
ICANN70 | Prep Week – GNSO Council Policy Update
Tuesday, March 9, 2021 – 14:30 to 16:00 EST

NATHALIE PEREGRINE: Thank you ever so much. Good morning, good afternoon, good evening, everybody. Welcome to the GNSO Council Policy Update, on Tuesday, 9th of March 2021. Please note that all GNSO Council Members are panelists and therefore have access to their microphones and to the chat option. Panelists will need to remember to set their chat option to “all panelists and attendees” for the content to be captured by the recording and visible to all during the call. Panelists who would like to ask a question, please raise your hand to speak. The raise hand option can be found on the bottom toolbar.

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are to comply with the Expected Standards of Behavior. And with this, I'll turn it over to Philippe Fouquart. Philippe, please begin.

PHILIPPE FOUQUART:

Thank you, Nathalie. And good morning, good afternoon, and good evening, everyone. This is Philippe here, GNSO chair. And I'll be assisted by Pam Little and Tatiana Tropina for this presentation. This is the usual prep week, where we have an overview of the ongoing work at Council level, both in terms of precisely the PDPs that are in flight and those that are in the making. So this is the broad overview of what we're going to be talking about here.

So this presentation is essentially aimed at the councilors but also we welcome the observers who will have the opportunity to ask questions as well, in the context of this prep week. Obviously, this is not meant to replace our usual Sunday sessions that we generally have in our face-to-face meetings. We do hope that we'll have the opportunity of doing that again as soon as possible. But we'll have to make do with this on this format for the moment.

So with this, we'll go to the details of the three types of PDP working groups that we'd like to cover on the ongoing work. We will review those that have just landed—two major PDPs, the New gTLD Subsequent Procedures PDP, otherwise known as SubPro, and the Review of All Rights Protection Mechanisms in All gTLDs, known as RPMs, both of which Council has just approved.

We will then move to the current working groups, EPDP Phase 2a and the IGO Curative Rights Work Track. And then, we'll say a word about those that are in the making, the review of the transfer policy PDP, and the EPDP on IDNs. So this is the outlook of this presentation. So we'll move on to the first part and I'll hand over to Pam. Pam?

PAM LITTLE:

Thank you, Philippe. Hi, everyone. My name is Pam Little. I am the Contracted Parties House vice-chair of the GNSO Council. And very pleased to see you all and welcome to the webinar again. So, as Philippe mentioned, we would first look at the two major PDPs that the GNSO community has recently completed.

And as far as Council's role as the PDP manager, we almost just ... One has been sent to the Board and one is in the process of doing so. So, that is the new gTLD Subsequent Procedures PDP. And given that this is a virtual format, the Council leadership thought we would try to make this a bit more interactive for our councilors and for the observers, members of the community.

So I would probably just hand over to Philippe to give us a very high-level overview of this PDP. Then, I'm going to quiz Philippe a few questions, given that he's just taken over as the GNSO chair after ICANN 69. I'm just going to see whether he's really familiar with or knows what he's doing, in terms of the PDP process—what happened and what's going to happen. So that's going to be the format of the way we will give you this update or provide this update of the various PDPs that the

Council has been managing. Okay. So Philippe, can I hand it over to you? Just a very high-level overview, please?

PHILIPPE FOUQUART:

Certainly. Thank you, Pam. I didn't know that was meant to be a test. Let's see how that goes. At a very high level, I would expect councilors to be familiar with that. But the working group was chartered in 2016, I believe. That was to consider changes to be made, if any, to the existing 2007 policies that led to the 2012 round.

So the working group delivered the final report to Council earlier this year, on January the 18th. Council, as all councilors would know, took a month, just about, to review the conclusions of the working group and adopted the final report on February the 18th. And as a result, the Board is likely to consider. It's not likely—will have to consider the recommendations approved by Council. And in that context, is indeed likely to initiate an ODP, an Operational Design Phase, for these recommendations. And the Board will have an additional public comment forum on the recommendations that have been approved by Council.

So this is at a very, very high level—a quick overview of the work on that PDP. And indeed, just to second what Maxim just put in the chat. Kudos to all of those, over the years, who took part in this major piece of work, which we will hope will come to fruition as soon as possible. So back to you, Pam. Thank you.

PAM LITTLE:

Thank you, Philippe. That wasn't meant to be the way to go because I was supposed to ask you those questions. I'm only kidding. Okay, Philippe. Thank you very much. So the first question for you is, Philippe, as folks can see on this slide, the Policy Development Process. I love this chart because it's a Z, or to me it's a zigzag. And it depicts, really, this sometimes very long, winding path we have, or journey, when we have a major PDP, as with this one.

