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MONTREAL – GNSO Working Session 1 of 3  
Sunday, November 3, 2019 – 09:00 to 12:00 EDT  
ICANN66 | Montréal, Canada

UNIDENTIFIED MALE: It is Sunday, November 3, 2019 at ICANN 66 in Montreal. This is the GNSO Working Session 1 of 3 in 511-C at 9:00 AM.

KEITH DRAZEK: Good morning, everybody. This is Keith. We're just at the top of the hour. We'll give it two more minutes as we have councilors still arriving and then we'll get started. Thank you.

All right. Good morning, everybody. If I could ask everyone to take their seats and we will begin. If we could begin the recording. Very good. Thank you so much. So, good morning everyone. My name is Keith Drazek. I am the current Chair of the GNSO and the GNSO Council. Welcome to the GNSO Council Working Session for ICANN 66 here in beautiful Montreal.

And with that we will go ahead and begin. I will just note that we have a very full agenda today. I will review the agenda with you here and just to note that because of the full agenda and a number of guests coming to join us for their presentations we'll need to try to keep to the scheduled agenda times.

With that I'll note that we have four councilors that are not with us today. Elsa is not able to be here, but Sam LaFranco is here as her temporary alternate. Welcome, Sam. Darcy, Siad, and Scott are also

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not available. Scott will be with us but is arriving, I think, this evening. So he's unable to join the working session today. So welcome to everybody.

The agenda. We will first begin with an update from Edmon Chung on the IDN Scoping Team's work. It will be a brief update as there has not been a whole lot of change since our last council meeting of October where we received a more detailed update, but certainly welcome Edmon. We'll then move to a discussion – a substantive discussion – of the proposed charter updates for the RPM PDP to incorporate a work team on the IGO protections.

We did receive on Friday, if I'm not mistaken, some feedback from the GAC and from the IGOs on the proposed charter amendments. And so that's something that we will discuss. If you haven't had an opportunity to review that I suggest you do that now. Pull it up and be prepared to have some substantive discussions in terms of next steps as it relates to the IGO Protections topic.

Then we will have a meeting with finance. We'll be joined by Xavier and his team from ICANN.Org. A coffee break at 10:15 and then we will have a session on the GDD implementation update with Cyrus and his team.

And then at 10:50 we will meet with the ATRT3 Chairs. That's Pat Kane and Cheryl Langdon-Orr. Thank you, Cheryl, who's already here as our liaison to the ALAC. And then we will have a discussion at 11:15 on the EPDP Phase 1 recommendation 27 and prioritization of the GNSO Council's work plan on other impacted policies. And just a reminder,

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that's essentially the recommendation from EPDP Phase 1 that called out the other existing policies and procedures that could be impacted by the recommendations in the new consensus policy from the EPDP Phase 1 recommendation. This will be an important discussion for us teeing up further detailed discussions that we'll have at our strategic planning session in January.

And then we will move to a prep for our discussions with the ccSNO, the GAC, and the Board. And just to note the GAC session is later this afternoon. So we do need to focus on that, again discuss the IGO Protections issue.

We will then have at 12:15 a lunch meeting with the Board. So, again, we'll need to make sure that we'll have our ducks in a row as it relates to prepping for the board session during that lunch meeting.

We'll then have a discussion, an update, from the PDP 3.0 team lead by Rafik and Pam. And a discussion with Brian Cote who, as I think we all know, is leading the multi-stakeholder model evolution effort here in ICANN essentially since the Kobe meeting, and I think this is an important topic because there's some potential correlation between our work in the PDP 3.0 and possible other work that will take place in the broader community.

We'll then have an update from the bylaws drafting team. And then we'll move to a Q&A with the GNSO liaison to the GAC candidate, current candidate, [Julf], and then a Q&A with the GNSO candidate, sorry, GNSO Chair candidate, me. And with that I will hand that off to Rafik and to Pam to run that session.

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So any questions on the agenda? Any other business that we'd like to discuss today? As I said, it's a full agenda, so we should probably go ahead and get started. All right, I see no hands in the room. I need to pull up the Zoom room.

But with that let me welcome Edmon on behalf of the IDN Scoping Team. There are other members of the IDN Scoping Team here in the room. So thank you, welcome. We appreciate the work that you are doing. And just a tee up for everybody's benefit, and those who are here observing; the GNSO Council asked, or chartered, a IDN Scoping Team to consider the range of issues around IDNs, IDN variance, the IDN guidelines that were produced by ICANN.Org in a community effort.

And the ICANN Board during the KOBE meeting issued, or resolved, to ask that the GNSO and the ccNSO work together or at least keep each other informed on issues related to IDN variance at the top level. Concurrently there was work going on the IDN guidelines, and the council recognized in June, in May and June of this year, that we needed to take a closer look at how there may be some policy implications related to these topics to try to figure out how best and when to engage with the ccNSO on policies that we're developing in parallel. And then really broadly to try to figure out how to deal with the IDN guidelines to the extent they impact policy or where policy might need to be developed.

And so that's sort of the remit of the IDN Scoping Team. And we really do appreciate the work that you are doing. And we look forward to

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receiving some more concrete recommendations from you for council's consideration, I think, in December, if I'm not mistaken. So with that, Edmon, I'll hand it to you. Thank you.

EDMON CHUNG:

Thank you, Keith. You've basically talked about everything that I need to talk about. So, I guess for those of you who joined the council call earlier, as Keith mentioned, this is somewhat of a repeat, but I'll start by, since this is a public meeting, IDNs are International Domain Names. That means domain names in different languages. And this particular team is looking to look at the issue in a holistic form and look at where, if any, policies should be developed. So the policies themselves will not be developed by this team. This team is somewhat like a traffic cop, if you will, for directing others' further work, where and how further work should be done, just as a background.

So as Keith mentioned earlier this year – actually since August of 2019 – the team has been having biweekly meetings and we are focusing on two documents, really, the IDN implementation guidelines. This is a set of guidelines more focused on the second-level IDN implementations for registries and registrars. And also IDN variant TLD recommendations. This is a set of recommendations that staff put out, was finalized earlier this year, and kind of there are a number of items that have potential policy implication and therefore require policy development. So the team has been working on it. Next slide please.

On the IDN implementation guidelines, I think we have pretty much completed at least the bulk of the discussion. We've identified that

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there are some operational issues that should be further taken to relevant stakeholders, including registries and registrars, to discuss directly with ICANN in terms of the implementation.

That's the operational issues that the IDN implementation guidelines, the adoption of the IDN implementation guidelines would trigger. On the other part ... So, we've identified two parts, one is operational, on the other part the review, or update, of the guidelines itself triggers a question on whether that should be more formalized as a policy development process, how it should be updated. Currently it is completely combined between the ccNSO and the GNSO. Is that appropriate going forward? So on a policy level that might need to be taken care of by a PDP or a policy development process at a later point. Next slide, please.

So, right now we are going down the path of considering the IDN variant TLD issues at this point and I think we're quite well into the discussion. And currently part of the final discussion is whether the body of information is sufficient for us to engage in an EPDP versus a PDP, and whether an issuance paper needs to be created.

And the other particular discussion that we are having is whether this further work should be incorporated into existing PDPs or an independent, or a new PDP should be formed. So those are, I think, really the updates. And we expect – I think, hope – to have recommendations back to the council not too far from now. Hopefully within the year.

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With that – oh, there’s one more item, one more page. There is one particular aspect, which is the coordination between the GNSO and the ccNSO. Because IDN TLDs actually cover both ccTLDs and gTLDs and traditionally and so far the ICANN documents, both the IDN implementation guidelines and the IDN variant TLD documents, they cover both ccTLDs and gTLDs. So this work is also in parallel done at the ccNSO.

We’ve considered the matter and we think at this particular stage it’s probably good to have mutual liaisons between the ccNSO and GNSO. We don’t think at this point that a completely merged cross community working group makes sense, because gTLDs and ccTLDs, especially in terms of the policies, have quite fundamental differences. A later point, if there are sufficient, if there is a part of the discussion that has sufficient common interest, further sub-teams, maybe a combined team, could be created at that time. But at this particular point we feel that mutual liaison between ccNSO and GNSO policy work would be sufficient. With that, that’s really the update. Thank you.

KEITH DRAZEK:

Excellent. Thank you very much, Edmon. And, again, thank you to you, and to the full team that’s been working on this for the GNSO and the GNSO Council. I’d like to take questions, if anybody would like to pose questions to Edmon on this effort. There is a standing mic in the room. If there’s anybody who’s joining us who would like to pose a question on this, or topics later, but I’ll just note that we will, and I’m glad to

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hear that there are sort of existing liaisons between the GNSO and ccNSO. That's probably an action that we may have, as the council, at some point is to, if there's a need to formalize.

But I think this is a key point about this coordination with the ccNSO because this is one of the obligations that we have coming from the Board's resolution and Kobe on the topic. So I think that's one of the reasons ... I mean, broadly this is an important issue. And for many reasons. But we are expected to engage with the ccNSO on this topic to ensure that both groups are informed of each other's work. And so when policies are developed they're not incompatible or inconsistent to the extent possible.

So, any questions for Edmod? Let me get into the Zoom chat, and participants. All right, Edmon, I don't see any hands up, so yeah, please, go ahead.

EDMON CHUNG:

I have a quick response to what you just said. So I do think that a specific liaison on the topic of IDN and IDN variant TLDs would be useful between GNSO and ccSNO, not the general liaisons that you mentioned. So at some point in time, and probably earlier rather than later, that would be useful. So just on that point.

KEITH DRAZEK:

Thanks very much, Edmond. And on that point, just to flag it for everybody, in our operating procedures there's a particular definition for a liaison from the GNSO council. And it's expected to be a

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councilor. In this particular case, I think because of the unique nature of this topic and the expertise required to truly engage in a meaningful way on the topic, we may want to consider asking somebody off council or somebody from the GNSO community, and I'm looking at Edmon right now, to represent us. And we may not be able to call that person a liaison for confusion reasons. But rather call it something else. But effectively a liaison. So that's something that the council would need to take on in the near future.

And, again, just to remind everybody, to the extent we're talking about establishing new PDPs on this particular – a new PDP on this particular topic, this is going to be an important point of discussion for us in our strategic planning session at the end of January to sort of map out the work ahead for the coming year. And so that's one of the reasons I'm looking forward to receiving the recommendations from this group in December so we can be informed as we go into our conversations in January. So, Edmon, thank you very much, and with that we will move on.

The next item on the agenda is our council, our substantive discussion on the RPM Charter Update for the IGO Protections Work. So, again, as I said at the outset, we, over the course of the last couple of months have been working on an update to the RPM PDP charter to incorporate the IGO Protections Work Team Effort, or work track. And we've developed a proposed charter language, and then had council discussion on that. We agreed through the conversation to then share that with the GAC to get their input, because I think there's a clear recognition that for this work to be successful, and for it to be

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meaningful, we need to ensure that the IGOs are participating in that work.

And so we did share that with the GAC. We received feedback from the GAC in the IGOs on Friday. I'm hoping that everybody has had a chance to review that, the proposed redlines that they responded with. But that's essentially the topic of our discussion today is to sort of map out the path forward on this and to prepare ourselves for the discussion later today with the GAC on this issue.

Again, I think there's two, I would say, main themes here. One is that – and as we get into the substantive discussion, and perhaps what we can do is put the redline that we received back from the GAC on the screen, if possible?

But I think there's two things that we need to keep in mind. And one, as we discussed in our previous council meeting, there's a recognition that PDPs and new consensus policy recommendations can replace old or previous recommendations and consensus policies. And that, as I said, for this effort to be successful we need to ensure that the GAC, and specifically the IGOs, are engaged and participating.

One of the challenges that we had with the previous PDP that focused on this effort was that the IGOs did not participate. And there were several reasons for that, one of which was the sort of the engagement of the ICANN Board, and suggesting that there might be a small team effort or approach on the topic that I think gave the IGOs at that point hope that they could achieve their goals, or their policy goals, outside of the PDP.

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And I think what we've seen is that was unfortunate, unsuccessful, and in effect, in some way, has put us in the position we're in today. So I think with those two sort of key themes in mind is there is an opportunity for a new PDP, and new policy recommendations, to replace previous and the real importance of having the IGOs engaged in this process, I want to just sort of set the scene for the discussion that we're going to have and make sure that we understand that those are sort of key points to keep in mind.

So, with that, is Paul in the room? Okay. So Paul McGrady, our liaison to the RPM PDP was very instrumental in helping to work through the first draft, and I'm sure that he'll be able to contribute when we do have him arrive.

