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MONTREAL – GNSO Council Open Meeting Part II (Admin Meeting)

Wednesday, November 6, 2019 – 15:15 to 16:15 EDT

ICANN66 | Montréal, Canada

KEITH DRAZEK:

... The representative, or at least the interim representative to the empowered community administration, the GNSO, as we've discussed previously, but for our new councilors and anybody watching, following the IANA transition with the new bylaws and the new accountability mechanisms in place from essentially three-plus years ago, the GNSO has a very, very important role as this decisional participant in the empowered community, where at times we will be called upon to vote or to express our views on a range of issues. The most recent example is the recent discussions around the change to the fundamental bylaws for the ccNSO proposed amendment that we discussed earlier today and over the course of the last several months.

That's one example of where the GNSO has to engage with the broader empowered community and make decisions. As such, we historically, to date, have had the GNSO chair in that role. There is actually not a requirement that it be the GNSO chair. It has to be somebody appointed by the GNSO and the GNSO Council.

Until such time we decide to make a change there, I will be the interim and acting chair—sorry a representative to the empowered community administration. I just wanted to note that for everybody. With that, can I ask if there is any other business? Nathalie, is there anything else that we need to accomplish today?

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NATHALIE PEREGRINE: No, I don't believe so.

KEITH DRAZEK: Okay. With that, I'd like to open it up to any comments or questions. Our official and formal business is done. But again, I want to welcome all of us together in this new council and in this new cycle of the work of this group. I want to give an opportunity for anybody to speak or ask any questions. The floor is yours. Pam, thank you.

PAM LITTLE: Thank you, Keith. If I may, could I ask our new councilors perhaps to just give themselves a very brief introduction so we can get to know you? Thank you.

SEBASTIEN DUCOS: I'll start. My name is Sebastien Ducos. I work my day job with NeuStar. I have been part of the Registry Stakeholder Group for the last four years as the chair of the gTLD group. While my role, my day job, is not policy per se, I've been involved in the community and vocal in the community for a few years.

JOHN MCELWAINE: I'm John McElwaine. I'm a lawyer with the law firm of Nelson Mullins. I'm based in Charleston, South Carolina. IPC member. I've been a member of the IPC for longer than I can actually remember. Probably

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about 10 years. I've served in that capacity on the Nominating Committee in various working groups, and just look forward to working with everybody here on the Council. Thanks.

FARELL FOLLY:

I'm Farrell Folly. I come from Benin, but I live in Germany. I work as a cybersecurity, or computer security, research assistant at the Bundeswehr University of Munich. I'm part of the NCSG for more than three years ago. Thank you.

FARZANEH BADI:

I am Farzaneh Badi. I have been a member of NCSG, NCUC for ... My God, that's a long time ago. Since 2013. I'm a research scholar at Yale Law School, working at a center about criminal justice in online communities. I wanted to actually tell you a little bit about my vision, because I have one, on the council. I have been following from I think it was 2018 before Stephanie became the NCSG chair. I was the NCSG chair for a year, so I observed what was going on in the Council and with regards to our policy making. I have expressed concerns about GAC overreach and how they come up with policy. They come up with advice which the Board just adopts I want to say most of the time but they would dispute it.

I can see a move towards listening to the GAC more and more by the Board and by us and I want to try and prevent us from going that path that we always listen to the GAC or be accommodating to their requests

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or advisory committee, respect what they say. We don't have to bend backwards. That's one of the things that I will confirm.

Of course, I will consult with the NCSG members in order to also bring their views forward. You know our values. We care about privacy and freedom of expression. I know that the Council is not where the policy is made but I think we still can, kind of like the body that passes their resolutions to influence. Thanks.

CARLTON SAMUELS:

Hi. My name is Carlton Samuels. I have been in the community since about 2006, mainly with the At-Large community. I have served on lots of working groups. I've served in review teams. I have managed processes and I've worked with some of you here before. Pam, Erika, and Cheryl Langdon-Orr. I am here to get another view from the other side. Thank you.

TOM DALE:

My name is Tom Dale. I'm a self-employed consultant based in Canberra, Australia. I've actually been engaging in ICANN activities since meeting in Melbourne in 2001 but not continuously. Until the end of last year, I had worked for five years providing independent policy and secretariat support services to the GAC. Some years before that, I was also at Australian government [inaudible]. I'm looking forward to contributing to a different perspective through the GNSO Council and for the community generally. Thank you.