So folks can see it's been a multi-year effort, since 2016. And it's a review of the 2007 policy that was applied to the 2012 round. So Philippe, can you, just based on this graph, just dive in a little bit more and tell us a bit more where are in this PDP zigzag process? Thanks

PHILIPPE FOUQUART:

Thanks, Pam. I will try to. In terms of timeline, I think it's fair to say that there are a couple of unknowns on that path. I believe the Board has some latitude, in terms of timing, to consider the recommendations. I think there's, in the Bylaws, an element along the lines of recommending that the Board considers those recommendations no later than the second meeting after they receive those recommendations.

I say "unknowns" because was with other PDPs, we've seen that there are various ways of approaching this. This is a major piece of work. As I said, there will be an Operational Design Phase, probably to be issued. A couple of unknowns in that as well, although that's meant to only document the current practice. I don't think we have, for the bottom of the Z shape that we have here, an extremely constrained timeline to

offer, other than what I just said. If staff would like to chime in, they're happy to do so. But I hope I stand correct on this one. Thank you. Thanks, Pam.

PAM LITTLE:

Thanks, Philippe. And we actually have a question from the attendees, from Nigel. If you wouldn't mind, I would read that question first and then, hopefully you could respond. So this is from Nigel. Nigel said, "Congratulations, indeed, to GNSO. Has the Board indicated when the public consultation may commence?" So I suppose Nigel is asking the public comment period, when that may start. I hope I understood Nigel's question correctly. So Philippe, I think ... Do you want to answer that again? You might have covered that.

PHILIPPE FOUQUART:

Sort of. I'm not sure I covered that explicitly. I think the Board has some latitude for this. I don't believe the Board has committed to an exact timeframe for the consultation at this point. I think we have Board members as observers. Feel free to correct me if I'm wrong. But I'm not aware of a date for that consultation. Thank you.

PAM LITTLE:

Right. Thank you, Philippe. Yes, indeed. I also have a question in my own mind. Given that the Board now—not the Board. ICANN Org now has developed this Operational Design phase. So, I'm not sure whether that would be kicked off and how that interacts with the public comment proceedings. Would the public comment proceedings come

first, while the Operational Design Phase is ongoing, or would it take place after the design phase has completed? I don't know whether anyone has an answer to that. But maybe staff would know or someone from Org.

Right. So in the chat, Jeff typed in—Jeff Neuman. Jeff Neuman is one of the co-chairs of the Subsequent Procedures PDP. He said, “We have to deliver our recommendation report to the Board after the next meeting.” So that was what I was going to ask Philippe, indeed. What's the next milestone? So I think Jeff just answered that question.

PHILIPPE FOUQUART:

Yes, indeed. To your previous question, I don't think that the ODP and the consultation ... And again, I might be wrong. But I think they're, by and large, not interrelated. They're not dependent. However, according to the GNSO Operating Procedures, there is that step of delivering the recommendations report to the Board for them to commence their work. So, that is indeed something that will be up to Council to consider at our next meeting—during ICANN 70, as a matter of fact. Thank you.

PAM LITTLE:

Thank you, Philippe. Okay. So is there anything else, Philippe, that the Council and the community should be aware regarding this PDP that you would like to share? Thanks.

PHILIPPE FOUQUART: Thanks, Pam. No. I think we've covered it, most. I would suggest we move on, since it's already a quarter to. So, let's just move on. I'm sure if people have other questions, we can take them at the very end, during the Q&A.

PAM LITTLE: Great. Thank you, Philippe. Okay. So, the next PDP we would like to cover is the review of All Rights Protection Mechanism in all gTLDs. We call it the RPM PDP. So, Philippe, over to you again. Can you give us a high-level overview? Thank you.

PHILIPPE FOUQUART: Sure. Thanks, Pam. Can we move up one slide, please? Oh. There it is. Just a delay with my Zoom. Thanks. So, the RPMs was chartered just about the same time as SubPro, in fact, in 2016, to review all rights protection mechanisms that were developed by ICANN during Phase 1, for the new gTLD program, that is.

And their final report was delivered to Council late last year. So that was after 69. Maybe, for those of the observers that only take part from time to time, from ICANN meeting to ICANN meeting, I should have made it explicit, even for SubPro. But that happened since 69. Council adopted the final report in January this year. And likewise, the recommendations report was indeed approved at our last Council call. And there will be an additional public comment forum for this as well. There will not be an ODP, as far as we can tell, contrary to SubPro. So

this is, in a nutshell, the overview of RPMs and where Council stands on this one. Back to you, Pam.

PAM LITTLE:

Thank you, Philippe, for that overview. Indeed, like the SubPro, the RPM PDP is also a multi-year effort that started in 2016. And a lot has happened between ICANN 69 and ICANN 70, indeed. The group delivered the final report. The Council acted very quickly. Approved, adopted all the recommendations. So this seems to be quite a speedy process, as far as the Council actions were concerned. So the next step is, I guess, as you mentioned, the public comment proceedings.