So, with that, would anybody like to get in queue on this one? And I'd also like to welcome Mary or Steve to the extent that you'd like to contribute to this conversation. Feel free to do so. Rafik, over to you.

RAFIK DAMMAK:

Okay. Thanks, Keith. So, on this topic, we edits from the GAC. So first I have to express some concerns and the kind of edits we got because it's basically pulling back what [inaudible] after the first of few at the council level. And so I think it's not the best way really to make the progress on the topics. So I don't want like the council level, we got divided on this issue. We reached some level of consensus at the beginning with the first draft. We asked for the input but it's not the kind of, I think, input that's really helped us to move forward.

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So saying that I think if we have to review those changes and to basically back more like the previous version that would be helpful for us at the council, because at the end of the day it's still the council who is managing this policy and make the decision about the scoping and the expecting deliverable.

Again, this topic, we discussed it for such a long time. It's not really impacting most of the stakeholder group, or constituency within the GNSO. But we need to be careful because whatever we decide, or how we shape this process, the internal structure, composition, the scoping, working with it and so on, we're impacting the future any other PDPs and how we are managing our work.

So this idea, we wanted to have a separate track to make it more kind of faster and to make progress on this issue but it doesn't mean that we will have to create kind of a hybrid cross-community thing that led the GNSO council to lose that ability to manage the work and to make decision on deliverable.

So at this level we kind of have a lot of concern about those edits. We can discuss about some items for sure to understand the GAC concerns. But we know that there is one group that have a strong interest on the issue, but it doesn't mean that we give to that group the decision how the work should be done, because at the end of the day we have to protect the integrity of the process and to not create incentive to have the same situation in the future. Because the reality is we are trying to rework, or to hash what was done in a previous PDP for several reasons.

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I think we discussed them at length and we should not bring that back, but let's not create the precedent. We can work on some of those items for sure to not be ... I mean, trying to find a common ground, but this is my kind of initial feedback on this.

KEITH DRAZEK: Thank you very much, Rafik. If anybody else would like to get in? So I've got Tatiana and then Carlos. Go ahead, Tatiana. Thank you.

TATIANA TROPINA: Thank you very much. I have to admit that when I reviewed this document and saw the changes proposed by the GAC. It was a bit astounding for me. So basically these are the parts which we discussed almost ad nuseum on one of our GNSO calls which we decided to remove and now they're back.

And I believe that Rafik just nailed it here with the word integrity. I personally do not mind that much input from GAC. We have to find the common ground with them. But to me it has nothing to do with pleasing the GAC, but certain the text, the pages of text back, and also in certain then sometimes even in the worst form than they used to be. I do not believe in these sort of collaborations which is called my way or the highway.

Basically we agreed already during the council call that those parts of the texts which we removed, like, for example, concerning recommendations one to four, and that possible change, that this is possible anyway. That this just adds unnecessary language for further

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disagreements and for stirring the pot, because if something is indeed possible under our bylaws and operating procedures it will be possible anyway, but we are opening cans of worms.

So I believe that we do have to take a strong stand here and say in a way with our actions that we are very much open for collaboration for input from GAC, but it's not going to be my way or the highway, and it's not going to be GAC drafting our chapter, because it is a GNSO process at the end of the day. Thank you.

KEITH DRAZEK: Thank you, Tatiana. Carlos?

CARLOS: Yes, thank you very much. I was very surprised about the comments on the first four recommendations. I think that the GAC comments on the first four recommendations are really out of place. It's not because my last meeting in the council that I think for the last five years we have tried a lot of things. We have tried early engagement. We have tried co-chairing with the GAC policy process like Work Track 5, which to nobody's surprised just confirmed the status quo of 2012. There was no progress after years of work, both in the ccNSO, GNSO working group and the Work Track 5 on geographic names.

And last but not least we in the EPDP we have chosen to have equal representation of all groups in which the GAC is also present. So my question about this one, seriously for this week, is how under which of those schemes, co-chairing, representation, fixed representation,

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early engagement are we going to deal with the GAC? I mean we really have to have a process to deal with this. Thank you very much.

KEITH DRAZEK: Thank you, Carlos. Michele, you're next.

MICHELE NEYLON: Thanks, Keith. I think Tatiana has articulated this pretty clearly and I just wanted to add my voice of support. I mean, the GAC is a stakeholder. It has the ability to participate, but ultimately this is a GNSO process, not a GAC process. And for them to try and upend that I think is not very helpful.

I'd also note that we have spent a disproportionate amount of time on this topic going back I think to the dawns of time. I think I had a fuller head of hair when we started on this. I know other people sitting around the table, some of them have got lovely heads of white hair now. They definitely didn't when we started this off. Okay, and some people had hair.

But I think this is not helpful. I mean this is something we've been engaged in good faith. It's been going backwards and forwards. It's gone round and round. And ultimately while we've tried to facilitate them we really need to just draw the line and say, "No. Enough."

KEITH DRAZEK: Thanks, Michele. I'll put myself in queue. So thank you all for the comments. And certainly the language that has been proposed in

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redline in many ways reflects some of the things that we actually removed and agreed to remove. And, of course, our discussions in the email documents going back and forth are on a public mailing list, so perhaps it's no surprise that these were identified as things to add back in in proposal. But I do want to call out a couple of things.

One is that in Marrakesh, during the conversations with the GAC and the IGOs, we agreed that we would engage with them, seek their input and to welcome their feedback. That doesn't mean that we have to accept everything that they've proposed. And I agree with everything that's been said about the fact that this is a GNSO process, and the GNSO Council has responsibility for managing that process. But I do think it's important for us to remember that if, as I said at the outset, if this effort is going to be successful we need the engagement of the IGOs.

And so I think there is probably a middle path for us to find here on a couple of these points. I agree that we removed the references, the specific call-out references to the possible replacement of recommendations one through four. And we all agreed and acknowledged in previous calls that, of course, a new consensus policy recommendation and consensus policy can and will always replace a previous one. And so there's no need to call out the specific references to recommendations one through four in this instance. And I think if we explain that, that situation, or that view, or that position, or the fact, that then perhaps this language won't be needed. And we can convince and explain the situation and convince the GAC and the IGOs that it's simply not necessary.

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So I feel like we may be able to accomplish that and not go down that path again because as a council that's something that we discussed and debated and agreed to.

Switching to the other topic where I think the changes were made is the question of representation. I think it's very important, as I've said multiple times now, to ensure the IGOs can participate. And we don't have to make any decisions on this today, but I think that we ought to strongly consider the possibility of adjusting some of the representation or the composition of the group to ensure that we can deliver on that fact. But, again, that's not something that we have to decide today.

I think for our engagement with the GAC today later this afternoon, I think we don't have a position as a council yet on this topic. We're just beginning to discuss it. It was something that we just received our feedback on Friday. So I think our positions should be thank you for your feedback, the council has discussed it today, we will continue to discuss it and we look forward to continuing to engage with you on this.

But I think I've already communicated to Manal this morning that there will be concerns about the recommendations one through four references and explain the situation to her, and I think she's going to engage with the IGOs on that topic. So I've already sent a signal that that could be a problem. But I'd like to keep open the opportunity to ensure that the IGOs are represented, and properly represented, in the

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work, otherwise I don't think it will be terribly successful or productive.

So that's my view on it at this point. Would anybody else like to speak on this topic? Okay, I've got Marie. Anyone else? Tatiana back in the que? Okay, Marie, please.

MARIE PATTULLO:

Thanks, Keith. Marie from the BC. On your second point about representation I would like to support you and completely agree, as much as it pains me to agree with anything Michele says. We all want this done and dusted. We all want it done correctly. Our job here it to get things done correctly. And to get it done correctly we need the IGOs to be involved. More than that, again, as we've discussed many times in this group we need the right people at the table. This is a specific, very complicated point of international law. So many of the right people from whichever group they come you have that expertise and that knowledge. But to me it's fundamental and obvious that, yes, we definitely need the IGOs themselves. So I support that. Thank you.

KEITH DRAZEK:

Thank you, Marie. Tatiana, back to you.

TATIANA TROPINA:

Thank you very much, Keith. Well, that's actually what I wanted to propose that someone explains to GAC that we already discussed it, and it's in the bylaws, and policy can replace [inaudible].

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I think that where we draw the line is probably respect and good faith. I don't believe that GAC is doing all these in bad faith. They really want fair representation, and they really want interest in this process. But what I've heard Carlos saying, like we have this, we have this mechanism, we have that mechanism. How are we going to engage them? This is exactly it.

Like us welcoming their comments, us trying to adopt. And them, they're just trying to drop this policy themselves, which I don't consider fair, but coming to the charter itself. So they deleted the representation, deleted the numbers in representation balance, like for Commercial Stakeholder Group and Non-Commercial Stakeholder group, referring to possible mistakes, or explanations regarding to ICANN institutional design. I think that someone also has to explain to them why commercial and noncommercial stakeholder groups will propose to have mobility response than registries and the registrars. So, please, whoever is engaged with GAC, please explain these, then, for example, commercial stakeholder group has three constituencies. So if we give them only two reps it's a bit unbalanced. Thank you.

KEITH DRAZEK:

Thanks, Tatiana. And I agree. I think part of this engagement ... We developed a proposed charter, a draft charter. We've sent it to them, they've provided us feedback, and there's an opportunity for us to continue to engage and to explain, to educate them in these particular areas that you discussed. So I think that's absolutely right. And we'll certainly take that onboard. We can elude to that, I think, or at least

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start that conversation of explanation during our session today, and I'm happy to take that on.

But I do think that this will continue to be a bit of a back and forth with the GAC to try to get this thing right. But I'm very, very sensitive to the fact, as I said, that this is a GNSO, and GNSO Council responsibility. But to the extent that we need the participation of the IGOs I think we need to continue that dialogue.

Yolf. And if anybody else would like to get in the queue, and then I'd like a time check. Rafik. So, Julf and Rafik.

JULF HELSINGIUS:

As somebody whose actual job it is to try to educate the GAC on this stuff, I can just assure you that we keep trying. The problem is it is really hard for the GAC people to understand the structure of the GNSO and the GNSO Council, and there's always new people who don't understand it. We do try, but it's an uphill battle.

KEITH DRAZEK:

Yeah, understood, Julf. Thank you. And thank you for your continued efforts on that. Rafik?

RAFIK DAMMAK:

Thanks, Keith, and thanks to everyone for the comments. For about the participation of the IGO, I think that that's clear. We want them to

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be engaged and to participate and not have kind of what happened before like this parallel, before that would lead to anything at the end. So I think there is not disagreement on that area, but as Tatiana explained, I think about the representation and the composition. That's something at the GNSO Council discussed several times. And we have our own reason and rationale why we keep that way of representation. So, again, just to be clear, we have to continue the engagement and to explain and to try to find the common ground. But at least we're kind of highlighting the area of where we are disagreeing here, and we can explain the reason for sure.

KEITH DRAZEK:

Thank you very much, Rafik. And so I don't see any other hands up at the moment or cards up. If anybody else would like to speak to this, we have ten minutes left on the agenda. And I want to also note that Paul McGrady actually had a conflict this morning with the INTA event, and that's why he's not here at the moment. And thanks for Ayden for typing that into chat. So I'm sure Paul will have further input and thoughts on this conversation as we carry it forward. Yes, Tatiana?

TATIANA TROPINA:

Yeah, thank you very much. I want to second that. I want to listen to Paul McGrady on this as well. Thank you.

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KEITH DRAZEK: Yes, indeed. And, again, just to remind everybody, Paul is our council liaison to the RPM PDP working group whose charter it is that we're discussing possible amendments. Sam, over to you.

SAM: Yes, I'm relatively new to this, but I've had longer experience sitting with the IGOs. In other settings they've been very difficult to pull in for an open discussion. Has any effort been made to get the GAC to help bring the IGOs in?

KEITH DRAZEK: Thank you, Sam. That's a great question. And the answer is yes. The IGOs are members of the GAC, or engaged in the GAC, and they have been part of the conversation that we've had recently, including during our face-to-face meeting with them in Marrakesh. And I think what we have seen and heard is an indication that they are interested and willing to participate, and that's one of the reasons we've been engaged with the GAC in this exchange of drafts. And I'm confident and I know that at least a couple of the IGOs are actively interested and engaged. So, yes. Okay, anybody else? Okay, thank you. We'll continue this conversation both among ourselves and with the GAC. Let's move on.

Okay, so the next item on the agenda is our meeting with Xavier and the finance team. I know we're a little bit early. Are they with us in the room? Ah, thank you. Please join us at the table.

