
ICANN73 | Prep Week – GNSO Policy Update
Tuesday, February 22, 2022 – 14:30 to 16:00 AST

NATHALIE PEREGRINE: Hello, everybody. Welcome to the GNSO Policy Update Webinar. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

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And with that, I'll hand the floor over to Philippe Fouquart. Over to you, Philippe.

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PHILIPPE FOUQUART: Thank you, Natalie. Good morning, good afternoon, good evening, everyone from Paris, France. I hope you're all well. And welcome to this GNSO Policy Webinar. This webinar is intended to give you an update on our ongoing policy work in preparation for the upcoming ICANN73 meeting and help you potentially identify the meetings that you may want to attend.

So today we'll be hearing from all current chairs of PDP working group as well as from the chair of our current active Scoping Team. And maybe before we do this, let's just say a word about EPDP Phase 2A. That was ongoing the last time we met, or at least virtually. So Phase 2A is now almost complete. As you will recall, it was focused on two topics: legal vs. natural and pseudonymized information for unique contacts.

And before the Board's consideration, ICANN Org opened a public comment period which closes just last month. So with this, the Board will consider the comments received as well as the minority statements and potentially all relevant advice that they may have received.

So with this preliminary remark, as I said, we'll have an update on all PDPs that are in flight, and we'll have the pleasure to have with us the PDP or EPDP chairs Roger Carney from the PDP on the review of the Transfer Policy. We'll hear from Chris Disspain on the EPDP on Curative Rights Protections for IGOs as well as Donna Austin from the EPDP on IDNs.

And as I said, we'll also hear from the chair of the Registration Data Accuracy Scoping Team, Michael Palage. And after those four updates, I will provide a very short on two small teams that we have on the Council on two topics that are likely to come up during this ICANN73 meeting.

So just as Natalie said, if at any time during this webinar you would have a question, please put that in the chat in capital letters and proceed your question with "QUESTION" in capital letters to note that it's indeed a question. If you'd prefer to wait for the Q&A part, then you can do so and raise your hand at that time.

And finally, for this webinar we'll have the pleasure to have some of my GNSO fellow councilors to assist who will ask the questions to the current chairs. Thank you Olga Cavalli, Marie Pattullo, and Thomas Rickert.

And we'll begin with Olga and Roger. Olga, over to you.

OLGA CAVALLI:

Thank you. Thank you very much, Philippe. Good afternoon from Buenos Aires, Argentina. Good morning, good evening everyone who's with us. It's afternoon for me.

The purpose of the Transfer Policy is to provide a straightforward procedure for registrants to securely transfer their domain names from one registrar to another. The work of this PDP started in May last year—in May 2021—and this Transfer Policy PDP is chaired by Roger Carney who is with us today. Hello, Roger. Welcome.

ROGER CARNEY: Hello.

OLGA CAVALLI: And I have some questions for you, Roger.

ROGER CARNEY: Okay, great.

OLGA CAVALLI: Can you tell us a little bit about what your working group has been working on since your last update before ICANN72?

ROGER CARNEY: Yeah, absolutely. Thanks, Olga. So actually, prior to ICANN72 we spent the summer doing a lot of discussion. So actually, since ICANN72 we spent probably the first two months up until the holidays really getting documented what we were talking about, getting down some general agreements about what we discussed throughout the summer.

So we spent probably the first two months doing a lot of clerical stuff of documenting, getting some early draft recommendations in place for changes, even if we were keeping [inaudible] something. So we spent that first couple months doing that.

And since the holidays, we've spent the time talking about creation locks and transfer locks and the reasons for NACKing of transfers—or

denying of transfers, I should say. So we've been doing that since early this year. And we're going to start moving on to discussion of our final chapter before our first report, and that is bulk [inaudible] of transfers. So that's what we've been working on.

OLGA CAVALLI: Thank you. I will do a question that I usually do in ICANN calls or meetings. Your summer or my summer?

ROGER CARNEY: Yes, thank you. Thank you.

OLGA CAVALLI: Can you tell us about [inaudible]?

ROGER CARNEY: Yeah, it's my summer. Thank you.

OLGA CAVALLI: Which is ... July?

