice as well that we've been looking at connected to these high default rates. And as a result of this kind of more basic assessment of what's been going on, there's been some practical functional recommendations that the subgroups have agreed on and that are going to be put out for public comment when the report goes out and that are mostly basic common sense fixes that should be likely to attract consensus.

More recently there's also been an opportunity for the participants in the group to put out their own proposals, which will be introduced for public comment as well in the initial report. There's I think about 30 of them that have been put out. About half of those to two-thirds of those I think come from the IPC. A lot of them are horrifying, as you might expect, things like shifting the URS so that once - so that it creates a loser pay system which would jack up the cost of registration for websites because you might - you would potentially have to pay into system in case you were ever subject to a URS.

There's been proposals to remove the appeals process, or not remove but to dramatically reduce the potential for an appeals process, which is problematic because of the short timeframes for the URS. There's been proposals to blacklist users that are subject to successful URS cases so that they can't register future domains.

And so that's where we stand at the moment. There's been a lot of proposals from the IPC that are probably going to be - face substantial opposition from non-commercial constituents. We've been opposing it the subgroups. I'm sure that when the time for comment comes in, we will express opposition to those well.

And beyond that, there's been several proposals as well, mostly from George Kirikos, that are designed in order to -- George Kirikos of (unintelligible) -- who - which are designed to beef up registrants' rights. And for the most part, the non-commercial voices have been speaking in favor of those, things like

clarifying certain language to protect due process rights, which I don't want to go too far into the weeds because I think I'm running out of time.

But anyway, the point is that these proposals have been discussed. They will go for public comment later. There's some that are good for non-commercial interests, there's some that are bad for non-commercial interests and so stay tuned because we will need your engagement on this going forward. And if anybody is interested in this issue, is interested in freedom of expression, privacy, transparency, due process in the domain name space, please come join us. We definitely need more bodies out on the non-commercial side. Thanks.

Bruna Santos: Thank you very much, Michael. This is Brunna again for the record. Is there anyone who wish to ask a question on this, any comments? Okay.

Kathy Kleiman: Kathy Kleiman. So I'll make a quick comment or two. One is for all the researchers in the room, and I know there are researchers, one thing that we did when we were reviewing the uniform rapid suspension, the ultra-fast takedown in new top-level domains, was Harvard Law School looked at every uniform rapid suspension between the start and the end of 2017 and so there's a huge amount of data on about 800 cases and, since they can involve more than one domain name, about, I don't know, I forget, (Ariel) would know, 1,200 to 1,700 domain names.

So that data we think is public. We can double check. But it's out there if you're doing any research on this. The other is if you ever hear about someone who has received a notice of UDRP or URS, please tell them there seems to be a myth out there, and this is my personal opinion, there seems to be a myth out there that you need a lawyer to respond.

And when we drafted these things 20 years ago and also six years ago, depending on which one, we really tried to make it so that a person could respond and say, "Hey, it's my last name." Even though it's your trademark,

it's my last name or it's the town I live in, or it's descriptive of what I'm doing. So please tell them to respond or to contact someone at NCUC who could help them respond because we're seeing a lot of defaults, a lot of people not responding, a lot of trademarks being lost, either suspended or transferred or canceled. And, you know, if someone has a good response, they should give it.

There will be a session. Dot-CL is going to talk about how they're actually - and Chile, (Nick) Chile is going to talk about how they're actually working with registrants to help them defend themselves legitimately, not cyber squatters but legitimate defenses in UDRP actions in Chile, and that's going to be tomorrow.

But Michael's right. Every stakeholder group should have lots of people in this big PDP and so if you want to join, please come.

Bruna Santos: Thank you very much, Kathy. So if there's any questions, I'm going to give the floor to Robin Gross to do a presentation on the new Subsequent Procedures Working Group.

Robin Gross: Hello. My name is Robin Gross and I'm one of the work track leaders in the New gTLD Subsequent Procedures Working Group. What that working group is is a PDP that's been looking at the rules from the 2012 new gTLD process, looking at the rules for handling applications and the process for dealing with applications for new top-level domains, and trying to assess what worked last time, what didn't work last time, where do we need changes in those rules, perhaps there are some gaps that need filling, maybe some of the things we did last time turned out to be totally wrong so this is an opportunity to sort of fix that before we have another round of applications for new top-level domains.

So basically this working group has been divided up into five different work tracks and they all deal with different issues: legal rights objections, the

regulatory issues, the overarching and foundational issues, issues such as applicant support for applying for top-level domains. Work Tracks 1 through 4, dealing with the issues I just discussed, have come up with an initial report that came out about three months ago and was open for public comment, and NCSG filed a public comment on that. And so the next step there is for the working group to now assess the public comments.

And so it's been now divided up into three groups, Group A, B, and C, to go through the different public comments that have been submitted and analyze those and try to come back to the larger working group with some form of consensus about what people are thinking for going forward.

And then there's Work Track 5, which started a little bit later than the other work tracks, and Work Track 5 deals with geographic names. These are basically words that have geographic meaning and governments do not want people to be able to apply for those words without getting permission from them.

So there's a huge free speech issue here because of course we all have the freedom of expression rights to refer to geographic terms and discuss them and this particular initiative by the government is really sort of a censorship initiative because it wants to control the people's use of these kinds of words in the top level.

So that particular work track is still going on right now and we expect the first initial report for that to come out I want to say on November 19 and that'll go out for public comment on November 19. And then these five work tracks will sort of merge together in the spring and we'll have the final report for the entire package.

All of the five work tracks should come out next spring, next fall-ish. So we're expecting that the entire working group to wrap up I want to say the end of the second quarter of 2019 or the third quarter of 2019, and then that working

group will deliver a final report to the GNSO Council where it'll get approved and then sent up to the ICANN board for approval.

So that's sort a real high level analysis of what some of these issues are in the New gTLDs Subsequent Procedures Working Group. And this is also another opportunity for people to get engaged and to work on these issues. So with respect to the first four work tracks, right now you can join and help with the analysis of the public comment. This is going to be going on till the springtime basically.