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So with that I would like to welcome Becky and [Shawnee] to the GNSO Council Working Session here in Montreal, ICANN 66. Thank you for being early, as amazingly we are as well. So Becky, over to you, thank you.

BECKY NASH:

Great. Thank you very much. Hello everyone. This is Becky Nash from the ICANN finance team. And I'm here with my colleague [Shawnee Kudway]. Xavier couldn't make it. He may be able to drop by for Q&A, but at this time we're just going to go ahead and go through the slides and then take Q&A. So if we could go to the next slide, please?

As an agenda we're here to provide an update on the fiscal year '19 financial results, an update on the planning process, and then an update on the FY'21 budget and the five year FY'21 through FY'25 operating plan and financial plan.

We just highlighted that in the essence of time if there are areas of the presentation that the group would like us to focus on we're more than happy to be flexible on that. We'll go through a set of slides and then the slides are available for the distribution list in case we don't cover it.

So if we could go to this next slide here. We just would like to highlight that we have a finance session on planning and finance at ICANN 66. It's a session that is on Wednesday, November 6<sup>th</sup>, and it's at 13:30 to 15:00, so 1:30 PM in room 518. And we sincerely hope that any of the participants that can join will join us there.

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This next slide is just to give a little bit of information about how ICANN Org publishes several reports as part of our financial accountability and transparency. So we'd just like to highlight that on the left hand side we have a series of reports that are published throughout the year. One of them is our unaudited financial reporting, so our financials at the end of every quarter, or three months throughout the fiscal year.

On ICANN.Org we have the publication of the CEO report. We have accountability indicators, and then we do have several reports related to the ICANN meetings and travel reports.

On the right hand side we'd like to highlight that we do have a series of reports available annually. We've put a checkmark on those that have just been published recently, so these are reports typically relating to our fiscal year, which would be the 12 months starting in July through the following June. So we just concluded our annual independent audit report for fiscal year '19 ending June 30<sup>th</sup> and that's now published on ICANN's website.

We have the annual report and the Board expenses report, which was also just published. Then we have other reports, like our ccTLD contributions, our funding by source, which would be funding by entity that we invoice. And then upcoming through the year will be the operating plan and budget, and then our form 990 which is one of the tax returns that we file at ICANN.Org. And then we have a policy in our staff remuneration practices.

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On this slide we have links to these pages where these reports can be found, and again, this is to support our financial accountability and transparency. And all these things are available throughout the year on our website. Next slide, please.

Now we're going to go into the FY'19 yearend financial highlights. ICANN operations funding was three million higher in FY'19 than the same period last year for FY'18, and one million lower than the budget. Meaning the FY'19 actuals funding of \$136 million was a million lower than our budget. It was due primarily to a slower than anticipated growth of the new TLD registrations. And then a delay of a funding assumption that we had as it relates to the privacy-proxy program. And that was something that was budgeted during FY'19 that didn't take place in FY'19.

ICANN.Org was successful in managing the FY'19 expenses, so expenses for the fiscal year '19 ending June 30<sup>th</sup> were one million lower than FY'18 for the same period. And then eight million lower than the budgeted expenses for FY'19.

Expenses were lower than budget primarily due to lower than planned headcount. So primarily the greatest variance was compensation or personnel expense.

As a result of these figures ICANN operations generated an operational net excess of six million, which means actual funding of \$136 million less the cash expenses of \$130 million resulted in a net excess of six million.

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If we go to the next slide, this slide gives a snapshot of the expenses for FY'19. The expenses here are listed for actuals for the 12 months ending 6/30/19 against the budget for the same period, and against last year for the same period of 12 months.

So, personnel expense, which is the first line, we can see that there is a variance, or expenses were lower than the budget driven by open positions resulting in a positive variance there of \$4.2 million. The end of period headcount is 36 lower than the budget headcount. And the average throughout the 12 months is 32 headcount lower than the budget. This is primarily due to timing of hiring and delay in projects for which the headcount were planned to be hired for.

The next category is travel and meetings where we do have expenses lower than \$600,000, or .6 million lower than budget. And this was driven by lower ICANN meeting related expenses for both ICANN 63, which was \$200,000 lower, and ICANN 64, which was \$300,000, or .3 million lower.

The next category driving a significant variance, or difference, is the professional services where our actual professional services of \$20 million were lower than the budgeted professional services of \$21.7, and that 1.7 was just due to favorability across many functions where professional services for third party were delayed or not needed due to the timing of projects. Next slide, please.

This next slide gives a snapshot of the headcount trending at the end of the period. Headcount overall has moderated and stabilized and is below budget, and this just gives a snapshot from the trends from our

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fiscal year '16 through the 6/30/19 period. And we can see that really the headcount is ranging close to 400. We have a headcount budgeted for FY'19 of 424, thus the variance that we had reported on the previous slide. If we could go to the next slide.

These next couple of slides cover the reserve fund replenishment strategy. We'd just like to highlight that the reserve fund is a crucial component of ensuring ICANN's long term financial accountabilities, stability and sustainability. And the reserve fund was depleted in recent years to cover for exceptional expenses and specifically the IANA stewardship transition.

So this slide gives a little bit of information, just about the fact that ICANN.Org has made significant progress in replenishing the reserve fund. And currently we are tracking ahead of the replenishment plan that was approved by ICANN's Board. The balance in the reserve fund was \$116 million, which is an increase of \$47 million as compared to the prior year.

ICANN.Org plans to continue increasing the reserve fund on an annual basis and most recently we have included an assumption in the annual operating plan and budget for a replenishment strategy each budget year.

The next slide gives just a historical and projected balance view of the reserve fund where we can see that we have FY'19 actuals of \$116 million, and then several assumptions just based on ongoing replenishment considerations for FY'20 and for FY'21.

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I'm now going to ask my colleague, [Shawnee], to cover some planning slides. And then we'll move into Q&A.

[SHAWNEE KUDWAY]:

Thanks, Becky. In this section we're just going to go over some high level dates as well as the items that we publish as part of the planning process. Becky had mentioned that we have a session on Wednesday where we'll go into this in more detail.

Here you can see that the key components of the planning process that we produced a five year operating plan and an annual operating plan and budget. This year will be the new five year plan for FY'21 through FY'25 along with the budget and operating plan for FY'21. We do this for both ICANN operations as well as IANA. And both of those plans will be planned to be published in mid-December for public comment, closing in the end of February. And then periodically we will report progress against those goals and against those budgets as we eluded to in the transparency section. If we could move to the next slide?

Here what we're trying to go through is just what are the differences between those two plans. In general, they're very similar. The key difference, obviously, is that the five-year plan is a much longer horizon. And because it's a longer horizon the details are more high level. The planning is structured in a sense of more new, stable, expand or decrease. Whereas the FY'21 operating plan and budget is more detailed and there's specific information around projects, milestones and things of that nature.

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Here are some of the key dates. We've already gone through the public comment process over the summer. And as mentioned we're expecting to produce and post the draft documents in December. Those will be reviewed with the Board after ICANN 66 in November. All of this with the expectation of having the board adopt these plans in May, which aligns with the timeline that we've had the prior year.

Here are some key dates around the additional budget request process. Overall, this process is very similar to last year. We're expecting the community kickoff and submission period to start shortly after ICANN 66 with the ending date being the 31<sup>st</sup> of June. At ICANN 67 there'll be consultations to make sure that everyone understands the requests. And then we plan to publish the approvals and all of the information related to those requests in early May when the budget is adopted.

Here are just some high level trends within the financials, and these directly impact the budget. As you can see here this is our last three year's funding. Funding has been growing at a very modest rate of .8 percent, so less than one percent less than inflation. If we move to the next slide we project very similar growth over the next five year horizon.

The growth is picking up slightly but still less than inflation and this directly impacts the resources that we have available and the inputs within the budget.

I think we can skip through this. We've gone through this. The headcount is moderated. Some other assumptions that go into the

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planning. ICANN Organization’s activities and projects result directly, or indirectly, from bylaw requirements and decisions made from the board based on community led policies.

At this time when we post the drafted documents we are not including implementation for future board decisions that have not been approved. The budget does include a contingency assumption to account for the fact that there will be Board decisions made at a later date so that we do have funds available. But we do not make an assumption that a certain initiative will be approved.

As Becky did mention the reserve fund replenishment is a big strategy for the organization and we do plan to have contributions within our budget and within our five-year plan earmarking funds for that.

And then, lastly, that the draft budget and five year plan will be a balanced budget where the expenses will not exceed funding less the plan reserve fund contribution. So with that we will move to Q&A.

KEITH DRAZEK:

Thank you very much, [Shawnee] and Becky. We really do appreciate you both being here today. Unfortunately during your Wednesday finance session with the community, the GNSO Councilors meeting, so essentially very few in this room, at least at the table, will be able to participate in that. So we do appreciate your participation here with us and willingness to take some Q&A.

I have a quick question related to the headcount, and then I’m going to get to Ayden who typed a question in chat and wants to get in

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queue, and then Erika. And then if anybody else would like to ask any questions here please do. Okay. And then I've got Martin and Paul.

ERIKA MANN: I raised my hand.

KEITH DRAZEK: I'm sorry?

ERIKA MANN: I raised my hand in the chatroom.

KEITH DRAZEK: I saw that.

ERIKA MANN: Good, because you didn't mention it.

KEITH DRAZEK: No, I did. I said Aiden, and Erika. Erika, please go right ahead. Ayden had typed his question into chat first, and that's why I went to him. But, please, go right ahead.

AYDEN FERDELIN: Thanks, Becky, and thanks, [Shawnee] for that presentation. That was very informative. I had a different question than the one I put into the chat, actually. And it was more just curiosity as we're going into the

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process for FY'21 and what the documents will look like. And I know that one request for several years now has been to see a breakdown of projected expenses and actual expenses by supporting organization and advisory committee. And I was wondering if any progress had been made on that front? I remember Xavier mentioned in Kobe that you were exploring ways that might be able to happen.

And the second question I put in to chat just briefly was on the state of the travel reports. I'm just wondering when they might be published? I understand that the decision was made in June to resume publishing them, but I haven't seem that webpage updated since mid-2018. So I'm just wondering when we might expect some new reports there? Thanks.

BECKY NASH:

Thank you for your question. So the first part of your question was about the documents and what can be expected. We are sharing in our session some of the outline of the documents in the Wednesday session, and again, I apologize for the conflicts between our finance session and obviously the GNSO Council. Those materials will be available and there will be lots of information about it.

If you recall we had a public comment on the five-year operating plan and financial plan earlier in the summer that we mentioned. And there was a request to confirm and receive information about the operating initiatives and the priorities. So the document structure will definitely include highlights as it relates to the priorities that were discussed in that public comment. And then we will have a combined document for

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the five year operating plan and the one year operating plan. And then a very similar FY'21 budget document as compared to last year. So there will be comparability between prior years' budget documents and the current document. And, again, the slides will be available on really the layout of the documents that we have at this time.

One of your other points was related to the breakdown of the annual budget by SO and AC. I know we've responded to comments as it relates to that, and we are in the process of evaluating how to design something that will be meaningful. We don't believe we will have it for the FY'21 budget cycle, but presumably we will be able to give an update after the draft is provided and look to a design that would be meaningful for community members.

Your final question was about the travel reports. I will need to check about the process and the dates, and I will be happy to check and make sure than announcement goes out about the latest that's been published. We know that there were some changes in the approach and that the travel reports were being resumed. So I would just need to check on that to you and I'll get back to this group.

KEITH DRAZEK:

Thank you very much, Becky. Erika, over to you.

ERIKA MANN:

Thank you so much, Keith. I do have three questions. So, first coming back to the numbers you gave concerning the replenishment of the reserve fund. And I believe you spoke about 47 and 35 out of the 47

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came from the auction proceeds. So my question is the numbers which are above the auction proceeds, are they still in plan that you originally had foreseen? Because I remember you had some money which came from the operational budget, and some money elsewhere. I don't remember where you had originally foreseen where it should come from. So is this in plan? That's my first question.

The second one relates to the \$20 million, I believe, which goes to consultancies, if I remember as well. So my question here is this when you look at it in a longer term trend, so not just one year or two years, but longer term trend, do you see this as flattening out or is it increasing or how is the perspective which you have? Not from when you review it from one year but for a longer period.

And my last one was to the, I believe, still very, very conservative. Where is this noise coming from? Am I it or is it just the mic? Sorry for this. The very conservative way in the way money which you have available in the reserve fund, and the same is true for the auction proceeds money, I believe you still have a very conservative policy in capital gains for the money.