So I have a question in the chat, Philippe—I will just read that out—from John McElwaine. John asks, “When will the RPM Phase 1 Report and Recommendation be published for public comment?”

PHILIPPE FOUQUART:

Thanks, John, for the question. And I could stand corrected on that one. But like SubPro, although we approved that earlier, I don’t think there was a date published for the public comment at this point. Maybe I missed it but I don’t think it was published. I think, with the exception of the Recommendations Report, we’re pretty much in the same situation as SubPro, if we except the ODP. That wouldn’t be applicable here as far as we can tell. That’s up to the Board, really. But I hope that answers your question, John.

PAM LITTLE:

Thank you, Philippe. Yes. Maybe staff or anyone from ICANN Org may know the answer but we don't know. But I suspect it will be soon because these are the two major pieces of work. And I guess we'll just see what happens next. And it's really kudos to all the community members who've volunteered in these two major PDPs. And that's the two PDPs that have been completed or near completion, in terms of the SubPro, pending the Council sending the Recommendations Report to the Board. So with that, is there anything else, Philippe, you would like to share in terms of the RPM?

PHILIPPE FOUQUART:

Thanks, Pam. Not much else to share, really. I just want to reiterate what you just said, in terms of those two items being major pieces of work. And you alluded to the fact that it took Council just about a month to approve each of those final reports.

And although that's a double negative, it doesn't mean that Council didn't spend time on this. I think we had a significant review of those recommendations through webinars and all councilors know that. And I think the reason why that was made possible, the fact that it took Council just about a week, is also the—I don't know how to phrase that—but the amount of work that was put into it, in terms of determining consensus, etc. in the working group and in the final reports of both working groups.

And that has made, I think the work of Council somewhat easier, let's say, although time will tell. It's always a question of the interplay between the implementation and the policy development. So time will

tell whether we were right, obviously. But it also accounts for the effort that we put into it and the fact that the work by the working groups was extremely thorough. Thanks, Pam.

PAM LITTLE:

Thank you, Philippe. And definitely echo that. And thanks again to all involved in the community—those volunteers in those PDPs, the co-chairs, and of course, the support staff. This is a major effort. It's like a marathon. And thank you all. With that, I think we can probably pause and move to the next topic, which will cover the two PDPs that are still ongoing. So I'll hand over to Tatiana and Philippe. Thank you.

PHILIPPE FOUQUART:

Thank you, Pam. So as we said, the second part will be reviewing the current GNSO work. So that's the EPDP Phase 2a and the IGO Work Track. So, Tatiana, would you like to go through these? And I might have a couple of questions.

TATIANA TROPINA:

Thank you very much, Philippe. I will start with the EPDP Phase 2a. And on a very high level, what is it chartered to do? What is within the scope of this EPDP? So as you might know, or for some of you who are newcomers, just to bring it to the beginning and explain where it all started, the GNSO Council asked the EPDP 2a team, previously EPDP 2 team members, to continue with the work on some of the topics because some of the team members expressed their concerns that there was not enough time to consider these topics and that these

topics are very important and critical for the work to be somehow finalized.

So these two topics are, first of all, the distinction between legal persons versus natural persons. And the question here is whether the registration data, like contact information of legal persons, should be treated differently to natural persons, meaning that legal persons might not enjoy the same level of protection of personal data and whether their contacts' personally identifiable information could be published instead of redacted in the public directory. The second issue for the EPDP Phase 2a is the feasibility of unique contacts to have a uniform anonymized email address.

And so, as instructed by Council, the EPDP 2a Team is now reviewing these two topics. And as far as I'm concerned, because I'm watching this group from aside—I'm an observer—the team has been meeting regularly and working quite hard since December last year. And they have an aim to finish the initial report in May 2021, which is, frankly speaking, just around the corner. So this is on the high level.

PHILIPPE FOUQUART:

Thank you, Tatiana. I think you covered it. Well, you covered most of it. I just have a couple of questions. In terms of ICANN 70, I think there's ... I know it's mentioned on the slide. Councilors should brace themselves for an update by the EPDP Phase 2a. Could you tell us a bit more on this and what councilors should expect?

TATIANA TROPINA:

Yeah. I will start here with a point that, actually, we have to bear in mind why this update for ICANN 70 and for the councilors is crucial. We know that some of the PDPs have been deliberating for two, three, four years. However, for this EPDP Phase 2a, the timeline is shortened. They started in December. They have to deliver the report in May because we assume that community and the EPDP members already deliberated on these issues. So we have to figure out if consensus is possible at all. We cannot deliberate on these topics for another five years, if they are so crucial and so important.