Again, if you're interested in Work Track 5, you can just jump right into that one right now and that initial report will come out in November. So that's sort of where we are on those issues. If anyone has any questions, I'm more than happy to talk about the issues. I'll work with you to get engaged in the working group. So I'll just leave it at that and if anyone has any questions, please let me know. Thanks.

Bruna Santos: Thank you very much, Robin. Does anybody have any questions? Go ahead, Kathy.

Kathy Kleiman: Kathy Kleiman. Sorry, I seem to be the official follow-upper. So I just wanted to say subsequent procedures, Robin's amazing work on Work Track 5, subsequent procedures is enormous. These are the rules of the game for the new gTLDs, for the next round and maybe for future - many, many future rounds to come.

There's a lot riding on this, how we'll be offering new gTLDs to, you know, Western Europe and the United States, which dominated the last round, or whether they'll be able to go to the global south and I mean just a lot procedural, you know, what procedures which could also be procedural hurdles. Anyway, this is a long way of saying if you want to get involved in a PDP, this one needs people.

Robin, I don't know how you feel but I noticed that there weren't too many NCSGers in the Subsequent Procedures meeting. I was there, you were there, but, you know, as we go through the comments and we just - we need people. So if you're looking for a place to go, we can help you come up to speed on this. But this is really one we need NCSGers.

Bruna Santos: Did you want to comment on that? Bruna again for the record. I was just going to say that the working group is also starting to work - starting to build out some high level summaries of the - what they have been doing so far. So this might be an interesting moment to gather up like the story of the whole discussion and like check where the discussion led so far. Do you - Elsa?

Elsa Saade: Elsa for the record. I just want to say that it's worthwhile to check NCSG and - the NCSG comment that Bruna and I kind of were the penholders of and Robin and Kathy and so many people, even Farzaneh, just went in and just - Ayden even added so much stuff in there. But seriously, because the initial report is like 300 pages long but if you want a concise, more relevant issues to us, maybe you could check the comment that was out there. There are 70 comments out there but the NCSG one is the one that you would probably want to focus on.

And eventually there will be a public comment which we will have to comment on. So if you feel like you are interested in the topic, I guess just let Bruna know and we can manage the rest. Robin and Kathy and Ayden and Farzaneh have been super helpful with public comments, and the PC too, the public - the Policy Committee. So don't be afraid to just jump in on the issue.

Milton Mueller: So what is the projected timeline for them finishing? Isn't this some - like you're supposed to do this until you can have new top-level domains again, right?

Robin Gross: So the expectation is this report would come out either at the end of the second quarter 2019 or the beginning of the third quarter 2019. So we've got

some work to do. There's not a lot of - there are many issues that are still quite contentious and there hasn't been consensus reached, and so there's a lot more work to do in the working group.

Milton Mueller: What are the key points of disagreement?

Robin Gross: Work Track 5 is one of the big issues, and again this is the one...

Milton Mueller: That's the reservation of geographic names?

Robin Gross: ...of geographic names. That's right. Yes.

Milton Mueller: So do we actually within the NCSG agree on these geographic name issues? It might be useful to discuss that for a while. I just wondered if other people, you know, what is the position that you're advancing and what is the position we'd like to see adopted by this group on geographic names?

Robin Gross: Well the position that I've been advancing is that one shouldn't need permission from governments in order to use these words in the - at the top level. However, there hasn't been much agreement with that outside of the NCSG. Governments are very active in this working group and At Large is very much in favor of restricting these words, and folks in the ccNSO are.

Surprisingly, some of the only support that we've been getting on the freedom of expression issue comes from the Intellectual Property Rights constituency and Paul McGrady in particular has also been advancing some of the freedom of expression issues.

The governments want more. They want more than what they have with the existing policy, which only applies to like country names and capital cities where one must get permission to use those words. And the governments want to have a whole laundry list of words that could be added to that. I don't think there's going to be consensus. I think realistically the best we can hope

for is to probably end up with the policy that we've got now and not expand that list.

I think that's realistic. It's not the position that I've been advancing. I've been saying we need to shorten that, narrow those restriction, and the governments are saying we need to expand those restrictions. And I think where we'll probably end up is where we are right now.

Milton Mueller: Where are we right now, just to be - sorry to not know that?

Robin Gross: So with respect to country names and capital city names, one must go get the permission of the governments.

Woman: (Unintelligible) Robin, so just in case I would be really happy to cooperate on the Work Track 5 and on this new subgroup for reviewing the public comments.

Bruna Santos: Great. Thank you. Are there any other questions about this? Okay. Moving on then. I'm going to give the floor to Ayden to do a little explanation on the EPDP. And can you start by explaining what is the EPDP? Thank you, Ayden.

Ayden Férdeline: It would be my pleasure. Hi everyone. My name is Ayden Férdeline and I'm one of six NCSG members on the EPDP, and we have others in this room: Milton, Farzaneh, Julf, and we have our alternate, David. So I don't want to monopolize the discussion here and if anyone else would like to jump in at any time, please go ahead.

So let's rewind a little bit. You might remember that back in May just one week before the enforcement of the European Union's General Data Protection Regulation began, ICANN introduced this brand new Whois policy that applied to all generic top-level domain registries and registrars, and that was called the temporary specification for gTLD registration data.

And this was the first time in ICANN's history that it had invoked in a top-down fashion it had used the contractual clauses that allow it to create policy in a top-down manner rather than using the usual community processes. So there was an acknowledgement at the time that this was an emergency Band-Aid and that the community would need to review the temporary specification to determine whether it should later be adopted as is as a community policy or whether it would require modification.

And so that is what the EPDP team has been doing. So the temporary specification itself has to be renewed by the ICANN board every three months and ultimately expires in a year. So the community has something of a time crunch to review the policy and within the policy it describes what data and data elements may be published in the public Whois, output and what data and what data elements must be redacted.