So I wonder what kind of decision would you need either from the Board, or from maybe even from the GNSO, to allow you, at least to have a higher gain to some degree for a certain percentage of all of this money? Because I think it looks a little bit ridiculous to remain so incredibly conservative. Or maybe not at a time when the capital market is not good for a change. That's a different discussion. But in general I wonder if needs to be reviewed there.

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KEITH DRAZEK: Thanks Erika. Becky?

BECKY NASH: Thank you for your questions, Erika. So in responding the first topic that you mentioned was the reserve fund replenishment strategy. And we did highlight on one of the slides that there was a Board approved reserve fund replenishment strategy. And a portion of the funds that came into the increase was the transfer of the \$36 million from the auction proceeds. And then the balance was the contribution from operational surpluses – or again, as we had indicated with the revenue being higher, or the funding being higher than the expenses, that results in a net excess. And then the net excess from FY'18 was then subject of a Board resolution to transfer funds from the operating fund into the reserve fund.

And then that is a process that we have been recommending to the board at the end of each year. And, again, for FY'19 it's the same process with a recommendation of the portion of the net excess to be transferred into the reserve fund. But I think another key strategy is that beginning with FY'20 we actually have in our operating plan and budget an assumption for reserve fund replenishment.

So that is where we are continuing with the strategy of taking operational surpluses and transferring it into the reserve fund. So that is, again, a very responsible process to actually ensure that it's in the

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budget and, as long as everything goes as planned, there will be, again, a recommendation in order to transfer it to the reserve fund.

So we feel that we are on the right track, and that this replenishment strategy will be fulfilled from the operational. There are no other types of funds that we're evaluating, or that were actually approved in that strategy to use other than the auction proceeds that we disclosed here. So I hope that answers your question on that component.

The next question was just about the historical and future trends of what we call professional services cost category. And that really relates to a variety of different types of expenses that ICANN Org incurs, several of which would be consultancy. It would also include things like our audited financial service providers, or our auditors, including tax. It also includes legal expenses as well. So just based on the trend that we have here for two years of actuals where we see FY'19 professional services of \$20 million were compared to the far right column of FY'18, where they come down slightly by \$2.6 million.

So, in general, as you look at the FY'20, '21 and then the five-year operating plan you will see that based on the funding that is stabilizing, or growing at a much slower rate than we saw through the FY'16 through '18 period, you will see that all of our cost categories are stabilizing. So we do expect it to be very flat in that area as well.

And then the last point that Erika brought up was just about our investment policy. So basically we have two investment policies as it relates to ICANN's funds under management. We have the reserve fund, technically the operating fund in the reserve fund. The reserve

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fund we've talked a lot about where the investment policy indicates that it should be approximately 12 months' worth of expenses in order to have the safety and security of a reserve fund. And then we have what we call our funds under management for the new gTLD related investments which would be the application fees that were collected as part of the new gTLD 2012 of which those funds are used on an ongoing basis to fund the fund and any unpredictable risk costs. And also the auction proceeds which were collected at the same time.

So, in general, ICANN Org has a conservative investment policy. Primarily the goal is preservation of capital. So the preservation of capital investment policy is considered conservative, but the second goal is to have interest rates, or investments, that are market, so there is gains that are earned. But it is no to be a risky type of investment. So at this point in time I could only say that the Board has approved these main points as it relates to the investments, and we have worked with our investment advisors to optimize the mix of the portfolio, but again, the investment policy does have preservation of capital and then the best interest rate under that type of situation. Thank you.

KEITH DRAZEK:

Thanks very much, Erika, for the excellent questions, and Becky for the detailed answers. I have a long queue. We've got some folks at the mic and we're running short on time for this one. So I'm going to ask everybody to be very brief. And if we need to submit questions and get answers after the fact we will do that. So in queue I have Martin, Paul, Philippe, Maxim, James, and Kristina. So Martin, over to you.

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MARTIN: Thank you, Keith. I want to do like three questions, but I'm only going to do one, so everyone will have also a chance. And just if you can briefly explain what are the drivers for the protection of growth that is below inflation? Like why is it 1.5 or if that's something you can answer?

[SHAWNEE KUDWAY]: We work with another group within ICANN Org that's more specific to the marketplace dynamics, but I think that the key things I would say is that the growth coming from the new gTLDs has really moderated in the sense that as those TLDs were delegated we're not seeing significant growth within those. And then when you look at the legacy top level domains, specifically a dot-com, those have been around for a while in a sense that there really isn't any robust growth coming from them.

So those are really the key sources of our funding is coming from registries and registrar transactions. And there just isn't a lot of activity in that space.

KEITH DRAZEK: Thanks, [Shawnee]. Thanks, Martin. Next is Paul.

PAUL: Erika asked my question, thank you.

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KEITH DRAZEK: Thank you very much, Paul. And thanks, Erika. Philippe? Everybody wants to get to the coffee break apparently. Thank you, Philippe. Maxim, you're next.

MAXIM ALZOBA: I have a question for Becky. Have you seen a rise in costs for compliance over the estimated ones in this current year?

BECKY NASH: Thank you for your question. I assume that you're asking me more about the ICANN Org compliance function. We're currently in our FY'20 operating plan and budget period. So the document that we have posted that was approved last May would have what we are anticipating as the total for that particular function. I would just request that you have a look at that, and then that would also give you a comparable over the prior year. And then once we come to the timing of the FY'21 operating plan and budget posted for public comment we will have that same level of detail.

KEITH DRAZEK: Thank you, Maxim. Thanks, Becky. James?

JAMES GANNON: Hey, good morning. I'll keep it brief as well.

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KEITH DRAZEK: Standing mic, please.

JAMES GANNON: Testing. Testing again. And so pivoting off something that Erika mentioned, and then Becky brought it up, we talk a lot about the operating plan in the reserve fund. But it is important to recognize, as well, we do have the new gTLD fund. So napkin math that I just did, if you actually project out the drawdowns that are now coming out of the reserve fund, there's about 12 to 14 years of time to pass before we actually draw down the rest of that. Is it potentially time for ICANN Org, or Council, or the community to have a look at the new gTLD investment strategy separate to the auction proceeds, the actual new gTLD operating fund given the amount of time and the trends that we see around here in drawing down in the remainder of that \$106 million that's in that fund?

BECKY NASH: Thank you for your question. We do have a separate investment policy for what we call the new gTLD program related funds which would be the application fees and the auction proceeds. And there are some differences in the types of investments and the waiting between longer term and shorter-term investments.

So I guess just to conclude on your question there, the investments are being managed under the current approved investment policy. And the program, again, does fund ongoing costs, but we keep very little in the operating fund and most of it is in the funds under management

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for new G and governed by those investment policies. So I hope that I answered your question and if not please feel free to either email me or contact me through my colleagues here, but we are also available at all times at a finance email box which is [Planning@ICANN.Org](mailto:Planning@ICANN.Org).

KEITH DRAZEK: Thanks very much. Kristina?

KRSTINA ROSETTE: Two quick questions following on a point that Erika made. The last slide references plan contributions toward kind of a recovery from expenses and planned contributions from the operating fund to replenish the reserve fund. And I understand – is it finance? Does finance currently anticipate that there is any possibility that those plan contributions in terms of transfers from the operations funds would be insufficient such that it would be necessary to reallocate again from auction proceeds? That’s question number one.

And question number two is, for purposes of budget planning adoption implementation, Does finance as any kind of organization or team objective to arrive at a situation where the reserve fund is sufficiently replenished, or at the level that the board feels comfortable with? And expenses are in control such that the \$36 million dollars that were allocated from the auction proceeds could essentially be replenished?

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BECKY NASH:

Thank you for your question. The first part of your question related to the process for recommending a transfer from the operating fund to the reserve fund. So, again, the last two years we've had recommendations to transfer any net excess. So any net excess that's available and then approved by the Board, and then that's what it is part of our replenishment strategy. And, again, I think the key point is that we also include a replenishment portion in the annual operating plan and budget, which is something that, again, we did for the first time most recently in order to also plan ahead on it.

As it relates to some of the questions that you have just about the replenishment strategy, again, that's a Board-approved replenishment strategy, and each time there is available funds it's subject to a Board resolution. And any other types of changes in how the replenishment strategy was approved back last November would again be subject to an evaluation and a Board resolution. So at this time we are quite confident that we're planning for contributions and then recommending any net excess or expenses lower than funding availability of funds to transfer it to the reserve fund.

KRISTINA ROSETTE:

All right, thank you.

BECKY NASH:

Thank you.

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KEITH DRAZEK:

Thanks Kristina, and thanks, Becky. So we're a little bit over our time here. I do have one last question, and that was related to, Becky, the reference that you had to the I think it was approximately three million dollars in lower expenses due to headcount. And I think that you noted that that was, in part, due to timing relating to hiring and some projects that had been pushed off or deferred out of the time period. And I'm just curious if there's an expectation that those hirings would take place in subsequent periods or in the current financial period, or if are some of those savings something to be recognized over time? I hope that's clear.

BECKY NASH:

Thank you for your question. So on this slide here we do have the headcount trending. On one of the previous slides we also had the budgeted headcount for FY'19. And, again, we were comparing FY'19 actuals against the budget. ICANN Org and ICANN as a community does go through such a robust budgeting process, and it is so much significantly before the timing of the year in which we actualize or do the work.

So predictability of what headcount are needed and what work it's related to is always driving a variance of some sort. And I think primarily what we're being asked here is: is that savings that we reported both actually in FY'19 and in '18 going to be a permanent savings? It's another way that finance sometimes says it. Is it just timing?

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When we do have planned work, and when work is approved by the ICANN Board we will perform the work. So we would not necessarily say that this would be something that's a big change. However, we are highlighting with many of our presentations that we now provide this headcount trending just so that as a group we can all discuss the fact that headcount has moderated and is growing, either stabilizing or growing at a very much slower pace. And it's all part of how we prioritize with the community and the Board how to complete our work.

So, again, if work is approved by the Board, then the headcount within the budget, or in contingency, would be approved. So I think the official answer would be that it's timing. However, we are acknowledging that headcount has been a question that we received a lot, so we like to provide these slides in an effort to be very open and transparent about our headcount.

KEITH DRAZEK:

Thanks very much, Becky, and to [Shawnee] for both of you joining. I really appreciate this engagement. Great questions today. And we really do appreciate the time that you spent with us since we won't be able to be in the Wednesday session, but conflicts are unavoidable at ICANN meetings. So we understand. So thanks so much for joining.

With that we will move to our coffee break. We are ten minutes over time. We'll still do a 15 minute coffee break. So come back at 10:40, but be prompt, because we do have some additional things to get

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through and I appreciate GDD staff being patient with us in our running over a bit. So coffee break time. Thank you.

Hi, everybody, this is Keith, if you could please start taking your seats and we will get started here shortly with our colleagues from GDD. So that's your one-minute warning. Okay, recording started, please?

Thank you very much, Nathalie. Welcome back everybody to the GNSO Council's Working Session here in Montreal, ICANN 66. We are ten minutes over time, but I'd like to welcome our colleagues from GDD to provide an implementation update. And so welcome to Russ, Cyrus, Brian, and Dennis. So, thanks to you all, I'll hand it over.

RUSS WEINSTEIN:

Thank you, Keith. This is Russ Weinstein from GDD. Thank you for having us. It's always great to be here and give you guys an update and get good discussion on how we're doing on policy implementation like you mentioned with Dennis Chang, Brian Aitchison, and Cyrus Jamnejad who are the program managers for the different policies we're implementing for you. And they'll give a brief implementation update and welcome discussion about any topics on your minds related to these policy implementations. So with that I'll turn it over to Dennis to lead us off.

DENNIS CHANG:

Thank you, Russ. Good morning, everyone. My name is Dennis Chang, GDD Programs Director and I am the Program Director for this registration data policy implementation. You all know it as EPDP

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Phase 1 implementation, but when we took it over and started the implementation, we actually named it for what the policy is. So I will refer to it as registration data policy from here on.

So, as you know, the Board adopted the final report, and there was a couple of exceptions to the adoption of the recommendation. And some of them are still a discussion that is ongoing between the Board and the GNSO and we are well aware of that. But, regardless, we have initiated our implementation. And the very first thing that we did, and it was following the recommendation – rec 28 specifically – to get us started earlier, as early as we can, actually. And we did. And we have published what we call an interim registration data policy on 17 May working with, at that time, what we call Pre-IRT.