So what we expect during the ICANN 70 is the chair of EPDP Phase 2a is going to present the progress. And based on this report, councilors have to be ready to decide on the next steps. So this might include provide additional time to the EPDP Phase 2a—however, only if we see that consensus or any agreed solution—broad agreement if possible, indeed.

However, if it is already clear, based on the progress being made, that there will be no broad agreement and the extension is not feasible because the timeline is shortened, the councilors have to be ready to actually terminate this. I'm not saying that we have to but there are two options on the table for the ICANN 70 and we will have to decide on this.

PHILIPPE FOUQUART:

Thank you, Tatiana. That was very clear. And I know, as a liaison, that Keith Drazek, the chair of the EPDP Phase 2a is preparing for that update to Council. So any questions? Kurt?

KURT PRITZ:

Thanks, Philippe, and thanks, Tatiana. I think that Council ... Some of the Council is closely monitoring the EPDP Phase 2a. Some are not. I think we'd need a pretty specific briefing by the chair of the Phase 2, in order to be able to make a determination that either progress has been made, or no progress has been made, or consensus is likely, or consensus is unlikely. So I'm concerned with the Council being put in a position where it has to make judgment, where it doesn't have sufficient information.

So first, the information being furnished should be pretty specific, and the recommendation should be pretty specific. And second, like I said, I don't want to be put in a situation where we're agreeing to extend the timeline, just because we don't have specific information to not do that or vice versa, ending the effort because we don't have sufficient information to extend it. So I think it's really a plea for help and complete information during this briefing. Thank you.

PHILIPPE FOUQUART:

Thank you, Kurt. And I'll hand over to you, Tatiana. But just like what you said, Kurt, I think your plea is essentially to make sure that Council is duly informed, possibly even before the report from the chair. There's nothing worse than rubber stamping a decision or vice versa, opposing an extension for not being duly informed. So, we'll try and make sure that that report and the information that we share with Council before that is sufficient for our councilors to take an enlightened decision. Tatiana, would you like to add anything on this?

TATIANA TROPINA:

Well, you said just pretty much what I wanted to say, Philippe. And just to echo what Kurt said, I think that the danger here is that the Council could possibly terminate the PDP, which could potentially have come to some broad agreement. I do not think that this is going to happen if we don't have enough information. I think that it's a pretty harsh decision to take. And we really have to be well-informed to actually take it. And I think that here, we have the responsibility of each of the councilors to inquire this information.

But also knowing the Philippe, the chair of the GNSO Council and GNSO, is actually the liaison to this PDP, I expect that—sorry Philippe that this is putting this responsibility on your shoulders as well, in addition to the EPDP 2a chair, to provide sufficient information and an update on the group progress.

But I also want to say that for any of you who are concerned about these issues and concerned about this EPDP Phase 2a, please do encourage the members of your stakeholder groups—the members of your constituencies and Advisory Committees to actually try and find the solution—to actually try and head towards consensus. So that's what I also wanted to highlight.

PHILIPPE FOUQUART:

Thank you, Tatiana. Before we move on to the next, just to add to what you said that my only concern is ... And people may think that I keep coming but to this. But in our virtual environment, I appreciate that

some of the councilors can only use the Council list or our Council briefings, etc. to get that information, as opposed to having informal conversations in the corridors during a face-to-face meeting, which can help to have a broad understanding of what’s going on in a working group.

And I think our virtual working methods make this a bit more difficult, in terms of making sure that Council is duly informed. But we’ll make sure that councilors are duly informed by the liaison, or the chair for that matter. You’re right, Tatiana. So with this, any questions in the Q&A pod? Not at this point?

So I suggest we move on to the IGO Curative Rights Work Track, which was approved ... I believe it was in December, chartered in December. And the chair, Chris Disspain, was appointed in January—off the top of my head, really. So, Tatiana, would you like to help us go through this at a somewhat high level, please?

TATIANA TROPINA:

Thank you very much, Philippe. Maybe not with the dates. I just know that this is quite a fresh group. It just started its work. It just started with an email exchange, and then identifying the key issues and then the scope and what has to be done—the scope within the scope that was given to them.

So just on the high level, what’s this work track tasked with? So the GNSO Council tasked this work track to identify if the Uniform Dispute Resolution Policy, UDRP, and the Uniform Rapid Suspension Policy,

URS—if these dispute resolution procedures have to be modified to meet the needs of the international governmental organizations, IGOs.

So maybe, some of you remember that a bit while back, the GNSO Council considered recommendations of the IGO-INGO Curative Rights Protections Mechanisms PDP Final Report. And there were five recommendations and the GNSO adopted only four of them. And the fifth recommendation, the Council decided to refer to the Review of All Rights Protection Mechanisms in all gTLDs Policy Development Process and create an additional track for these.