And while the GDPR itself is only designed to protect the privacy of natural persons rather than legal persons and there are also some questions around jurisdiction, the ICANN policy operates under the assumption that all registrants will be treated the same and that it would apply globally, and that is something that we very much support.

So over the past two months, a working group called the EPDP has been meeting twice a week, sometimes more, sometimes - we now have some subgroups as well so some people are meeting more than two meetings a week, to deliberate and to answer the 52 questions that are in our charter. We had a face-to-face meeting in September and that was in Los Angeles.

And during those three days we focused on answering a few of the specific charter questions that related to the lawful purposes for processing data and also those related to how you can disclose data to third parties. And that has been a common link that most of our meetings in some way focus on the

question of access, which is a very important consideration for some stakeholder groups.

So in order to do this we have now brought in an external facilitator and we also have been using some worksheets that an NCSG member, Farzaneh Badii, created along with Thomas Rickert. And these worksheets sort of capture the data elements and the data sets that are collected, the legal bases for - the potential legal bases for processing data under the GDPR. And we've been going through these in a rather iterative fashion to understand what the purposes are.

And these worksheets have been a really valuable and useful output for the EPDP to show others that we've been making some progress and have also been, or are likely to be, a very important input for our initial report, which is scheduled to come out on November 5.

There have been some questions around whether that deadline is feasible but for now we are operating under the assumption that an initial report is coming out in just a few weeks' time, so you'll soon be able to read it. I am just as curious as to everyone else in this room as to what it might contain but we will soon find out.

And so that is just at a high level where we're at. If there are any specific questions, I'm happy to answer them. If you want me to go into more detail as to what we're actually discussing, happy to, but otherwise I think I've taken up a few minutes already. Thanks.

Bruna Santos: Thank you very much. Does anybody have any questions on this or comments to make? Milton?

Milton Mueller: Well, just to add, as another member of the EPDP team, typically when these policy working groups get close to doing something that a particularly strong stakeholder group doesn't like, there is a lot of thrashing about and political

negotiations and behind-the-scenes deals going on that you have to watch out for. So in this case, there's two things that we need to alert you to -- maybe it's only one thing.

But the chair, CEO of ICANN has for some time been promoting a unified access model and we have, from the beginning, viewed this as a illegitimate parallel process that the CEO is initiating to sort of assuage people who want to somehow restore the broad access to Whois data that existing before the GDPR.

Now of course everyone involved in that effort will claim that their goal is to make this uniform access model compliant with GDPR but there are key issues in the design of this unified access model that have to do with how broad queries are once you gain access to this data. So the more serious issue is that we're not even supposed to be talking about access yet until we finish the reform of the temporary specification so we actually know Whois's data is displayed publicly and what isn't.

And that would be very easy to solve if the pro-access groups would, you know, just not link access issues to everything we talk about. So the problem with this parallel process is that the discussions in the EPDP it's very refreshing and wonderful that they are very legally driven. They are all about how do we comply with GDPR, what do we have to do to make Whois conform to GDPR.

And if you have another process going on where, you know, we've got six people in EPDP, we can't probably cover that. Most of our expertise is focused on the EPDP. Then you create another process out here where we're suddenly talking about access mechanisms and access methods. It's very difficult to make sure that that is as focused on compliance as the other group, and it's difficult for us to cover it. So just be aware of that problem that's kind of facing us as we try to bring the EPDP home on time.

Kathy Kleiman: Kathy. And the question for Ayden and Milton and Farzi and Julf and I'm forgetting somebody, I apologize, and - is what can we do to help? You guys are on the front lines. You're spending 30-plus hours a week on this for which you have our immense gratitude and the gratitude of the world that will be using this to come. What can we do to help?

Milton Mueller: Well I would say that if you know people in other stakeholder groups that might not be as conversant with the issues, particularly, you know, governments for example. We have been shocked at the degree to which, you know, GDPR is a law passed by governments and the GAC justifies its existence by saying we need them to make sure that, you know, ICANN doesn't interfere with their public policymaking mechanisms.

So the governments passed a law that was supportive of privacy and the GAC is one of the main forces in ICANN that is complaining about this law. So if you can talk to your own government representative and say, look, this is a privacy law. It's an example of ICANN trying to conform to good laws. What's the problem here? Why isn't GAC upholding this? That would be I think very helpful.

Another thing I think that you could do is when we get to the point where we're doing a public comment, we would like help mobilizing privacy advocates within the countries or various, you know, transnational advocacy groups would be very helpful to have them making a public comment and being aware of the deadlines of this particular process.

Julf Helsingius: Just to follow up on that. This morning the GAC very clearly expressed that they are totally behind the GDPR and think it's a great idea, they just want Whois back.

Milton Mueller: Was it you who said they hate sugar but they really love lollypops?

Bruna Santos: We have a question from remote participation. So (Sheila) is asking, "What is the plan to deal with other countries which will come up with their own data protection laws in the future?" Anybody up for this answer?

Ayden Férdeline: This is Ayden. I don't think ICANN has a plan at the moment and I think it is almost inevitably going to put itself in a situation where it has to deal with something like this again. So the EPDP is just looking at a very narrow area. We're advocating for data minimization and the principles that we're advocating for are consistent with the data protection laws in most countries as it is.

And so we have a - the proposals that we've been putting forward I think would prevent ICANN from finding itself in this situation in the foreseeable future. But I think it's inevitable that there are going to be a situation where there is some kind of, you know, conflict with national laws again.

Milton Mueller: Yes. I would say that have you ever heard of the California effect? This is where, you know, the pollution standards in California are very stringent and so all the car manufacturers just starting building to the California standards. And hopefully this is what happens globally. So if ICANN simply conforms to the strictest privacy standards, they should be in compliance with everywhere and they can maintain their status as a global entity.

There's some risk. We were really worried about the United States for a while, that the US was going to pass a law kind of requiring ICANN to go back to the old Whois in US jurisdictions, and since ICANN is in US jurisdiction, that would be very interesting. I don't think that's going to go anywhere. I think even the Trump administration realizes that would be extremely precipitous.