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KEITH DRAZEK: Thank you all very much and welcome. Thank you, Pam, for teeing that up. It was actually something I had intended to do. Very helpful to know our colleagues, right? Anyway, that's great. A sincere welcome to you all. I look forward to working with each of you as a group and individually. Would anybody else like to speak? Weigh in? Questions, comments? Okay. Yes, Farzi, go ahead.

FARZANEH BADII: Sorry. It's just obvious from the beginning that I'm the annoying person. I just forgot to mention that also I think that we need to observe what decisions the board make, and look at the rationales in more depth, to have a conversation with them. Sometimes in these resolutions there are ... I have raised some of the issues with the resolutions, or some of their actions are ... They might set bad precedent that we don't want for ICANN to happen. I'm just making you ready about the future meetings. Thanks.

KEITH DRAZEK: Thanks very much, Farzi. Well said. I think the role of the GNSO Council, the role of the board, the role of governance, and the role of this community, the different parts of this community are important. We each have our spaces, our remit, and places to engage. I think to the extent that we can maximize engagement is good. There are certainly boundaries and certain things that we need to respect.

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I think it'll be important and incumbent upon all of us to work together to identify what those are, and make sure that we as the GNSO Council are protecting our remit, doing our work, making sure that we're performing the role that we were sent here to perform as described in the bylaws. I take that on. I take it very seriously.

Just a couple of additional comments. I very much look forward and welcome a debate and a dialog here at council. Certainly, there will be things that are within our remit as the process managers. Not necessarily developing the policy, but managing all this. Managing some of the things that Farzi has pointed out, being sensitive to those and engaging. I think the debate and the dialog that we have here at council is really important. I think this is where we come together to try to find consensus among ourselves.

I really do look forward and welcome and encourage that type of a discussion. Of course, as always, as continuing councilors know, one of my key areas of focus is to keep it professional, constructive, collegial, and to try to work towards that consensus and a compromise where needed. That's just the way that I approach my engagement in ICANN, and in life generally. I look forward to that.

Just one other thing. As I said at the end of the previous session, and the beginning of this one, we will have a tremendous amount of work ahead of us. We're going to need all of us contributing in some way, shape or form throughout the year. It's not going to be enough as councilors to come to the meetings and think that your only job is to vote when needed.

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We need people contributing. We need a vibrant dialog and contributions. There's going to be a time where everybody either volunteers for work or will be volun-told. We're going to have to share the load here and make sure that over the coming year ... As Barry has noted, as we were reviewing our project plan in the last meeting, it's a scarier spreadsheet than it was a couple of years ago.

With that, just a couple of administrative items. A reminder for anybody who has not yet booked their travel in January, for the strategic planning session, to do so. I think there's about four or five of you that have not. Yes, Tatiana?

TATIANA TROPINA:

I want to bring my apologies already. I informed you and Rafik and Pam as GNSO leadership, and I'm saying it openly now that unfortunately I will not be able to attend the session in January. I wish you a very productive meeting. I will miss all of you. You know it. Really, I will. Thank you.

KEITH DRAZEK:

Thank you, Tatiana. You will be missed, but we understand that sometimes other obligations do come up. We completely understand, but you'll be missed. Just another note that we do have a GNSO Council wrap-up session tomorrow from 12:15-13:15 in this room. Lunch will be served for councilors. Please be here ready to work for an hour at 12:15 tomorrow. Nathalie, am I missing anything else? Any other business?

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NATHALIE PEREGRINE: No, I don't think so.

KEITH DRAZEK: Okay. Yes, Sebastien? Go right ahead.

SEBASTIEN DUCOS: I've taken Jurgen's seat, but also one of his roles as the liaison with the IRT on the ePDP Phase 1. I thought that he would speak about it in the previous meeting. Just a quick note, and then I'll send an e-mail to everybody about it. They have asked as liaison ... First of all, they wanted to know what was happening with recommendation 12. We discussed it. I will bring it back to them tomorrow morning.

Also, mentioned that recommendation, I need to ask for this one, 23 and 24, which are on URS, UDRP, and the transfer policy. They are taking the view that they shouldn't be working on those as other members of the community are preparing something. They'll leave the recommendations as-are. We'll proceed, waiting for the other parts of the community to come with it.