So what was this Recommendation 5 from the addendum? Recommendation 5 essentially means ... And it is quite a complex but rare issue—admittedly rare case. So imagine that an IGO has prevailed in the UDRP or URS proceedings and the losing registrants file the suit in the court of the competent jurisdiction and the IGO, very successfully, claims immunity from the jurisdiction of that court.

So what happens then? The original UDRP or URS panel decision is to be set aside. And assuming that this IGO was able to avail itself of the UDRP process, the effect of this recommendation is that the parties of this dispute will be placed in the original situation, like these dispute resolution procedures had never been commenced. So the work track has to decide on this recommendation and take it further. I'm sorry for this lengthy and somewhat complex introduction.

This addendum to the charter, which says the scope was adopted in January 2020 to integrate these considerations and to create a separate IGO Work Track within the RPM. So this work track held its first meeting

just recently, as far as I understand. Please correct me if I'm wrong. I think it was 22nd of February, 2021. However, there was already the email exchange on the list, as to what this work track is supposed to do. So kudos to those who are working on this. Also to the EPDP 2a members. You are really heroes at this time. So this is it, on the high level.

PHILIPPE FOUQUART: Thank you, Tatiana. And you would have noticed, Chris. Thanks for that. Noted in the Q&A pod, that clarification, that they've indeed had three meetings so far. Any on the timeline, Tatiana? I think it's mentioned on the slide but what should councilors expect in terms of feedback from that working group—that work track?

TATIANA TROPINA: As Chris said on the chat—and thanks for the update—there were only few meetings. So just again, moving to the high level, first of all, the ICANN Board is now considering the Recommendations 1 to 4 about the IGOs, taking into account the public comment. So with respect to the work of particular work track on this Recommendation 5, it just has begun its substantive deliberation. And it is working through its initial report.

So what the Council and community should be aware of? Because the work track only started its deliberations and its substantive work, I believe that the interested parties—the interested communities—should coordinate with the members which are assigned to this work

track from their respective stakeholder groups, or constituencies, or Supporting Organizations, Advisory Committees who are there to stay up-to-date with this work, to follow it, and to communicate via their representatives any input that they believe this IGO Work Track has to consider.

So following the progress of this work track is currently on the table for interested parties. And of course, for those who are just interested in the issue of IGO and INGO and the modification of the current procedures to suit their needs, perhaps sign up as an observer to follow this policy development process.

PHILIPPE FOUQUART:

Thank you, Tatiana. And just to add some elements to what you said, I believe that initial task that is upon the work track is to make sure that their remit—that Recommendation 5 that you alluded to—is indeed sufficiently independent from those recommendations that have been approved already. And it’s always the same problem when you single out a recommendation and ask people to work on it. The initial task is to make sure that that is, indeed, an independent issue. And I think that’s non-trivial. But there’s certainly more to come from the work track on that topic. Any questions from the councilors on this or the observers?

TATIANA TROPINA:

Philippe, I see a comment on the chat from Mary, who says that, “The Board has deferred consideration of IGO Curative Rights

Recommendations 1 through, in view of its current consultation with the GAC on previous IGO PDP recommendations and pending completion of the work track.” Sorry. Thank you, Mary, for this clarification. I didn’t mention this one.

And from Steve, “Developing a work plan for this work track is a matter of priority, so we have to have a much better sense of timeline in the near future.” And I believe that this is something that is, of course, up to work track itself and to the Council to observe, manage, and to coordinate, if I may say.

PHILIPPE FOUQUART:

Thanks, Tatiana. And thanks, Steve and Mary, for this clarification. It’s quite consistent with what I just said, in terms of dependencies. So, thanks for the clarification. Any questions? Seeing none, thanks, Tatiana. And I’ll leave you the floor for those pieces of work that are in the making. Tatiana?

TATIANA TROPINA:

Thank you, Philippe. And I will be facilitating the last part of our discussion. Sorry. Not discussion, update, although I do hope that there will be a bit more discussion. So Pam is going to give an update on the work that has just started and this will include the Transfer Policy PDP and also EPDP on the Internationalized Domain Names. And I suggest that we start with the Transfer Policy. Pam, can you explain on the high level what this PDP is expected to cover?

PAM LITTLE:

Thank you, Tatiana. Yes. This PDP is really a review of the existing Transfer Policy. So it's like those two major PDPs we just completed, or are near completion. This is going to be a review of existing policy. So this Transfer Policy has been there since 2004. And it has subsequently been updated. But in some of the prior work or recommendations, there was this recommendation that once these policy recommendations were implemented, there should be a review of these policies to see whether they are effective or fulfill the policy goal as intended.