But there are other - like California is passing a law that's similar to the GDPR so it could be a patchwork quilt of jurisdiction. But again, if we adhere to the strictest standards, assuming that they're reasonable, we will be fine.

Bruna Santos: We have Kathy and then (Richard).

Kathy Kleiman: Just - Kathy. Just following up on what Milton said, the EU passed its data protection directive initially in 1995 and the rest of the world kind of slowly followed, so it was 2015 when the balance shifted. There are now more countries in the world with comprehensive data protection laws largely modeled on the EU model than without. So, you know, that's definitely the direction the pendulum is shifting, so Milton and Julf are right. If we go in that direction, that's where the laws go.

(Richard Hill): Hi. (Richard Hill) here. Yes, I just wanted to reinforce what was said and a word of caution. In terms of conforming to the best standards, the other thing you want to look at, Ayden and David, is the convention 108 plus, which has just come out. I don't think there's anything different from what you're doing, but you can say, oh, let's also make sure we comply with that because that might become something that many countries will look to when they're adopting privacy.

Now the word of caution. I think everybody, or if you've not then you should hear about the USMCA, that's the replacement for NAFTA, US-Mexico-Canada free trade agreement. In the Intellectual Property chapter it actually says something about ccTLDs having published some data. And the - that provisions that regard the Internet -- there's a lot of them, there's also a whole electronic commerce digital trade chapter -- those are coming from the US industry. So that's kind of coming from the anti-privacy camp, as far as I can tell.

So. And it's pretty clear that the USMCA is going to be used a template for proposals to the WTO but also in other free trade agreements and in the future version of TPP, which Trump is probably going to try to reactivate. So I'd say you want to also look at that as a potential threat vector where they're going to come in and use trade negotiations to override privacy provisions.

The privacy provision in the USMCA is very interesting because it kind of looks good but it's all in the fine print. There's a little footnote in there which can be interpreted in various ways. I'm a bit paranoid, as some people know. I'm interpreting that footnote as basically saying, well, the way US does things is fine and we get to have, in European terms, adequacy agreements with our current setup, which basically destroys the whole GDPR.

So I would be very careful. That to me looks like a Trojan horse. And again, this is all done in WTO or trade negotiations which are completely secretive. You know, some of you think the IT was bad. Well you ain't seen nothing until you've tried to do WTO stuff.

Milton Mueller: So Mr. (Hill) and I have a long-standing disagreement on trade issues and I think the USMCA in terms of its provisions on data localization is a good thing and does not in any way affect privacy, certainly not GDPR compliance of Whois. There's no connection between those two things because the data localization things are about attempts by government to force people to keep information in their territory, usually so that they can do a better job of getting access to it than their users.

But there's - you know, whatever you think of the data localization provisions of USMCA, there's no connection to the Whois issue because Whois data is almost by definition not territorialized. It might be interesting to think about the effect of a data localization agreement on Whois on a centralized uniform access model.

That might be something where we would have to really think what our position was, but really as of now there's no connection between those issues. So there's no way that any trade agreement associated with data localization could be used to interfere what we're doing with Whois and GDPR compliance.

Bruna Santos: Thank you very much. As much as I would love to stay here for the whole afternoon talking about Whois and GDPR, I guess we can move on into the agenda because we're a little behind schedule. So I'll welcome Collin Kurre to the discussion on a presentation about the CCWP for Human Rights. Thanks, Collin.

Collin Kurre: Thanks. Sorry I was a little bit late, you guys. Hi. So I am the chair of, as Brunna mentioned, the Cross-Community Working Party of ICANN and Human Rights. In the past the things that we have worked on related very closely to the cross-community working group on enhancing ICANN's accountability.

Under that bracket, there was another human rights subgroup which kind of sucked a lot of the energy out of the CCWP during the time that it was active because it had a very similar mandate, but unlike the CCWP, unlike the working party, it had a concrete deliverable that it had to meet and a specified timeline which was producing this framework of interpretation for the human rights core value, which is an addition that came in 2016 to ICANN's bylaw that ICANN has the core value to respect internationally recognized human rights as required by applicable law. And then there's quite a lot of other text that follows that about how it does not create additional obligations beyond ICANN's mission, et cetera.

So we're still actually waiting on this core value to come into effect because it won't happen until the Work Stream 2 recommendations are approved. But in the meantime, the working party has kind of had a resurgence in projects as we've completed work on the framework of interpretation. So what are we working on?

We actually held our session yesterday so a couple of you all were there, so pardon the repeat. But the presentations that we had were about a diversity analysis of people were actively engaging in an ICANN community via the mailing lists. That was presented by (Akri Tepopana) from CIS India, who I do not think here. But the results were quite interesting.

Off the top of my head, I remember that most of the participants in this particular mailing list were male and from the Internet industry. So it's interesting to have those kinds of statistics and to monitor them over time so that we can see if the kind of diversity initiatives coming out of Work Stream 2 for example are being successful in getting more and more diverse population to engage in - to actively engage in ICANN processes.

Another thing that we're working on is human rights impact assessments. So this has been kind of a bit of a buzzword here. We got a mention from Göran in the - in his opening remarks about ICANN Org's human rights impact assessment that they are carrying out. So here it's important to distinguish between company human rights impact assessments and the new and exciting thing that we're trying to do in the working party.

So whereas company impact assessments are generally looking at, for example, employment, procurement, provision, things that are localized within corporate practices, and ICANN's human rights impact assessment specifically if looking at like staff, event organization, security ops and something else that I can't remember. There's a fourth category. But it mainly just pertains to their role in employing people, running offices and running events.

So the only - they've defined their rights holders as ICANN employees and meeting participants. So as you can see, that has no - the policy is developed by ICANN and the potential impacts that they have via the DNS on end users or registrants around the world definitely doesn't fall within scope of that human rights impact assessment. Nevertheless, I think that it's a positive thing that we're talking about it and I think that this is something that potentially we will be able to bridge on.