If this is palatable and okay with the council, then they can look into scheduling, or rescheduling, the deadline which was announced to not be met on the 2<sup>nd</sup> October. Jurgen is sending an e-mail to everybody saying that the 29<sup>th</sup> of February deadline wouldn't be met. That was all. I'll put all that in an e-mail, share it. I wanted to be able to say it before coming back to the meeting tomorrow morning.

KEITH DRAZEK:

Thanks very much, Sebastien. Yes, excellent point. We did discuss this a little bit earlier as it relates to ... We've talked about this now in the previous council, about the existing policies and procedures that are impacted by the new recommendations from the ePDP Phase 1 report. The two that Sebastien has identified – 23 and 24, correct? – are actually recommendations or new language coming from the IRT for Phase 1 that will potentially impact policies of URS, UDRP, and transfer. Those are on our list for consideration as to how we address them moving forward in terms of updating the existing consensus policies.

The question is, how do we as council manage that from policy development and replacing a consensus policy that exists perspective? What is the role of the IRT in recommending language that could have that same effect? Where do those intersect? Do they run in parallel? Should they run in parallel? Should the one defer to the other? These are all questions that need to be considered by the council. We will do so. Yes, Carlton?

CARLTON SAMUELS:

Yes. I just wanted to question whether or not we have a position on the PPSAI IRT?

KEITH DRAZEK:

Yes. I can give you an update on PPSAI. Essentially, where we are with that one is it is currently on hold due to the implications of GDPR and

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the ongoing work of the ePDP on the gTLD registration data policy. We received a letter from Göran. I want to say it was back in June, but if that's not correct I'll be corrected. ICANN Org enquired as to whether the GNSO Council had a view on what should take place with regards to the implementation of PPSAI. The council responded saying that we as a council did not have an agreement, did not have consensus on that.

There were differing opinions among council on what to do next. Because it is not a policy decision or a policy discussion now, it is really in the hands of ICANN Org from an implementation phase. Essentially, the message we sent back was, "The council doesn't have a view. We haven't agreed on a position on this one. Therefore, we're sending it back to ICANN Org to say, 'it's really up to you to decide.'" Essentially, the GNSO and the GNSO Council are responsible for policy development. ICANN Org working with the community through an IRT is responsible for implementation. I'm happy to answer any follow-up, but that's essentially where we are right now.

CARLTON SAMUELS: Small follow-up. Is there an idea of if the council might be given some movement that is being reported from the GAC in regards to PPSAI?

KEITH DRAZEK: Thanks, Carlton. I'm not familiar with what the GAC is discussing at the moment, or considering, or preparing to communicate on the topic. I don't think council has a position on that other than what I described. Pam, go right ahead.

PAM LITTLE:

Okay, Carlton. I just wanted to react to what Keith just said about the exchange between ICANN Org and the council. It was a letter from GDD, Cyrus. I think in addition to what Keith said there were actually two other components in our council's response, which was to tease out, to do some analysis as to what's not dependent on the ePDP outcome. Maybe, we can deal with those, if any. The other element was there were some issues regarding proxy privacy registrations. Under the transfer policy, there is a new process for change of registrant. There are some issues where the policy was silent or unclear.

We asked ICANN Org to work with the registrar stakeholder group on those particular issues. There were those additional things. As to what the GAC may issue in this meeting, as GAC advice, we haven't seen the GAC advice. I think there might be some heads up from you if there will be something along the topic.

I think maybe for new councilors we do, as a council, have an exercise after every ICANN meeting where there will be a small team review that GAC advise. Then, we will comment on the elements of those that are within our remit. Maybe that's when we will be looking into that. Thank you.

KEITH DRAZEK:

Thanks, Pam, very helpful. Thanks, Carlton, for the question. Okay. Any other business? Any other questions? Seeing none. Oh, Julf, thank you.

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JULF HELSINGIUS:                   Actually, no, I have something that comes after we close the meeting. I'll let you close the meeting. Let me talk something after, if ...

KEITH DRAZEK:                    That's intriguing. Can we have ...

MICHELE NEYLON:                I don't speak fluent Julf. What on earth was that?

KEITH DRAZEK:                    Thank you very much. With that, I will move to close the meeting. Thank you all very much. I appreciate everybody's good cheer and look forward to working with you in the next year. Thank you.

JULF HELSINGIUS:                I just wanted to share a little bit of excitement and a little bit of lesson-learned during this meeting while I was also monitoring some other things. There was a major hijacking crisis at Schiphol airport. It was actually triggered by ...

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