And thanks to their good support we were able to do that for you. And the main reason for that interim registration data policy is because we know that temp spec had an end date and you all needed – you meaning our contracted parties and everyone involved – needed something to keep working through as a requirement.

So the interim data policy basically extended the requirements that was laid out by the temp spec for us to continue to work with while we develop our implementation plan for the full registration data policy.

So the IRT, the official IRT convened, and had our first meeting on the 29<sup>th</sup> of May, and at this time we are engaged in what we call the recommendations analysis. So looking at each recommendation, all 29 of them, reviewing them, and trying to determine what the

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implementation requirement is that is embedded in those recommendations.

So we're done with the review at this time and we are almost done with the analysis, and we have two IRT sessions at ICANN 66, one on Wednesday, and Thursday, both starting at 8:30 AM. And, of course, you're welcome to join these IRT meetings at ICANN. It is an open and public session.

So I will start with a quick detail status for the public who attends and give them an overview. And I could talk more about it at those sessions if you're interested.

On the registration data policy implementation, a couple of things to point out is Rec 27 work plan was shared with the GNSO Council. And Rec 27 is where we were asked to review all policies and procedures that ICANN has and see what the impact would be. And we have a work plan that we have shared with the GNSO and working through as we speak. And we will continue to coordinate our work for recommendation 27.

Recommendation 15 was provided to the EPDP Phase 2 team. So this policy implementation is interesting in that way where we were asked to work and coordinate our work, our efforts, with the GNSO Council as well as EPDP Phase 2 team.

So the project timeline for this policy, if we could go to the next page, is this. And what it is, I think you may remember that I presented this before. And we affectionally called this chart the Rainbow Chart.

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And what it does is it lays out our policy implementation in stages. Stage zero was before the temp spec was expired. Stage one is where we are now. And if you look at the blue bar with the blue arch there is called stage one. And underneath it's basically broken down in three phases. The first phase is the implementation planning. And that's what we are doing now.

And, of course, when we're done with our policy implementation plan we are going to publish it for public comment. And only after that public comment is over and we have our finalized policy language we will go into what we call stage two where the full implementation will start. And the end of stage two is policy effective date. So in stage two, and during stage two, the contracted parties are free to implement the policy in part, or all, whole and transition to a full implementation.

So the two days that you are all interested in is, one, the publishing date of the policy which is the beginning of Phase II, stage two, and the policy effective date, which is the end of stage two and the beginning of stage three which is our permanent state. And GNSO Council, I know, has in receipt of Rueben's, your PSR to the IRT email stating that the IRT has determined that 29 February 2020 date, which is a recommended date for policy implementation, does not seem feasible and therefore have asked that we continue working in doing the analysis in full for every recommendation and determining the tasks involved and estimating those tasks to come up with a timeline that we can achieve. So that's where we are today for registration data policy. Shall we move on?

KEITH DRAZEK:

Brian? Thanks very much, Dennis. And I just wanted to acknowledge the hard work that you and the team are doing to work through implementing the policies that have been approved by Council and approved by the board.

And just a flag for everybody, councilors and everybody in the room, we will be speaking together here as Council, and Karen Lentz is going to join us in not the next segment of our agenda, but the following segment, to talk about recommendation 27, the project plan, to sort of make sure that we as Council recognize the potential impact on the policies that we may need to initiate new PDPs on to address coming out of the phase one EPDP policy recommendations. So thank you for that.

BRIAN AITCHISON:

Great. Thanks, Keith. My name is Brian Aitchison I've been leading the translation and transliteration of contact information for about four years now. There's not much new to report as we have been waiting for RDAP to be implemented. It has been, more or less, and now we have, as you know, this EPDP recommendation 27 given the implementation's relationship to RDS. We're adding it to that analysis so we can make sure everything is synced up.

We're not having a formal IRT meeting at ICANN 66, but tomorrow at 10:00 during the break I've invited the IRT to come and let me know of any issues, any concerns, but it sounds like we're more or less synced

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up. And I'll be sure to report out anything new we discuss. Just a small logistical point. Reuben, due to his work in the EPDPs is now leaving as liaison to the Council from the TNTRT to be succeeded by Maxim Alzoba. So we'll be welcoming to the group over coffee tomorrow. So I'll send out updates when they come out.

CYRUS JAMNEJAD:

Good morning. My name is Cyrus Jamnejad. I'm the Manager with the gTLD Accounts and services team. I'm going to brief you on the status of the privacy proxy services accreditation implementation.

So, as you may know, the implementation is coming on hold. And the ICANN Org indicated this hold to the Council in a letter on September 5<sup>th</sup> from Cyrus Namazi. And that letter was predated by an exchange of letters early in the year in which the ICANN Org essentially stated that due to the ongoing work in the EPDP phases one and two, and the consideration for the resources expended within those and the PP IRT, we thought it prudent to place the implementation on hold until the resolution of that work.

We asked the GNSO Council to provide input on that, to weigh in and see if you had any thoughts or came to some conclusion as to what guidance to provide for us. And, as noted in your letter, there is a divergence amongst councilors as is the case in the community. There's a convergence of opinions as to whether we should proceed or pause.

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So the mandate was then given back to ICANN Org and the IRT as the implementers of the policy to determine with the best available information whether to proceed or to pause. And then on September 5<sup>th</sup> we did indicate the full pause until the resolution of EPDP phase two work.

So a quick rationale that was discussed in that letter is presented on the slides here, but basically in phase one, the work is including defining the relevant set of data for a collection transfer, escrow, and retention. And there are issues about creating that data processing arrangements between ICANN Org, contracted parties, and other ecosystem partners.

And then the phase two work, in the phase two the EPDP team seeks to determine a policy governing the disclosure of the redacted data elements to authorized user. So that is essentially defining the rules by which people can request and then disclose the underlying data.

DENNIS CHANG:

Next slide, please. So thick WHOIS is officially implemented, but the enforcement, compliance enforcement, has been deferred. The thick WHOIS policy recommendation was broken into two policies, actually, and consist [labeling] display has been completed. The transition one, while the policy effective date has passed, we are under direction from the Board to defer the compliance enforcement, and the latest resolution was to May 31<sup>st</sup> of 2020 and 30<sup>th</sup> November of 2020, respectfully, for these milestones.

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However, at this ICANN 66 the [Board] will further consider deferring to a later date. So please stay in tune for more action on this one. Thank you. Next page.

The IGO INGO is the main policy, has, again, in two parts. The reserve names has been effective since 1 August 2018. The INGO part for the claims notice protection is waiting to see if there are other requirements for notification protection. And we wanted to combine the effort before we stand up a new system that needs to be maintained. So that process is still being in consideration and we'll see what other requirements comes up. And the IRT will proceed with that decision after that. Next page, please.

The Red Cross names, this is the one that reconvened PDP working group has worked to publish a name for reserved names, right? This was adopted on 27 of January this year. And implementation team working with the IRT has produced an implementation plan and is currently open for public comment. And the due date is 12 December of 2019. And I do want to draw your attention, especially those of you who are familiar with different scripts. The names, this is rather extensive, very long. We have over 7000 DNS labels with this implementation. So it would be nice to have your eyes on it.

So I welcome you to provide us with a public comment, our target date for publication of this policy is 1 February 2020 with 1 August 2020 effective date.

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KEITH DRAZEK: Thank you all very much for that review. And we will now open it up for any questions for the GDD team focused on implementation, and implementing the policies that we have approved. So, let's see, get back in the Zoom room. One moment. I don't see any hands. And let me just note for the folks joining us here in the room today. There is a standing mic, if anybody has questions, feel free to come to the microphone and I will acknowledge you. Okay, I don't have any questions in chat, so thanks to you all very much for joining us. We look forward to working with you as we move forward. And I'm sure that there will be further discussion between Council and GDD on some of these things that are coming out of the EPDP Phase I implementation as it relates to existing policies. So, thanks so much.

UNIDENTIFIED MALE: Thank you.

RUSS WEINSTEIN: Thank you, Keith, and thanks everyone. This is really important work. We take it very seriously, and appreciate the time you give us for this. Thanks.

KEITH DRAZEK: Thanks very much, Russ. With that we will move on to a discussion with the co-chairs of the ATRT3. That would be Pat Kane and Cheryl Langdon-Orr. Hi, Cheryl. And Mr. Kane. Thank you.

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CHERYL LANGDON-ORR: You don't actually expect me to move, do you, Keith?

KEITH DRAZEK: You look pretty comfortable, Cheryl.

CHERYL LANGDON-ORR: Thank you.

PAT KANE: Why didn't you ask me?

KEITH DRAZEK: So, just for everybody's benefit, while we're getting started here, the ATRT-3 team has been meeting this week already, and will continue to do so, and this is an opportunity for us to hear from them, and for you to ask questions of this important accountability mechanism and review. So with that we will shortly hand it to Pat and to Cheryl. Cheryl, would you like to start? Pat, would you like to start?

CHERYL LANGDON-ORR: Oh, we're being terribly polite with each other this morning. Don't we have [inaudible] this morning, obviously. We'll get them to the groove. Just a moment. Yes, we've got the slide deck up ahead and of us. And let's give you a brief view of the presentation.

First of all, I just wanted to draw your attention to the fact that we have a number – not all, but a number – of our ATRT team in the room,

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many of which, of course, GNSO Council seemed to serve on the ATRT-3, so I think it would behoove us, Pat, to identify them. So if you're on our ATRT team, either stand up, or put your hand up. Michael, Vanda, Jacques, Jaap, Sebastian. Who is that? Daniel? Eh, oh, two hands up from Tola. And Wolfgang. So you've got a well-represented group in the room, and they'll be happy to step forward in any questions that may relate to particular work from the work plan and work parties that they've been doing as well. So Pat and I will conduct our way through the slides. With that, that's the sort of intro done, Pat. Shall we just dive straight into it?

What we're going to take you through today is obviously a brief background in case you don't know about accountability and transparency, cover off the various bits and pieces within our somewhat extensive work to date. It'll include touch points on all of these. We will not dive deeply into it. It's just to give you a sense of flavor and direction, to give depth and color to what you may be able to predict we will be coming out with before the end of the calendar year for some commentary from everybody.

Now if we move to the next slide you'll see there's a quite considerable number of subsections to our planned review. At this stage we are looking at what may or may not become a recommendation versus a suggestion, or a strong suggestion in some cases, for various topics. That's the work we're doing right now. And you will find that the final documentation, when you get to see it, will be as in as plain a language and as easy to read as possible, but it might mean that

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there's an awful lot of more detailed appendixes to make that so. So let's move to our next slide. And on one again.

We've got some new rules. Pat, do you want to take them through the different environment we get to work in now, my friend?

PAT KANE:

Thanks, Cheryl. So one of the things that we were focusing on in terms of some of the new rules that have to do around the operating standards, and specifically what is the difference between a recommendation now and the work that has to be done around a recommendation? And what can we put forward as suggestions? So I think what we'll see out of ATRT-3 is we'll see a fewer number of recommendations that have a lot more study behind them and a lot more justification behind them and present those as the recommendations and everything else that we've identified and talked about as good things to be done or thought about will come across as suggestions.

CHERYL LANGDON-ORR:

Let's move to the next slide. Move along. Some of the things that we need to realize that within these new rules there is a lot of gating points. There's got to be where the evidence comes from, where evidence is it could be found, what sources of input are we using. There's got to be a detailed problems statement. It's a very different environment to be looking at what makes a capital R recommendation from any review team. Just we're the beta testers of the process.

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So, for example, it's very unlikely that many of the recommendations that have come out of most of the previous review, specific review teams, would be in the form they are, or even be recommendations, if they had to go through this process. So you're going to be not looking at our work product in easy comparison to that which has gone before. And if you'd like to, we could indulge, I think, Pat, and see if there's any questions at this point. Because this is a big shift. This is a very different time. So if there's any questions about that we can take that now. Right, well, that's easy enough.

KEITH DRAZEK:

I don't see any hands in queue, so maybe as we go forward people will have further questions. Thanks.

CHERYL LANGDON-ORR:

I'd be happy to come back to it, but I didn't want to rush through if people were going, "The what? The how?" Next slide, please.

This is our plan. We are working from looking at our mandate of what ATRT did in its second iteration. One of our main efforts in the last couple of months has been looking at the degree of implementation and the effectiveness of the implementation of what, for example, ATRT-2 recommendations occurred.

Now, the work of ATRT-2 was a long time ago. We admit that. It finished its work in 2013. It did 12 primary recommendations with 46 different distinct components. Most of it was focusing on the Board and the GAC, and indeed the implementation reporting did begin

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implementation and reporting began in 2014 and was reported as complete. And that's what's important to note – as complete – in September or October, if memory serves, 2018. Now, we've done our deep dive. We've done our research and we have made a number of observations. Let's move to our next slide.