(Unintelligible) the Public Responsibility Office indicated yesterday that they would be continuing to carry out such impact assessments with the potential expansion in the future. We won't hold our breath but there we go.

So what are we doing within the community? What we have been trying to do is develop an entirely new model for human rights impact assessments, which is a multi-stakeholder human rights impact assessment. And there are several exciting things in this regard.

So to give you just a bit more background, HRIAs, impact assessments, are - they're useful because they're a systematic way to investigate, measure and demonstrate actual and potential human rights impacts. They have been used by companies and civil society members alike, and they're becoming increasingly popular because they oftentimes encompass different regulatory aspects, such as data protection, privacy, freedom of expression, et cetera.

However, there is - there are pros and cons to company-led and community-led impact assessments. So for example, one of the biggest cons of the company-led impact assessment is perceived bias or the perception that it is kind of a PR stunt, something like that. Whereas community-led human impact assessments suffer from information asymmetry and they may not be able to have insight into the critical processes that go into decision-making.

So what we're trying to do to overcome that is to develop, yes, this multi-stakeholder HRIA that would be premised on meaningful inclusion from all stakeholders throughout the process. Another exciting thing about these multi-stakeholder human rights impact assessments is that in general the term communities would refer to people who are geographically located in an area. So when you're doing an impact assessment of a textile company for example, you'd look at where the factory is and you'd define the community as being within a 20-mile radius, something like this.

Well we're looking at the DNS, we expand the community. The community is encompassing not, you know, registrants and Internet users around the world but it's also crossing stakeholder groups. So affected communities may - will include not only non-commercial stakeholders but governments, industry, so this is - and by kind of bridging - widening the definition of stakeholders and also widening the definition of rights holders and trying to engineer this meaningful inclusion throughout the process, we hope to make an impact assessment that is better informed, more reliable, and ultimately more able to pinpoint what will be both the negative and the positive impact of a policy.

So this all sounds very good. What does it look like? What does it look like when the rubber meets the road? We're not exactly sure yet. The thing - the best proposal - well, one of the only proposals that we've had so far has been doing it in some sort of questionnaire because you have to - you do have to take into account the environment in which we're operating. You know, the PDPs are under a lot of stress and there's not a whole lot of appetite for adding additional, you know, steps that would be perceived as bureaucracy to these processes.

So what we need is something that at the same time thorough, at the same time consistent but also rather, you know, not too time consumptive. So the model that was put forth was - looks a bit like a questionnaire. It's based on mapping exercises that the working party has carried out in previous years to identify the salient human rights impacted by ICANN. And I would be happy to post the link to that to this proposal in the chat.

So another idea that came up just yesterday was an idea of somehow these impact assessments feeding into codes of conduct or something that would be established within the ICANN community moving forward. So keep in mind that impact assessments are in no way the only method or the only mechanism to uphold this human rights core value.

It's something that's been put on the table but, as we're still waiting for this core value to come into effect, it's been a bit difficult to test out these ideas because people want to wait and see that it's going to be approved, that it's going to exist in the current form before they make moves towards implementation.

However, as that is coming imminently, I think that now is a great time for us as a community to be exploring different options and maybe testing them out, doing some shadow assessments or trying to think more broadly about what this will look like during the implementation phases. So that's kind of an overview of the work that's going on and where it sits. Thanks.

Bruna Santos: This is Brunna again for the record. Thank you very much, Collin. I saw your hand and I was just going to ask you to mention afterwards the IGF session (unintelligible).

Man: And I raise down.

Collin Kurre: Great. Yes. So we are going to be having a workshop at the global IGF in Paris that is called a Multi-Stakeholder Approach to Human Rights Impact Assessments, Lessons from ICANN. So we will be joined not only from a few folks from the DNS, actually in my other job with Article 19 we have carried out a - an impact assessment with Blacknight in Ireland. So we got a lot of really great feedback, a lot of, you know, modifications to our methodology there.

That's a like a way expanded methodology that absolutely would fit within the ICANN context. But we have some good learnings coming out of that process that will hopefully feed back in. We'll also be joined by a representative from the Danish Institute of Human Rights, which is one of the most well know impact assessment practitioners in the world. They've got 80 people just working on them for the likes of Coca-Cola, (unintelligible) a big pharma, things like this, mining companies.

So they're interested in us because they want to know how - what does it look like to do an impact assessment on infrastructure providers, how can, you know, it's in their interest to be able to expand their business model and not be focusing exclusively on mining companies. So there's a lot of - and this is a great opportunity to make a tool that will be useful beyond ICANN. This is a unique opportunity I think to where we can make something that can be applied globally.

Yes, Milton?

Milton Mueller: Yes. So you probably can predict what I'm going to say and that is we care about the human rights impact of ICANN policies. We're not concerned, at least most of us I don't think are concerned, about the human rights impact assessment at ICANN the organization. I mean what is the human rights problem with ICANN Org? So there's a very important distinction here. Are you talking about implementing the human rights impact assessment for policies? I think that would be a great idea. The other I think would be, you know, a complete diversion of our time and energy.

Collin Kurre: Yes actually. I'm exclusively talking about the policy. I actually have nothing to do with ICANN Org human rights impact assessment, and I see its value insofar as it has - it is trying to normalize this concept of human rights and impact and assessment. So that's the primary value I see. I think that at the end it's not going to give us any results that are either unexpected or particularly helpful other than releasing the methodology, which I hope will assist us in our quest in devising a similar methodology for the ICANN community which produces policy.

Milton Mueller: But most of these methods are based on organizational assessments, right? So how do we get from that to a policy assessment?

Collin Kurre: Do you have any ideas?

Milton Mueller: Well, yes. I mean you could do what the Council of Europe kind of did with the top-level domains issue. They issued a small report saying, you know, let's look at this particular TLD -- you remember this, Robin, the TLD restrictions and the Council of Europe report about how they did or did not restrict freedom of expression and how the Whois - essentially we're doing a privacy impact assessment on the Whois right now, right?