But subsequently, we also have the EPDP Phase 1, Recommendation 27, which recommends that some of those existing ICANN consensus policies should be reviewed and updated in order to be aligned with those EPDP Phase 1 Final Recommendations. So there are two drivers, if you like, to prompt this PDP that the Council has just approved during the February meeting. The Council voted unanimously to initiate a two-phase PDP.

And this PDP will review the Transfer Policy. And the topics to be covered will include a Phase 1a to review the Form of Authorization, which is a process that a gaining registrar needs to use when they are accepting a transfer of a registration from a prior registrar or a losing registrar.

And then, will be a Phase 1b that would cover the change of registrant process. That process was introduced in 2016 or became effective as part of the incremental policy development over the years. So that process is actually quite cumbersome when it was implemented. So

this 1b will review that process to see whether change is needed to make sure it still fulfills the policy goal—as I said, to make sure transfers in between registrars are easy, safe, secure as intended.

And the final Phase 2 of this PDP will cover other topics like transfer emergency action contact, like reversing intra-registrar transfer, or Transfer Dispute Resolution Policy, and ICANN-approved bulk transfer, for example.

And as a next step, even though Council has approved to initiate this PDP, there is a charter that is being finalized. Then, it will need to be approved by the Council to charter this PDP.

TATIANA TROPINA:

Thank you, Pam. Perhaps too early to ask this question but I believe that it's not. We know the charter is still in the making. But do we already know how the group is going to be structured? Is it going to be open? Is it going to be representative? And how interested community members can get involved into this policy development process?

PAM LITTLE:

Thank you, Tatiana. Yeah. Great question. As some of you may know, there is this PDP 3.0 effort, where the Council developed a number of improvements—how to make the PDP process overall a bit more efficient and more effective. So one of the improvements was about the structure of the PDP working group. And there were a number of models developed, like open model, representative model, or a hybrid model.

And this one is actually going to be a representative model in name. But in practice, it will not be a typical representative model where you see that the composition that could be similar to the GNSO Council composition, if you like, because this is a very unique topic, where the subject matter or topics really have most impact on registrars. So understandably, Registrars community has expressed most interest, or we're seeing most interest from that community group, and then maybe to the lesser extent, the Registries group. So in short, it will be a representative model but will not be equal number of various SG/C/SO/AC, if you like.

TATIANA TROPINA:

Thank you. So we are also looking at various modalities within particular stakeholder groups here. So, Pam, I see from the slide that on this Z letter, this group is at the very, very, very beginning. And it's quite striking that the GNSO Council actually started the policy even before we have the charter, recognizing the importance of this issue. So what is the next milestone? When can we expect this charter to be finalized and approved?

PAM LITTLE:

Great. So, the next milestone will be for the Council to vote on the charter. As I said, there is a Council small team working on finalizing the charter. In fact, in the final issue report, there contained a draft charter already developed by the scoping team, which the Council engaged to help scope this work.

And so, the small team’s work is mainly focusing on finalizing the composition of the working group and how the consensus designation process will work. And hopefully we’re very close to finalizing the charter. And it will be on Council’s March meeting agenda for the Council to consider and vote on the finalized charter.

TATIANA TROPINA:

Thank you, Pam. And the very last question for this PDP is what to expect for ICANN 70. Will there be session? And what we, as the Council, should be aware of before the ICANN 70, during, and perhaps in the immediate aftermath?

PAM LITTLE:

Right. So during ICANN 70, there’s indeed a session on this particular PDP that the Council is about to launch. So, for those community members who are interested in understanding the transfer policy a bit more and what this PDP may entail, please just go into ICANN website and have a look at the time. I don’t have the time and date handy with me. So maybe, staff can post in the chat. So that session will give you a lot more information about the Transfer Policy PDP. So come and join us there.

If you are interested in this policy, as I said, there is also a webinar that the staff has recorded, that is available for councilors. And if you are interested, you can revisit that link and that webinar recording.

But for community members who are interested, even if you are not a registrar, or you're just a user or registrant, you want to understand this policy or get involved, even if you don't represent your community groups to be a formal member of this PDP, you can always sign up as an observer of any GNSO policy working group. And all the meetings are recorded. You can also sign up on the mailing list. So there are multiple ways to participate in this multistakeholder model policy work-in-process, if you like. You can actually be an observer and still stay in touch of what's going on.

TATIANA TROPINA:

Thank you, Pam. And I see that there is a discussion going on in the chat. There is information when the session on the Transfer Policy will be taking place, on the 22nd of March. And there were more overarching questions among the Council about representative models for the PDPs. So I see that Jeff has his hand up. Jeff, please go ahead.

JEFF NEUMAN:

Yeah. Thank you. This question, I guess, is for Pam. I know you said that the Transfer PDP was going to be a representative model, or sort of representative model. But doesn't the charter still need to get approved by the GNSO to decide what the model is going to be?