We started our work in the beginning – appropriately, April Fools Day, in 2019. Like all other ATRTs before us, we are limited to a 12-month block of time, so you will see our work being finished by the end of March. And you all know why things were delayed.

Originally, we had 18 members. We've had a little bit attrition. You can see the breakdown there. And we can move on. That's just for the record.

We've opted that we're going to perhaps make a few recommendations, but those recommendations will be put forward under the new guidelines. We are currently looking at a much larger number of suggestions. In some cases, quite strong suggestions. And in particular, this often related to what we see as a difference in declared implementation and completion of things, compared to actual that we can find to do with ATRT-2's recommendations. And we obviously will be, because of prioritization issues, trying to limit any recommendations we make to the most critical and most important to deal with and timely manner. Next slide. And I'm going to toss it back across to you now, Pat, if you like, as you can take them on a highlights and holidays tour over the next couple of slides.

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PAT KANE:

Thank you, Cheryl. Next slide, please. So, when we take a look at the ATRT-2 recommendations, we did an analysis and went through and broke it up into the different members of the team. And this is actually one of the areas that we are having lots of discussions on – very passionate discussions on – in terms of what was actually completed from our perception as ATRT-3 versus what ICANN staff has presented to us, ICANN Org presented to us, and what was completed.

We're finding that some of the recommendations in terms of they were very specific and very prescriptive. And in an absolute manner, they were not completed. Although something may have been done in place, we're going back and taking a look from an absolute standpoint, they weren't done.

So, part of the conversation we're having around as we move to the ATRT-3 is how do we ensure that our recommendations are actually implemented and what does that process look like and maybe not just hand it to ICANN Org to go deploy or the Board approving and moving forward, but having a shepherd from within ATRT-3 to make certain it sticks around and stays on board with the process, to make certain that they are implemented or ultimately retired, if not implemented. Next slide.

Basically, I think everyone saw that we had a survey. We talked about the survey when we were in Marrakech and we do appreciate everybody's participation in that survey. A lot of very good feedback. And what you'll find in the document is that Bernie [Chircot] who is our technical writer is doing a great job of summarizing all that and

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putting it in very good directional as to what it is that we should be focusing on from a community standpoint. And as you go through the document once it's posted – or actually you can even go take a look at the version that's on the Wiki now and see where we have overwhelming recommendation from the community that we will make recommendations and [inaudible] there's not so much interest in terms of making a modification or making a recommendation from. Next slide, please. Next slide.

So, there was strong support for what the Board has been doing and been participating in in terms of making the decisions and effectiveness, so we're not going to consider recommendations in ATRT-3. We will see some coming from the policy development process, and again on assessments from the ATRT-2 recommendations. You'll see us repeating some recommendations or modifying some of the recommendations and the list of the priority topics that we're going through were focused clearly on prioritization which has been a big topic whether it be in the multi-stakeholder model evolution that Brian Cote is running with, or actually coming from the Board as well.

Specific in organization reviews. This is one area where we're having a lot of discussion around in terms of do we streamline and reduce the number of reviews or do we maintain the reviews that we have today and try to drive more accountability and more transparency?

So, I won't say that we have consensus – we certainly don't have full consensus. I won't say we have consensus. We're probably not

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divergent at this point in time in terms of definition of consensus. But this is an area where we have a lot of work remaining to do in our discussions.

We'll make commentary on diversity of board members, take a look at PDPs, and again the public comment process in the area here is taking a look at what public consultation is and what public comment is. So, there are many mechanisms and tools that the community is being given in terms of blogs, in terms of discussion papers and what is the response process to a public consultation as opposed to a traditional public comment process. Next, please.

So, we're also taking a look at the accountability indicators to which ICANN Org is measuring themselves. On prioritization, the survey question that we asked is should we make recommendation about prioritization? And this was overwhelmingly yes. The community said let's take a look at prioritization. There's a lot of work to get done. There's a lot of competition for resources and the prioritization process has to take place.

Now, the challenge here for us, of course, will be how do we make certain that we balance, or at least stay in communication, with the other areas that are focusing on prioritization as well.

Like I said, we know that the Board is working on something. We've got a preview of a paper on prioritization. All of the Review Team leaders took a look at that middle of last week and we're waiting for an update on that so that we can use that as far as our deliberations. I already talked about this on reviews. We can move through that.

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Let's go back to the organizational review. One of the conversations we've had about the organizational reviews is do we continue to focus at a global or community-wide level on different organizations that have different structures and how do we review those? Or do we focus on the communication between the structures? I refer to this as taking a look at the white space in between our organizational chart and how the different structures work together. Or do we continue the same process where we have a full-blown review of each organization? So that's ... We don't have a consensus on that yet, either.

CHERYL LANGDON-ORR:

I'll pick up just briefly to keep the flow going. What we heard – and none of this will be surprising to any of you in this room – is a number of complaints and universe dislike about certain aspects of where we find ourselves in reviews now and those bullet points cover them off. But this is our take at a very high level on what the opportunities may be for looking at a rejigging or a review of the reviews. Okay, Pat, you're back on deck.

PAT KANE:

Yes. Thank you, Cheryl. So, next slide. So, we talked about this already, so let's move. Diversity on the Board. I think that the response that we got back from the survey was that there was no issue really with the diversity of the Board. I think that there was satisfaction with that. Next, please.

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Public consultation. We talked about that as well in terms of whether it be public comments versus public consultation and how to respond and get commentary or feedback into ICANN Org or the ICANN Board in terms of different mechanisms that are being used today to share information.

PDPs under consideration by ATRT-3, but again, PDP 3.0 and other items we need to keep in lock step with to make sure we don't walk over what's going on in those areas as well. So, Cheryl, if you want to pick it up from here.

CHERYL LANGDON-ORR: I was going to say, "And here we go." We have a comment from a review team member and we have a question from Tatiana. Keith, did you want to have a brief break and run the queue?

KEITH DRAZEK: Thanks, Cheryl; and thanks, Pat. Happy to do so. So, I saw Tatiana and you said there was another review team member.

CHERYL LANGDON-ORR: Sebastien.

KEITH DRAZEK: Oh, Sebastien, okay. So, Tatiana and then Sebastien.

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TATIANA TROPINA:

Thank you very much for the overview. I want to ask a question about prioritization and multi-stakeholder model and the work Brian Cute is doing. I remember in Marrakech, and even earlier in Kobe, there was a big discussion on how to avoid the overlaps between what is going on right now and Brian Cute's team work. I want to ask you how he, or you, are trying to follow this path of avoiding overlap. Are there two different streams of work? Are you streamlining? Are you channeling? Are you exchanging information? Because I believe that if ATRT-3 team is seriously on this topic – and you are seriously on this topic – then Brian Cute probably has to separate his work because that's what was promised to us. But I would like to hear about your [inaudible] of all these.

And my second question. I'm sorry for being so, not being quick in asking them. The second question is about this public consultation and public comment process. You probably are aware that, in the recent months, there was a lot of ... Well, I've heard some criticism about the blog post instead of public comments. So, are you going to fix this situation or it's more about meta level of the processes or do you have some aim to fix what was going on? Thanks.

KEITH DRAZEK:

Thanks, Tatiana. So, who would like to respond to that one?

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CHERYL LANGDON-ORR: I might take the second and you can take the first, I think. So, I'll grab the second and deal with this gray area of what is meant by interaction with the public.

What we're certainly intending to do is to seek for some clarity, some predictability, and some unambiguous knowledge about what's meant to go with what classification of interaction and also when it's more appropriate to have a particular type of interaction.

Now, of course the PC, the public comment system, that we have right now, right back to ATRT-1 was very responsible for some of that. So, it was designed a long time ago. It's been fiddled around with a little bit. But it's going to be ... It's being overused, misused, and then not necessarily used as well as it could be when it should be used, which is why some of these other things have come in. In recognition of that, let's make sure that everyone understands what is fit for purpose and that would be the intention. So, I'll get Pat to respond to your first question and then Sebastien has an intervention that he might make with the rest of us as opposed to just the co-chair.

PAT KANE: All right. Thank you, Cheryl. On the prioritization issue, it's even more complex because the Board is taking a look at what's going on with prioritization as welcome. Avri has led that and so there's some considerations as to what to do there.

So, I think when we take a look at the review teams and what we think about as recommendations and how that looks, that will spawn itself

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into what the prioritization looks like. But we are in touch with Brian. We keep up with what's going on there, so we work to make certain that we are not covering the same space, although we touch upon the same space because it is real easy for us to go do that. So, we do engage with Brian quite often. And like I said, we got the review paper or the prioritization paper for the review team chairs last week that we looked through and there's some commentary and feedback that we've given back to the Board on that as well in terms of what prioritization looks like.

So, we do keep in touch to make certain that we're competitive unless we feel strongly in one direction or the other but try to be more complementary and not cover the same areas again and again.

KEITH DRAZEK:

Thanks very much. Next in queue I have Sebastien and then we'll go to Philippe. Sorry. Rafik and then Philippe.

SEBASTIEN BACHOLLET:

Thank you very much. I wanted that we come back to slide 30 because I would like to be sure that this slide [inaudible] currently now we work most important. We would like to have your feedback on that about the possible recommendation from ATRT-3. Therefore, I don't want to jeopardize the question you will be raising but if you can have a look to this one and we could have an exchange, it will be great. Thank you.

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PAT KANE: Thank you, Sebastien. Is this the slide that you were referring to? I'm sorry.

SEBASTIEN BACHOLLET: It's page 30 from my point but maybe the ... It's reviews, recommendation consideration by ATRT-3. Before. This one. That's the next one. We work a lot – we are working a lot about the question of the review and we open few solutions – we take into account the fact that there is lack of coordination and sometimes overlap between the reviews. There are too many reviews and sometimes at the same time. We have all, of course, questions about the resources and each review can compete for the same resources, the same people, both in the community and in staff and for money also.

There is sometimes [inaudible] to implement properly what get out from those reviews and the time to do it, and one of the last points is that it's difficult to have whatever name you want to give, systemic and holistic view of the organization.

Therefore, because we don't want to close the debate today – next slide, please – we came with two, three proposals. The first, how to address those questions. The first one is a single permanent entity in ICANN to coordinate review like they are today and who [inaudible] must be independent to assess the implementation of the recommendation.

The second possibility is to replace all specific reviews with one review and all the organizational reviews with one review. The last is to have

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just one single reviews who take care of all, both specific and organizational reviews.

We would like very much, not just now because we have a very short time, but to have your feedback on that. It's an open discussion. And of course we will have a report later on this year and you will be able to make comments but we would like to have your first feedback on that. Thank you very much.

KEITH DRAZEK:

Thank you very much, Sebastien. We will certainly take that on board and discuss it as a Council and provide feedback. I have three people in queue and then we need to wrap up because we're running over time.

CHERYL LANGDON-ORR:

Keith, I was going to say apologies, as I've just typed into the Zoom room taking you over time now. You have this as a document. You have this as talking points. We certainly don't want to ruin the whole of the agenda for the rest of today. I'd be more than happy, wouldn't we Pat, to take these questions on notice and we will deal with them directly before lunch, if you want to type them into the chat, ladies and gentlemen. We'll take a note of them, respond to them, and of course look forward to future interactions. Sebastien has done a more than adequate job of doing our summation, I think. So, Pat, unless he's missed anything you wanted to say, let's close it.

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PAT KANE: No. He was good on the detail. Thank you.

KEITH DRAZEK: So, my queue was Rafik, Philippe, and Erika. Would any of you like to speak at the moment or is it okay to take these questions offline in chat? We have a few minutes. We just need to be brief. Rafik?

RAFIK DAMMAK: Okay. Thanks, Keith. I have a few questions. It's okay to follow-up later. About the PDP review, I understand it's ongoing, but can you clarify what the scope and the kind of area you are trying to cover? I know you got input from different working group leadership and so on but do you have any idea what the scope and the input that you [inaudible] now?

I'm trying to reduce my comments. The last, about the diversity. So, Cheryl, we were on the same subgroup for workstream 2 and now we are waiting for the implementation plan and so on. You are covering – I know it's just about the Board diversity but how it's going to be covered and you will review the recommendation of that subgroup or I'm not sure how we are planning to deal with that.

I was going to just ask about the public consultation. I don't think you have already ... You are working on some recommendations. But what kind of ... I mean, because we only see some [percentage] but what kind of comment do you go [inaudible] proposal for improving the public comment?