But I'm just very concerned about getting these two things confused because I think it will be very easy for ICANN to say we've done a human rights impact assessment of our organization and we discovered that, yes, ICANN doesn't employ slave labor and it's not, you know, its board members may be wearing diamonds but they're not mined from unethical mines and then everybody will go yay, and your focus on human rights will be completely diverted from the fact that, you know, maybe their sub pro group is, you know, throwing away rights to use names right and left that the uniform access model is undermining privacy. So I'm just very concerned about that.

Collin Kurre: I think that those concerns are really valid but I also think that there has been a lot of hard work that's gone into simply introducing human rights into the conversation over the past four years and longer. So I do think that we should pocket the victory of having human rights mentioned in, you know, in a high level speech or in the organizational budget. So that's, you know, a baby step.

And then all of these things that you're talking about, I do think that one of the underlying problems here is a misconception about what ICANN Org and the community do. So if people are that confused about an HRIA related to ICANN Org or the community, then I think that that's education that we should be doing apart from the efforts that are underway. Like that would just be - it would be cleared up very easily if they come out and say, "ICANN has no human rights problems." We'd be able to say, "Well, you don't have slave labor; however, these policies have clear impacts."

And that's exactly the kind of work that the working party does. It's a bit like a think tank or a forum where people can come and do this kind of research. Oh and by the way, Milton, I've pasted the link to the model in the Adobe Connect if you're there.

Bruna Santos: Yes Claudio. I'm going to take your last question.

Claudio Lucena: Claudio for the record. I do acknowledge Milton's concern also on diverting the time and energy and precious efforts in things that are - could - might not be connected to exactly to the policy development process, which is our focus here.

But I also do think that thinking a little bit deeper about these human rights impact assessments mainly in a scenario where privacy impact assessments were not legally binding a couple of years ago and they are now, are taking us somewhere and we shouldn't take for granted this time to investigate a little bit deeper this thing that is definitely going to become a standard in a couple of years.

So we the opportunity -- and I wrote about this I think in one our discussions - - we have the opportunity to drive, to mold, to design a tool that is going to be a binding tool in definitely a couple of, I don't know exactly when and I don't want to make a prediction about that, but we see that this is an instrument that is going to be valid in the coming years.

Michael Karanicolas: Time me. Less than a minute. Yes I also think that it's worth bearing in mind that there is a two-track process essentially so, you know, there's an ongoing HRIA in like an organization but once the Work Stream 2 recommendations are approved, that could enter - could lead to more use of HRIAs towards PDPs, by SOs and ACs and so -- sorry, that was a lot of acronyms but I'm being timed -- so I think it is important - I think that part of the value of that is introducing that aspects of the conversation and maybe

you could see the ICANN institutional HRIA as an introduction to this next step which will hopefully take place and expanded out more to the operational stuff and more to the domain and ICANN policy side stuff once the Work Stream 2 recommendations are approved.

Milton Mueller: The first, you know, if it's a step to nowhere it's to a first step. It's potentially a diversion. So again, I just think you need to be very aware of, you know, Collin mentioned pocketing a victory and I think this kind of rhetorical gesture may or may not be meaningful at all. It may or not be a victory. If it leads to human rights impact assessments of ICANN's policies, of their regulations, of their contracts, great. Then you are really moving us forward. If it's diverted into this organizational stuff, I think it's a problem.

Collin Kurre: But here I might invoke what I think Göran would say if he was here, which is it's up to the community, it's up to the community to do this for the community. So that's what we're trying to do. I'm trying to do that.

Milton Mueller: Don't tell me you're channeling Göran there. You're been Göran-ized.

Bruna Santos: Steph and then Farzi. Yes, go ahead.

Stephanie Perrin: Yes. Stephanie Perrin for the record. And I just want to pick up on what Milton is saying. We did say this about, well, whenever the human rights working party was struck that we were dying of overwork on the PDPs. So I think we all know from the EPDP work that there's a real fight going on to try to try to protect real registrants' human rights, privacy rights.

And over the past three years while this has gone on, we have not had enough staff on the RDS -- when I say staff I mean volunteers -- on the RDS working group on the Whois Conflicts with Law Working Group, IRT, on the Privacy Proxy IRT. There's been me on the Privacy Proxy IRT. And so - and on the Whois Review Teams same thing happening again.

So somebody's got to staff all these real working groups that are setting policy, so while I really think you've done a great thing, we've got Göran talking about human rights, it's true, but in the meantime we're getting killed on these other groups -- killed --because that's - it's different parallel universes, you know? So - sorry?

Collin Kurre: Yes, I agree. I think...

Stephanie Perrin: Yes. So the question is what's the strategic map to get ICANN to do this to its policies and procedures? We can't even get them, by the way, to recognize and put on a timeline the subsequent work that will be the privacy analysis of all the other policies that don't comply with GDPR. That's a big slate guys, big. And we need volunteers on every one of those.

Collin Kurre: It might be a good time to say that we have monthly meetings of the CCWP and that is the exact place to have these conversations and I would love to have more people having more conversations like this so we can devise a strategy and actually make the tools that we need to have - to affect the change that we want to see.

Stephanie Perrin: Well I -- Stephanie Perrin again for the record -- I'd just like to invite everybody, I'm going to send out a list of all the active PDPs where we'd like you guys that going to the working party to come and see what we need and pitch in. Thanks.

Bruna Santos: Farzi or can I - are you...

Farzaneh Badii: Thank you, Brunna. Farzaneh Badii speaking. So Göran this morning mentioned that it is up to the community to decide how the human rights impact assessment should happen, so whether it should be on policy or org. And I think whenever the organization is not inclined to do something or initiate something, it will throw it back to the community because the community cannot get consensus on issues.

And I think if it's a matter of discussing with the community and coming up with a plan that everyone agrees with then I don't think that's the way to go. That would never happen because human rights if you want to actually assess the human rights impact of ICANN policies or the Whois policy (unintelligible) and so I think the community, just throwing back at the community is not going to help us. So we need a strategy to see (unintelligible).

Collin Kurre: Maybe you all can start by commenting on the draft that's out and then we can go from there.