PAM LITTLE:

Yeah. I'll take that, Tatiana. As I said, Jeff, yes. The representative model was actually proposed by the scoping team. And the small team's task is to come up with what sort of representation, if you like, from various

community groups. And what the Council did was the chair of the Council, i.e., Philippe, he sent out an email to community groups' chairs, seeking their indication whether they will be interested in this PDP and how many members they would likely to be able to assign to this effort.

So the small team is drafting the charter based on that feedback. And of course, then there'll a motion accompanied with this proposed charter to be considered by the Council in March. Does that answer your question, Jeff?

JEFF NEUMAN:

If I could follow up. And I was going to type this in the Q&A because this is a question in my personal capacity, as opposed to my GNSO liaison to the GAC role. But with this model, I can't type a question because I'm a panelist. So, we probably need to figure that out. But yeah. I think this is more ... In my personal capacity, working on a lot of PDPs, I think there's a rush to judgment that a representative model is the most efficient way to go. And I just don't, in my personal opinion, think that that's the way we should head with every single PDP.

And, in fact, we have. Since PDP 3.0 came into being, every PDP and EPDP that we've launched has been a representative model. And I just don't think that that's taking advantage of the expertise and the resources of the community. So, I would, in my personal capacity, urge the Council, when it considers this issue, to think about having more either hybrid models, where anyone can participate but consensus is measured by representatives, or a purely open model. Thanks.

PAM LITTLE:

Thanks, Jeff. That's a good suggestion. And of course, the PDP 3.0 was only ... It's relatively new and we are just still experimenting, trying out different models. But in this one, I suppose the key is really to limit the number, or the goal is to limit the number of a particular working group so it is more manageable, it's not too big. And we see both sides, whether it's too small or too large, have downsides. But the key is to make sure it's efficient and effective. What's the right size? We don't really know.

But the Council had some discussion during the February meeting as what is the right size for such a group, the Transfer Policy Review PDP? And I believe most councilors feel comfortable, that around 20 will be the right number. So, the small team really has taken that idea or suggestion feedback on board. And that is, you will see the composition that the small team is proposing is around that number. But whether the label hybrid, or representative, or open model, really, to me, is not very important in this case. The most important this, really, is to make sure the size is the right one.

I see Greg has his hand up. So, Tatiana, should we just go to Greg? Thanks?

TATIANA TROPINA:

Yeah. Greg, please go ahead.

GREG DIBIASE:

Sorry. I just had one follow-up question to Jeff but that's an interesting point that he raised. Jeff, is that a hypothetical concern or have you seen people trying to get into a PDP and not have been able to because of the limit?

JEFF NEUMAN:

Should I answer that? Is that okay? Well, it's theoretical, only in the sense that when a stakeholder group discusses the issue, it's kind of a given that they only get three people. So, if three people come forward, it's not like anyone else, then, complains. But I would like to see us get to a place where we can ... So, Greg, the answer is I don't know because we don't give that the opportunity. So I'd like to see it open. And then, if people volunteer or don't volunteer, then we have our answer.

PAM LITTLE:

Thanks, Greg and Jeff, for that interaction. Yes. But I just want to emphasize, Jeff, I see where you're coming from. But there's also the other side of the coin, if you like. And I said earlier, the way to get involved is not only just be participating as a member of a particular PDP. There's multiple opportunities. The other way is to be an observer. And then, there'll be an initial report for the whole community to comment on.

For a topic like Transfer Policy, where there's not equal interest to all community members, even if we go down an open model, if you like, I believe we will still see very unbalanced, unequal representations or numbers from different groups. And I suspect—and you probably would

agree—that most likely, we will see Registrars participating in this effort. And that was the case with the scoping effort. There was a call for scoping team but most members ended up coming from the Registrars community. So with that, because I’m sensitive to time, we may draw a line on that particular discussion on composition of the team. Thanks.

TATIANA TROPINA:

Thank you, Pam. Thank you, everyone. I see that there is a strong sentiment in agreeing with what Jeff said. But I also believe that these questions are probably not only about this PDP—this particular PDP. But this is also for us, as for the Council and for the community to consider in the future these overarching questions. And I believe, Susan, your questions have been addressed somehow in the chat.

But this is, again, a bit general. And I don’t know if we have time to cover these issues of participation of the community in this particular webinar. I do believe that there might be better ways. So I do think that we have to discuss this as a Council and as the community. And sorry for anybody who feels disadvantaged.

For the interest of time, right now I am going to move to the last PDP we have here right now, in front of the Council, on the table, which just started. This is EPDP on Internationalized Domain Names, IDNs, Track 2. Pam, can you very briefly explain us, in the high level, what is it expected to cover, what is Track 2, and so on and so forth, so we will be aware? Thank you.