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CHERYL LANGDON-ORR: Well, if I can very briefly cover up, and this is what I was trying not to take too much time for too many multiple questions. Regarding diversity, work stream 2 implementation has to be considered, but there is the diversity on the Board matter which is also being dealt with during the outcomes and implementation from the Nominating Committee Organizational Review as well.

So, taking into account those expectations, we will be looking at the matter of Board diversity from what we heard from our survey. So, that's as much as I'm going to give you on this one, other than watch this space and [inaudible] thrilled to turn to that page when you get the report to read.

In terms of – what was the last one? The public consultation. We are not trying to necessarily make any specific new design details at all. As you know, I've been watching the 3.0 process very closely. But there is opportunity to see the community from a community is not happy and we can make some suggestions that things need to be looked at.

And quite specifically, there was specific recommendations out of ATRT-2 on PDPs which simply wasn't implemented. And we have to deal with that.

Then, the first one was the – say again? Oh, I covered it all? Thanks heaven for that. Next?

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KEITH DRAZEK: Thank you very much, Cheryl. Much appreciated. Philippe and then Erika. Then we'll wrap up.

PHILIPPE FOUQUART: Thank you. I have one comment and one question. I don't need an answer. So, the comment is on the following. It's on the list issues on the previous slide, I think. And I would agree with that. I would add that one of the difficulties is that review teams sometimes come up with a bespoke methodology which complicates the exercise. And I think that the recommendations that we've got on this slide would probably help in coming up with some sort of common approach.

The question is somehow related. There's a reference to industry metrics on one of the first slides and I'd be curious of what that would entail. It's probably related to this as well. Thank you.

KEITH DRAZEK: Thanks very much, Philippe. If there's a response to the industry metrics reference, anybody would like to add, that would be fine. But in the meantime, thank you, and we'll follow-up with that question. Erika, you're last, and then we need to move on. Thank you.

ERIKA MANN: Yeah. Thank you so much, Keith. I actually have no real question. I just have a comment. I'm wondering whether we shouldn't limit all reviews to maximum one hour. That's maybe too [inaudible]. One year. I just can't see us continuing working like this and I can't see any

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value in working longer than a year on a particular review and I already believe a year is pretty long. So, we will just have to change some of the processes but in principle, I can [inaudible] it's impossible to achieve this.

PAT KANE:

Erika, that is something we are looking at because that is the best way to control scope in terms of what it is that you can work on because we knew had a year. And we talked about this in Marrakech, that the process that we went through was we went through a lot of things we wanted to discuss as a group. We prioritized those and we started to throw some out at the bottom that were lower priorities for the people that were going to do some of the evaluation. Of course, we went through ATRT-2, identified some areas, the surveys identified more areas. But the time bounding is key for control of scope. And if we have a resource competition, how do we make certain that we apply the resources within the community against the greatest opportunity for improvement?

KEITH DRAZEK:

Great. Thanks very much, Pat and Cheryl, for joining us today and sticking with us a little bit longer than planned. But this is really important and clearly the ATRT work is an important accountability mechanism and so we really do appreciate the work that you and the whole ATRT-3 team are doing. So, thank you, all for joining us today. Much appreciated.

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Okay, let's move on. We will move directly to our discussion of – just make sure I have the right topic. Discussion of the EPDP Phase 1 recommendation 27. I think Karen is here to join us also. Is Karen Lentz here? Hey, Karen. Welcome. Thank you. We'll give Karen a moment to come up and join us. Again, this conversation is essentially a reminder to all of us as councilors that we have a tremendous amount of work ahead of us in 2020 and that, as we go into our strategic planning session at the end of January, this is going to be one of the areas that we need to focus on and that we need to identify as future policy work impacted by the recommendations from EPDP Phase 1.

And this will fit into the broader picture of all of the other work that we have going on, which includes our ongoing PDPs of subsequent procedures, RPM, EPDP phase 2. The other work that's going on related to the community-wide work, discussions around DNS abuse, discussions of evolving the multi-stakeholder model. There's just a tremendous amount of work that we're currently dealing with and that's not going to change. It's only going to get worse.

So, the question is how are we going to prioritize these things? And the first step on that path is understanding what's on the menu. Karen, I think you may have a quick update in terms of your project plan which was originally shared with the council several months ago and I understand there may be some updates based on your engagement with the GDD staff in terms of the implementation work or conversations at least. So, I'm going to hand it over to you for any update you'd like to provide us.

KAREN LENTZ:

Sure. Thank you, Keith. In terms of the EPP recommendation 27, this provided for updates to be made to various policies and procedures that are impacted or that might be impacted by the new registration data policy that's in the process of being implemented.

So, the work plan that we created to undertake those reviews called for kind of a three-phase process. First, starting with inventory. So, going through all of the existing policies and procedures and identifying what the impacted areas are. Secondly, to have that reviewed by the IRT so that any additions or modifications can be made, and also to validate the path that we suggest for these different items.

So, the third phase we call triage, meaning that some of the items we expected would be policy issues that would be dealt with here in the GNSO. Others would be maybe implementation issues or changes that we needed to make as an organization operationally. Then there may be some contractual issues as well.

So, we are in the inventory phase now. Also in the work plan we divided that into waves so that we could put the higher priority, or what we thought would be the most highly impacted items up near the beginning. So, where we are in this, we are just about to finish the wave one report and that does include all of the existing GNSO consensus policies that are in effect with the contracted parties. So, we've been able to complete the review of those.

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I'll mention one of the things that has emerged in the process of doing these reviews is that the policies were written for a WHOIS-centric environment. So, in some cases, we've identified we're needing to look at how does this work in the current environment with the WHOIS protocol and the existing systems, as well as identifying – thinking about under RDAP when RDAP is fully in place, how does this policy work in that scenario? So, we're trying to identify – or we have identified - in the process of doing that some considerations of note because the policy really should be neutral in terms of what protocol is being used. But to look at the policy requirements and how they might work in these different environments.

So, as I said, that work is in progress. We're still actively working on it this week. Our target was to provide the [wave one] report to the IRT last week which we haven't quite met but I think it's pretty close, so probably not more than a week or two out and we're trying to get out as quickly as we can.

The work plan also had us giving the IRT time, the review had the [wave one] report being delivered to the GNSO Council in December. So, that would I think still set you up for your working sessions in January. So, that's the update and I'm happy to answer any questions. Thanks.

KEITH DRAZEK:

Thanks very much, Karen. That's exactly right in terms of the timing. Our Council's strategic planning session is towards the end of January but certainly if we could have that [wave one] report, which as you

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noted, includes the consensus policies that are in place today, that's the segment of the overall picture that we need to be aware of and we need to make some decisions about as a Council for 2020. So, thank you very much for all the work that you've done on this so far and we look forward to receiving that. Would anybody like to ask any questions of Karen at this point or make any comments generally about this particular piece of work? Erika, I see your hand. I think that's an old hand if I'm not mistaken. All right. Anybody like to get in queue? No? Karen, thanks very much. We just picked up a little bit of time. We were already over, so thanks very much. We appreciate everything you're doing and look forward to that report.

KAREN LENTZ: Thank you.

KEITH DRAZEK: Okay. Let us move then to the next item which is our prep for our meetings with the ccNSO, the GAC, and the Board. Just to remind everybody that immediately following this discussion we will be having our lunch meeting with the Board, so we do need to make sure that we touch on that in particular but this is our opportunity to prep generally for these meetings. Marie, I see your hand. Go ahead.

MARIE PATTULLO: As we now have Paul in the room, could I suggest that we start with the RPM review that we didn't have time to look at earlier?

KEITH DRAZEK:

Indeed. And if I'm not mistaken, that is topic number one on our agenda anyway. So, thanks, Marie, and thank you, Paul. So, we're going to now move to a discussion of the topics for discussion with the GAC. And of course, as I think everybody is aware from our earlier discussion and from the feedback that we received on the amendments to the RPM charter related to the IGO protections issue, we did have a discussion this morning. During the coffee break, I chatted with Paul and brought him up to speed, I think, to the extent that I could on the earlier discussions.

So, Paul, I'd like to, in a moment, hand it over to you for any thoughts that you've got. But let me just tee it up. So, just to remind everybody, and for those who have joined us in the room, we have been working as a Council on a draft amendment or an addendum to the RPM PDP charter to incorporate the recommendations that were referred by the Council to the RPM group on the IGO protections issue.

We finalized our draft and then shared it with the GAC and the IGOS over the course of the last several weeks and we, on Friday, received feedback from the GAC on the draft amendment that we had put forward. So, we're currently in the process of assessing that. We had a brief discussion this morning about the topic and there were some concerns raised among the councilors here today about some of the proposed changes that we received back from the GAC and the IGOS.

Specifically, they suggested the reintroduction of language specific to recommendations one through four, which are currently with the

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Board, that we had as a Council agreed to remove during our discussions over the course of the last several weeks.

They also suggested some changes, modifications, to the composition – the proposed composition – of this work team and asked some questions about the rationale behind some of the numerical breakdown that we currently have.

So, essentially preparing for our session with the GAC, my intention is to acknowledge receipt of their feedback on Friday, that we have begun our discussions on the topic, that we will look forward to working with them further and then to give them some preliminary feedback based on the conversations on those two issues, recognizing, however, that we in chartering this group need to ensure that the IGOs are participating and have the opportunity to participate and contribute to the work, otherwise it will all be for naught.

So, with that, Paul, if I could hand that to you, and anything you'd like to share in terms of your perspective since you weren't able to be here during the earlier discussion would certainly be welcome. Thank you.

PAUL MCGRADY:

Thank you, all. I apologize for not being here during the first hour. I was double booked with an INTA event across the street, and since I'm a board member of INTA and the chair of the Internet Committee, I thought I should at least give them a little visit. As you know, I've mastered [inaudible], just not omnipresence. But I'm working on it.

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So, I just wanted to respond a bit to some of the feedback I heard from Keith. I understand that there are some concerns about the process of this. This is a proposal for a work track that exists neither completely in phase one, nor completely in phase two. That's new.

There's also concerns about how the team should be composed, how much representation from GNSO members, how much from GAC members, how much from IGOs, NGOs, that kind of thing.

I think people are right to have process concerns about it because it's something that's new and we're trying to solve a problem in a speedy way that I think some people at least would agree is not an emergency. So, the EPDP seems a bit like driving a Mack truck around town trying to kill a mosquito. I'm not saying it's a mosquito, but I'm saying the EPDP is a big deal.

So, we don't want to push the emergency button too often. But we also don't want to disrupt the nearly completed work of phase one and they're coming in for a landing, guys. Yay! I'm sorry, I won't be here at the Council table to see it but they're coming in for a landing.

Nor do we want to put this into the hopper for phase two, because as we saw from phase one which is I think now in it's fourth year, phase two may not be the speediest exercise either.

So, we are trying to thread the needle. We understand that this is something new. The good news is that it is, while new, it's not completely devoid of successful precedent within the community. What comes immediately to mind is work track 5 of subsequent

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procedures, which moved pretty quickly, got to a result. Not many people were happy with that result because that's how compromise works. But it did function collegially, speedily, and it got to the point.

So, again, I think that this will feel – and I know that's kind of a fuzzy word and I apologize for fuzzy words – but it will feel a lot like work track 5 from SubPro in terms of its composition and in terms of the speed at which it's going to move.

So, we could look to work track 5 and say that was an experiment as well and that worked. So, this may be a little bit of an experiment but I'm fairly confident that this will work and I do take on board what Keith has to say about our response back to the GAC and I do think we need to settle those issues.

I'm less concerned about the issue one through four thing. I think that the GAC understands that we don't want to be revisiting policy that is before the Board for a decision. On the other hand, I'm sure they also understand that all policy, whenever policy is looked at, could be changed by the community. That's why we're very careful about beginning policy development processes, because everything is back on the table. So, I think that that issue will resolve itself.

With regard to that composition, I'm a liberal on this issue. I think that, again, work track 5 was a great example where it did not have a narrow scope in terms of who was participating, but it developed a very engaged team. It was not – as Cheryl said the other day, it was not the 80/20 or the 90/10 that you're used to. It was really an engaged group.

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So, if we end up giving a little bit on the size from the GAC side and the IGO/INGO side, I don't think that will be the end of the world and I hope it doesn't hold up our ability to move forward on this. I kind of feel like we need to be open-minded about that.

So, again, I apologize for not being here in the first hour. Those are my thoughts, for what they're worth. And I'm happy to be in the hot seat for questions if anybody wants to ask anything. Thank you.