Bruna Santos: So this is Bruna again for the record. Thank you very much, Collin, for the presentation and for this interaction. Moving on, we have like the last 15 minutes of our constituency day and we are also welcoming Mary from staff to do a little explanation on CROPP rules and CROPP allocations.

So I guess I'll have like five minutes each - sorry, I guess we will have from now on five minutes to Claudio and Farell to do some - to talk about the recent developments on the Policy Committee. Rafik, as the Policy Committee chair, is also welcome to comment if you want to. And we also have Shahul as NCUC fellow with his presentation and Mary. So I would ask everybody to be like really strict on time.

Claudio Lucena: Okay, Bruna, thank you very much. Claudio for the record. So we started the work of this round of the Policy Committee exactly I mean flying back from Panama selecting the members from the EPDP. Then we received now later David and (Dina) substituting for Poncelet and Juan Manuel Rojas. Right after - this is - I'm going to try to extract a couple of the main arguments in two or three policy developments lists that we can do in five minutes.

Yesterday we had an hour and half for the discussions of the Policy Committee and it wasn't enough. So I'm going to try here - select a couple of

the main arguments of a couple of policy development. And I'll start with right after Panama we were asked to give not exactly a formal comment but an informal output on the Standing Committee on Budgets and Operations, whose most active member is Ayden, who's here.

The idea of the committee is to try - investigate and try to find ways to improve budget operations and the resources that are available. The regular report that we had from Ayden is that this group is developing in a promising way and the problem or the issue that he presented from then since from the input and yesterday again in the Policy Committee is that we could make more extensive - other constituencies are making more extensive uses of what is known is the standing committee as subject matter experts and we unfortunately, due to our evident constraints, are not making the same use of the standing committee but it's promising work. The input was in the sense of continuing the work of standing committee.

Later in September there was a draft or comment for the Africa strategic plan 2016/2020. The main issues around that comment that we raised were issues of clarity, specifically the clarity about budget, financial operations, human resources and other - the financial program, the operating implementation program of the strategic plan and a couple of concerns, the main one being the fact that it was not possible to see concrete effects of concrete outputs towards the collaboration of particularly of NCSG in the region, while there was a specific - there were specific and concrete strategies into incorporating GAC and ccNSO in the region but not from this public perspective of NCSG. That's the comment we have submitted.

A little bit later now, a couple of days ago there was also the opportunity to comment on the registration data access protocol profile and I think the main takeaway we can take from this last comment that was made is that RDAP is being taken as the implementation of a simple protocol, where in the comment we extract that RDAP touches fundamental rights as privacy. So it's not a compliance issue, it's a policy issue.

So the comment is in the direction that we address it through policy initiatives. For example there's an issue of global applicability to protect domain registrants' data. In this session it redacts where the European Union General Data Protection Regulation is applicable. It might make sense in 1995 when less jurisdictions were equipped with data protection frameworks.

It does not make sense now where ICANN operates over 100 jurisdictions or a 100-plus jurisdictions which have similar data protection frameworks and, as (Richard) mentioned, also now the convention. And we are here in a scenario of approximation.

If they are not exactly the same, if jurisdictions are not submitted to the same provisions but there is an approximation here that can work, so in our sense and the sense of the Policy Committee this protocol should be interpreted first applying data protection or privacy rights globally and not treated as a simply a protocol compliance problem but rather as a policy development.

And another, the most recent one that we have commented is about the Independent Review Process Implementation Oversight Team. Simple, very objective comments. There had been a comment from January 2017 about the time limit to file a complaint of 45 days. NCSG was of the opinion then that it could be difficult already for a claimant, an individual claimant to do that, say, for an organization that needs to go through a public process or organization before filing a complaint.

So the new redaction refers to 120-day period. We're also of - the comment also mentioned that the opinion that time limitations might not be a problem when you're talking about commercial disputes, but it certainly is an issue when you're trying to refer to consensus policies. So that's basically in five minutes in what we can do for our update, if Farrell doesn't have anything to add or any other member.

Bruna Santos: Thank you very much, Claudio. Rafik, do you have anything to add? No. Okay. No, it's fine. This is Bruna again for the record.

Rafik Dammak: Okay. Thanks, Bruna. Nothing to add really but just in terms of activity we have several open public comments now and usually we send a call for volunteers so need more, we send a reminder and maybe it's to take the opportunity here if people want to join (unintelligible) they just need to reach me and we can organize from there. (Unintelligible) so that's why. Okay. Thanks.

Bruna Santos: Thank you very much. Moving on to our almost last agenda item, just running here, I'll give the floor to Shahul. Shahul, I'll ask you to be real quick with this and I apologize for that.

Shahul Hameed: So hi everyone. I'm Shahul Hameed from NCUC for the record. So this presentation is about an initiative which I proposed last year when I applied for the team of NCUC. This all about - so we have been doing a lot of work, but the thing is that, as somebody said earlier, we need to attract more privacy advocates, more NGOs to help us with the policy advocacy work we are doing. We need more on this.

So this is a way we can indeed (unintelligible) the various initiatives we do using a Twitter interview. So the primary initiative - the primary aim was to showcase the expert portraying the various policy work we are doing to attract more privacy advocates, more organizations to help and volunteer for the policy development work that we are doing at NCUC.

Next slide. So, so far we have three editions. First we had Rafik, who is our Policy Committee chair of NCSG, on how to get started with the policy development process. And then we had Kathy Kleiman, who is one of the co-founders of NCUC, join us for one of the sessions, focusing on RPM rights protection mechanism. Last we have Farzaneh Badii, the chair, the outgoing

chair of NCSG on the various values of NCSG (unintelligible) the domain name policy at ICANN.

And these are the editions we have done so far. And in terms of the followers or in terms of the reach we got to our Twitter account, it clearly states that we had recently got some engagements, you know, (unintelligible) based on these initiatives we did so far.