PAM LITTLE:

Thank you, Tatiana. Hi, everyone. This is also one of the works that the Council would kick off very quickly. But at the moment, it is only in the charter drafting stage. The Council has engaged a small group, helping Council drafting a charter for this effort. As you can imagine, the topics related to Internationalized Domain Names are highly technical and quite complex for some of us, especially even for me, I guess, ironically.

So there's a charter drafting team trying to come up with a charter to cover this work. And the charter, as currently as I can see, would really focus on the definition and management of IDN variant TLDs. And it's also to cover the process to update the IDN Implementation Guidelines, which some community members feel should be a policy question.

At the moment, there's only a reference in the Registry Agreement that registry operators need to comply with these guidelines, as updated, or amended, or superseded from time to time. But how these guidelines are updated and become binding on registry operators, Contracted Parties, seem to be unclear. And that's a policy question. So that's the EPDP tasks to cover, in terms of scope.

TATIANA TROPINA:

Thank you very much, Pam. In terms of the next milestones, what is the next one for this EPDP? What is the expected timeframe, if we already know?

PAM LITTLE:

Okay. So the current plan, I believe the IDN Charter Drafting Team is working really hard and, as I said, it's complex questions because there's an existing body of work that the Charter Drafting Team needs to take into account and the EPDP later on as well, which includes the staff paper and includes—sorry, IDN Variant TLD Implementation that was prepared by staff so we call that the staff paper. And there are also recommendations from the Route Zone Label Generation Rules. And of course, there are also some recommendations coming out of the GNSO New gTLD Subsequent Procedures PDP. So, they need to take into account all this existing body of work.

So the plan is to submit the charter to the Council for Council's consideration around the May timeframe. So hopefully, at the Council's May meeting, we will have a charter to consider and vote on.

TATIANA TROPINA:

Thank you, Pam. And if somebody is interested in this, what should they watch and is there anything that Council and communities should be aware regarding this work?

PAM LITTLE:

Yeah. So as I said, the charter has yet to be finalized. The Council will vote on that. So if you are interested, look out for the Council actions and milestones. And maybe the Council, once the charter is approved, will call for volunteers. And then, you can either join ... I don't know what the model will be. We just discussed extensively about what's the

right model for the Transfer PDP. But for this one, I'm not sure what that will be. So just stay tuned.

TATIANA TROPINA:

Thank you very much, Pam. And before I will open this for any questions, please raise your hand or type in the Q&A pod. But I also want to tell to Susan. Yes, Susan, you are absolutely right. I actually see on the chat that Philippe, for example, answering your concerns, sent the message to all panelists and attendees. So apparently, what is being covered in the chat is not exactly what the attendees are seeing.

So, to wrap up—to draw a line under these two policy development processes—I'm handing it back to Philippe because I do not see any hands, for now, raised. Yeah. Exactly. It is, indeed, ironic. So there is a question on the IDN EPDP. It looks like the work plan link is broken on the PDF slides. So, Ariel, are you going to answer this question live, as far as I can see? Would you like to take this one?

ARIEL LIANG:

Thanks, Tatiana. I mistakenly clicked on that button. But I was going to put in the chat the link to the work plan so the panelists and attendees could view it. I'm hoping I can put that in the Q&A pod as well.

TATIANA TROPINA:

Thank you very much. And any other questions or comments? Otherwise, I'm going to wrap it up and hand it over to Philippe to wrap

it up somehow, maybe with some general questions from the Q&A pod, indeed.

PHILIPPE FOUQUART:

Indeed. Thank you, Tatiana. Thank you, Pam, for this. I'm looking at the Q&A pod. I saw comments but I don't see any remaining questions. Looking at the panelists. Any hands? I see no hands. So with this, I think we're nine minutes over.

So just to conclude on the form, rather than substance, there have been a few comments on the ability for the observers to put elements in the chat, etc. and possibly have more interaction. I think we'll think about that. As I said, in the chat, we just carried over the default mode for Council. Maybe that's something that we should reconsider, given that, as I said at the very beginning, this is also aimed at the broader community. So that's a question to consider. Thanks for the feedback.

So with this, I would just like to thank you all for attending. Thanks, staff, for providing that support, for putting this together, and Caitlin Tubergen in particular for her help. I wish all councilors a very efficient ICANN 70 meeting. I'll just remind you that our Council call is on the 24th, I think, of March. So, all the best to you all and speak to you soon. Thanks, everyone. Bye now.

TATIANA TROPINA:

Thank you all. Bye.

NATHALIE PEREGRINE: Thank you all for joining the webinar. This concludes it. Alex, please stop the recording. You may disconnect your lines. Goodbye.

[END OF TRANSCRIPTION]