KEITH DRAZEK:

Thank you very much, Paul. Much appreciated. I have Rafik in queue. Tatiana, did you want to speak also? You can think about it. Rafik, you're next.

RAFIK DAMMAK:

Thanks, Keith, and thanks, Paul, for this brief presentation. Regarding work track 5, I'm sorry to say that I'm not sharing that enthusiasm because we still need to have that time really to evaluate and [inaudible] experience. I'm having time that we should [inaudible] track based on that. Okay, maybe I'm all the time hearing there is positive feedback, but we need more assessments. So, I'm more cautious here.

the whole thing is personally, and I think most of us are open to discuss some of the items. But, for example, there is one point, like even how the RPM Working Group is expected to approve, there are [inaudible] that we should follow a similar process like them, that the working group [anonymously] objects, at least in line with the manner,

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with the GAC advice, is [inaudible] in the absence of objection. So, this is kind of ...

We are entering [inaudible]. It's not just about we want them to participate. They are kind of dictating how we should manage our own process. This is personally my concern here. And we need to be careful, because even with work track 5, we set some precedent that we will have a hard time in the future to go back.

So, I think we are open for discussion and to give that opportunity to work on this issue that we [inaudible] now for too long and we can find a common ground. I don't think we're in a position but we need to work on some of this area.

KEITH DRAZEK:

Thanks very much, Rafik. I would also just add – and I agree with you, Rafik. As you noted, there are some redline proposed changes in the document that we need to go through very carefully as a Council. And what I'm going to suggest is that we have the small team that worked on developing our initial draft four Council come together and to go through this more carefully. The two big issues that we've summarized and have talked about here are not the only proposed changes in this document. So, I think we need to be very judicious and careful in terms of our approach here and consider what's been proposed and then essentially decide what we're okay with. And I think that's the next phase of work that we need to carry on following ICANN 66 here in Montreal.

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So, thank you, Rafik, and you're right in terms of the need to be very careful here about setting precedent that we might not be able to undo. But with keeping in mind, as I've said several times now, the need to get this work started, to get it done, and to include the IGOs. Tatiana?

TATIANA TROPINA:

Paul, thank you very much for all these updates. And I'm very sorry that I cannot share fully your optimism. I remember how work track 5 started. I did follow it. I followed the calls, then I dropped because of GNSO and some other stuff.

But I have to say I do remember how GAC representatives were completely confused what GNSO process meant. They really [wanted] to impose as much of their processes and decision-making solutions and everything on the GNSO, the first meetings of the work track 5, and you can trace it in the email archives, were like a battlefield between processes of GAC and people from GNSO explaining, "Hey, you are here, actually, on our territory."

So, I believe that the work track 5 survived only because GNSO was able to hold this framework. I know that it was also a bit of uncharted territory for us.

But, right now, we are trying to be so much more welcoming and so much more bending our own frameworks that I'm a bit cautious here, to make comparison with work track five and to build any optimism

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based on work track 5. And other than that, I very much agree with Rafik. Everything he said. Thank you.

KEITH DRAZEK:

Thank you, Tatiana. Would anybody else like to get in queue? Pam, thank you. Go right ahead. Then we need to move on. We're going to run short on time and prep for the Board.

PAM LITTLE:

I will be very brief. I agree with what the councilors have said so far. We have taken a lot of time discussing this particular working group. Since July when the working group – July 2018 when the working group delivered its final report.

I just want to pick up what Paul said – or maybe it's Keith – about being open-minded. I would also feel like we should encourage the GAC to be open-minded. By adding those languages and dictating the process, it sounds to me that they are actually controlling the process or trying to control the outcome by controlling the process of this work track that is to be chartered.

So, I think that is the concern from the Council's perspective because that's why so many people spoke about feeling uncomfortable about this. Let's not forget it's the council who is the manager of the PDP.

When do actually go out to the community to an impacted stakeholder group SO/AC, ask them to comment on charter or draft charter of the council?

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So, we have been ... I think many people have said being very flexible. We try to really be very accommodating to the GAC's concerns or demands or requests over this particular PDP. But I think there should be mutual open-mindedness on the part of the Council or the IGOs who are going to be involved in this work. So, there has to be mutual respect and flexibility to make this work, not just on our part. Thanks.

KEITH DRAZEK:

Thanks very much, Pam. Okay, Paul, last word.

PAUL MCGRADY:

Thanks. Thank you, all, for this feedback. It all makes sense. We have made progress as a community in explaining to the GAC how our processes work. We had amazing co-chairs for work track 5 that helped hold that together. I think the leadership of this was going to have to do something similar.

But I get the point. We're being flexible. We need for them to be flexible. Council has the last word on this, right? We can charter it however we want at the end of the day, but I think being open-minded and taking on, especially for the roster, maybe that's a place to give a bit – not sure.

I'm being put out to pasture on Wednesday – yay! But I will be around and will be willing to be helpful to whoever picks up this baton. Thank you.

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KEITH DRAZEK:

Thank you, Paul, and thank you very much for all the work that you've done as the Council's liaison to RPM and on this issue, specifically. It's very much appreciated and your service will be missed. But we will talk about that during our Council meeting on Wednesday.

So, thank you, all. Sorry, go back one. We'll come back to these other topics for more substantive prep but the other issues for the GAC would be a discussion of the evolving the multi-stakeholder model effort and specifically any connections to PDP 3.0. Then an update on SubPro work track 5 or subsequent procedures and work track 5.

The last item. I spoke to Manal this morning. We're going to remove ... There's nothing to discuss or we've identified nothing pressing on EPDP Phase 2 at this point.

So, next slide, discussion topics with the Board. Okay. So, we submitted one topic to the Board which is a discussion of EPDP Phase 1 recommendation 12. This is, again, for everybody's benefit, the recommendation that they did not accept in full related to the organization field. The deletion of data in the organization field. And it sort of has two parts to the conversation – how to address the Board's security and stability concern and the potential negative impact to registrants. Then we also added a mention of the role of public interest considerations because that was something that they included in some of the reference material I think in their work card or in some of the communications to us.

So, I'll give update on this one. During the EPDP Phase 2 meeting yesterday – and Rafik, I'll turn to you for some help on this one

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momentarily and certainly to correct if I get anything wrong. But this was a topic that was raised at our request, at the Council's request. We sent a communication to the EPDP Phase 2 team through Rafik, our Council liaison to that group, asking if the Phase 2 team had any feedback or input for us, as the Council, in our consideration of whether to confirm or reaffirm the Council's position on this in our recommendation to the Board or whether there was something that we needed to do to perhaps amend the recommendation based on the Board's non-acceptance. I know there's a lot there. I'm sorry I'm going quickly but we're running short on time.

So, essentially, during the EPDP Phase 2 discussions yesterday, there was not consensus in the room among the group to make changes to the previous recommendation.

Now, one of the things that the Board had suggested or asked a question about was is there an opportunity to provide some safeguards in terms of in terms of implementation guidance around recommendation 12 that would essentially treat recommendation 12 and the organization field in a similar manner to how some of the safeguards were discussed on deletion of data in the administrative field, for example. So, another recommendation that came out of the EPDP Phase 2 team.

So, as we discussed on our last call, one of the ways forward here is for the Council, essentially, to reaffirm the recommendation that we received from EPDP Phase 1 team and had previously approved, reaffirm it but in that reaffirmation, through a supplemental

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recommendation, would be to include a recommendation to provide this safeguard around the implementation guidance to essentially start treating the organization field in the same manner that the administrative field was treated in the original recommendations.

So, in that – this is, again, my view, and Rafik, I'll turn it over to you for anything else – is that because there was no consensus within the EPDP Phase 2 yesterday to make a change to the previous recommendation, that we as the Council should reaffirm and then, in response to the Board's question, include some implementation guidance in our supplemental recommendation, that should address their concerns and allow them to then accept the recommendation in full. I hope that was clear. Rafik, is there anything you'd like to add at this point?

RAFIK DAMMAK:

Yeah, thanks, Keith. So, that's, I think, the current situation and the EPDP team and I don't think it's surprising because that topic was controversial from the beginning and we don't have a consensus. And I believe [inaudible] maybe some misunderstanding about the whole idea of deletion or redaction and what we were asking them exactly. So, I think at our level, in the Council, we get this feedback and we probably now it's up to us to decide on how we should proceed here. Yeah.

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KEITH DRAZEK:

Thanks, Rafik. Marika, I'm going to turn to you momentarily to see if there's anything you'd like to add in terms of the process moving forward. But this is obviously something that we still need to discuss. We're not making any decision here today. But because this is a topic that we presented to the Board for discussion today, we are obligated to carry through on this consultation process I think and to provide – to have further dialogue. So, I think this is an opportunity for us to talk to the Board about the ongoing discussions and consideration here but I'm hopeful that this is a path forward that we will be able to take and be able to sort of bring this one to a conclusion. So, Marika, anything that you'd like to share with Council on next steps?

MARIKA KONINGS:

Yeah. Thanks, Keith. Just maybe to briefly mention, as we've discussed before, the process described in the bylaws is fairly general. So, there's a lot of room as well for the Council to add additional steps or conduct additional consultations as it deems necessary. But it does basically say that at the conclusion of the council and Board discussions.

So, I think one question you may want to ask the Board or Org as well, discuss amongst yourselves, do you believe that you're at the end of those discussions? Because, basically, when you believe that you're discussions have concluded with the ICANN Board, you're expected to affirm or modify your recommendations and that [is then] communicated in the form of a supplemental recommendation to the ICANN Board and they have to then go through the process as well to

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decide whether to adopt or not adopt that supplemental recommendation that has the same voting thresholds associated with it as the original package.

KEITH DRAZEK:

Great. Thanks very much, Marika. So, would anybody like to speak to this, ask any questions? We're essentially getting ready to talk to the Board about this, plus a couple of other issues that they've put forward. Just want to make sure everybody has the opportunity to chime in or weigh in or ask questions if there's clarification needed.

But, to Marika's point, this is in the bylaws. In the even the ICANN Board does not accept a consensus policy recommendation from the community, from the Council, that this is a bylaw mandated process. Marika noted that it's not real explicit in terms of the steps and all of that, so we have some flexibility. But as I've said previously, this is precedent setting in terms of how we deal with it because this has not been exercised before.

So, I think on substance, I think – or at least on process and substance – the recommendations that came to us and were approved by us are not subject at this time to change because there's no consensus to do so. Therefore, we I think need to reaffirm with the implementation guidance that should, I hope, address the Board's concerns about the potential negative impact to registrants from the deletion of data in that field.

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Okay. I don't see any hands, so let's move on, then. Next discussion topic. So, this is something related to the strategic plan, the five-year strategic plan and the operating financial plans and essentially the work plan to move forward.

We are likely to hear I think from Cherine and from Martin that the Board's been very much focused on the five-year strategic plan and then the steps that come from that, one of which is the work plan coming out of the multi-stakeholder model evolution effort that Brian Cote is currently running and has been since Kobe.

So, I think what you're likely to hear in some of the Board documentation that we've been sent that's been sent to the list is that there's three components of this effort. There's the ICANN Board's obligations. There's ICANN Org's obligations. And there's the community's obligations – or responsibilities if you like that word better.

And one of the community's responsibilities in preparing to have this five-year strategic plan in place is going to be to consider some of the recommendations and the work plan from the multi-stakeholder model evolution effort. And I think one of the messages that we are hearing and we've been sending is the need to prioritize our work, as the GNSO community, as the GNSO Council, to make sure that, as we take on all of the other work that we've got in front of us, including the existing PDPs and the new things that are coming from the EPDP Phase 1 recommendations, that we're going to have to take on board

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some of the considerations coming from this multi-stakeholder model evolution effort.

So, I think we'll hear from the Board that this is their current thinking about the start plan, the operating and financial plans, and then the work plan on multi-stakeholder model evolution.

I want to go back, though, to number two on this slide to remind everybody of the importance to the Council and to the GNSO of our standing committee on budget and operations. We're going to, as we come to the conclusion, of this council and move into our next council for the coming year with new members, we're going to do a recall or call for and expressions of interests for people to contribute to our standing committee on budget and operations. And this is an area where it's going to be very, very important going into 2020. So, just to note that.

So, any questions, comments on this one? And I see that we're starting to see some board members enter the room. Welcome. So, if there are no other questions or comments on this or anything else that anybody would like to discuss, we'll go ahead and pause.

Welcome, board members, to the room and to the table. If everybody could tidy up your space and make sure that there's room for our board colleagues, I'd appreciate that. Thank you very much.

**[END OF TRANSCRIPTION]**