Next slide. Today we have an ICANN63 special edition asking NCUC with Collie Kurre, who is the co-chair of the Cross-Community Working Party on Human Rights, and it's at 4 pm local time, so I encourage everyone to join if you want to. And going on from here, we'll be having it at least once every two months, maybe more focusing on various policy development works we are doing maybe one focused on EPDP and new gTLD subsequent procedures, RPM, like that. And if anyone here wants to join, who wants to contribute like in translating the tweets or (unintelligible) with us, please let us know. Thank you. If you have any questions, please let me know.

Bruna Santos: Thank you very much. Shahul is one of our - is our fellow so he's NCUC fellow. He's excited to attend this meeting and we're really happy to have him and this initiative, which is helping us go through some call data on our Twitter.

So finally I guess we are welcoming Ozan and Mary, yes, to do a little - you're going to introduce the new CROP rules, right?

Mary Wong: Hi everybody. This is Mary Wong from ICANN Org with my colleague Ozan that I think many of you know. And we also have Benedetta Rossi on the phone who was unable to be with us here in Barcelona in person.

Our team helps to manage and administer the Community Regional Outreach Program, or CROP. This group, NCUC, I think is very familiar with CROP and we understand that this is a very vital part of your outreach plans as well. So

in view of the brief time, we didn't have a presentation, what Maryam has kindly done is she has taken the CROP guidelines, rules and processes that are applicable for this financial years, meaning the year that we're now in, and put it in a PDF that you now see.

And what I'll do is I've asked her to circulate this in PDF to the list serve so that everyone can have it. It's actually basically a capture of the wiki page for CROP. So if you look at the wiki page, you see this. We thought that the time may be best used, Bruna, for questions, if you guys have questions and then so that we can address what may be some uncertainty over what may have changed this year for CROP versus previous years, if that's okay with you.

Bruna Santos: That's perfectly fine. Does anyone have any questions? If not, I can (unintelligible) because I know - oh, go ahead, Ayden. No, I was just going to ask about the allocations because we are aware that the first CROP slot has to be allocated to an ICANN meeting and then like how is the scenario right now? Like you have to do this first allocation to an ICANN meeting and then the two other slots how they should be done, so if I could - yes?

We can take Ayden's questions as well and then, yes?

Ayden Férdeline: Thanks. This is Ayden Férdeline for the record. So I have read the guidelines for this fiscal year but I'm just wondering what the roadmap might be for FY '20? So would the guidelines be changing? Will CROP be disappearing? Will it be continuing? Any inputs you might be able to offer into that as well. Thanks.

Mary Wong: So maybe I'll take Ayden's question first, not because it's easier to answer but actually in some ways it is. This is Mary from ICANN Org again. So we were asked to develop these guidelines for FY '19 because of the limited funding for FY '19 and because of essentially the board's desire to support outreach related to ICANN events. They had noticed that a lot of groups,

including this group, has started to do a lot more outreach at an ICANN event, which makes sense.

So as to FY '20, I have not received any indication as to what the board is thinking. As you all know, the budget process is just starting and, Ayden, I think you chair the SCBO for the GNSO. So I think we will probably be looking to see what the allocation is based on the funding levels. And I know that Xavier and his team are talking about that.

There's a session tomorrow that's open to the community that's also I think a budget working group meeting on Thursday I think it might be, and so I don't have any specific information as to whether it's continuing, how much will be allocated if it continues, and whether we'll be asked to change these guidelines.

But what we have been asked to do is to write a report at the end of this FY on the use of these guidelines. So I'm sure that that's something the board will want to know before making their decision. So hopefully that sort of answers your question.

Ayden Férdeline: It doesn't. If I can do just a quick follow up. What would the staff recommendation be, do you think?

Mary Wong: I'm not going to be flippant but I will say that I think that really does depend on the community's level and scope of usage of the program and to which event. So it's probably early to tell. And one thing that, you know, if we had more time we can talk about this more and Ozan is basically your contact point, along with Benedetta for usage, but I think we noticed that while you have three slots, none were used for this particular ICANN meeting. So essentially NCUC has three slots left for the rest of the FY - if I understand correctly. Ozan, are you telling me I'm wrong?

Ozan Sahin: That's correct, yes.

Mary Wong: I can be wrong. He's usually right. So. Which then brings me back to your original question, Bruna. And I think this is where a lot of the community had a lot of questions and some uncertainty because, to many people, I think this really is the biggest change. And in terms of the requirement really to use at least one of your three slots for an ICANN public meeting, and if I can actually put it positively for the NCUC and actually all of the GNSO communities, you are very different from the RALOs, for example, because they actually are constrained, right?

They have an ICANN meeting that has to be in their region and their regional organizations. So that has its own challenges not relevant to today's discussion. But for NCUC you are a global organization and so I think the part of the rule that may be most relevant is that yes you do have to use it for an ICANN public meeting but you don't have to use all three slots for an ICANN public - you can.

You can, you know, use all three slots for a Kobe for example, but once you've used a slot for an ICANN public meeting, and I mentioned Kobe because that's the next one coming up, then you can use the other two slots as prescribed by the guidelines, as long as the event is directly related to ICANN's policy activities. Does that answer your question?

Kathy Kleiman: Mary, what is the calendar year, so - for the FY '19 allocations? Thanks.

Mary Wong: Thanks, Kathy. This is Mary again. So we go by financial year, which is why it's, you know, a little - it's a little difficult for some people and circumstances, I'll mention that. And so our financial years starts on the 1st of July and ends on the 30th of June. So essentially for your purposes, you have in terms of usage of the three slots, through the end of June 2019. I want to make sure I get the year correct because we're on the record.

And what I'll add to that is that we understand there has already been some feedback from some groups that there are some events that take place in, you know, August or July and the facts that we use an FY calculation makes it hard. We don't have a solution to that right now but we are aware of it and we're going to try to take that into account for FY '20 budget planning, if we can.

Bruna Santos: Thank you very much, Mary and Ozan, for the presentation and I guess Constituency Day is finished for now. So thank you all for attending and this meeting is adjourned. And we can stop the recording.

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