ROGER CARNEY: Which is., yes, as you can see Iowa from the United States.

OLGA CAVALLI: Okay, fantastic. I see that the working group is aiming to publish its initial report for Phase 1A in mid-June of this year. Is the group on track to do this?

ROGER CARNEY: Thanks, yes. Actually, I'm hoping that we can get that out—and I'm going to say this as a hopeful plea here—before we all meet this coming summer and The Hague. So hopefully, we can get this report out and we can all be discussing this face to face in the northern summer. So we're right on target for this.

OLGA CAVALLI: Thank you for the clarification. The working group also submitted a Project Change Request in December. An explanation for those non-councilor participants, a Project Change Request submitted by working group. If there's a change to its previous project plan that was approved by the GNSO Council. And then the Council needs to approve any changes to a project request if it deviates from the initial approved plan.

So Roger, would you tell us a little bit more about the Project Change Request that the Council [inaudible] approve and why it was necessary?

ROGER CARNEY: Absolutely. So when we started this whole process, we knew a lot of ... That there was going to be a lot of interdependencies. And even though we're broken up into three discrete time frames—Phase 1A and 1B, and Phase 2—we knew there was a lot of crossover between them.

And what ended up happening is, actually, there were some things in Phase 2 that we needed to get answers to during the Phase 1A discussions. So we actually brought that work forward, and that's what the PCR was for, was actually to add to our workload, not necessarily in the timeline. But we pulled some work forward from Phase 2 into Phase 1A to help us get answers to what we needed for Phase 1A.

OLGA CAVALLI:

Thank you very much. Are there any challenges that have been recurring in your work or new challenges that have emerged since your last update to the community?

ROGER CARNEY:

[I don't think] there's any new challenges. I think it's a continuation of the challenges. The Transfer Policy and the whole concept around transfer is very contracted party-focused. So we've got a lot of participation from Registrars and some good participation from Registries.

But some many other groups are just observers, and rightfully so. They don't have a lot. They need to. I just want to make sure that those other groups are getting the attention they need or their questions answered if they are. So I think the real challenge is just making sure everyone's staying involved.

OLGA CAVALLI: Yeah. The challenge for every working group and PDP. And is there anything that you would like to update to us apart from would have been explained to us?

ROGER CARNEY: I don't think so. Again, I think the working group has really been working well together. And I don't mean that just from the contracted parties. We've had really good input and good time wise. People stepping in were topics get to be a little more specific to other stakeholder groups, and they've really stepped up and pulled forward. They ALAC has done some polling on their site and brought those information forward to us.

So I think the group has really come together well, and it shows because we're moving forward pretty rapidly.

OLGA CAVALLI: Fantastic. That must be the leadership of the chair [inaudible]. And tell me, since the ICANN73 was scheduled to be in San Juan, Puerto Rico, I thought I would close with a fun question like do you have any highlights of memories from ICANN last meeting in San Juan?

ROGER CARNEY: Yeah, so I think most of us that were there or even involved remember that hurricane Maria hit just a few months before we went. We weren't even sure if were going at all. But when we got there, it was great. Downtown Puerto Rico was a little darker than you would expect, but people were there. Places were open. I thought it was great. To me, my

highlight was getting up that first morning and taking that run along the beach. It was just beautiful out.

OLGA CAVALLI:

Fully agree with you. Beautiful memories from beautiful Puerto Rico and all the friends there. I remember the nice food that I had with my dear friend, Pablo Rodriguez—mofongo. I've never had that before, so that was new for me.

So thank you very much, Roger. Thank you very much for your time and your explanations. And I will keep give the floor now to Marie. Thank you very much.

ROGER CARNEY:

Thanks.

MARIE PATTULLO:

Thank you, Olga. My name is Marie Pattullo. I'm here with the GNSO Council. I represent the Business Constituency. And we're now going to be talking about a moving part of many moving parts that's been going on for many years all around how intergovernmental organizations look after the names and the acronyms in the DNS.

Now that sounds like a lot of not very important jargon, but we just heard about the hurricanes. If you have Médecins Sans Frontières, if you have the Red Cross, and you all know what's going to happen. You're going to get that e-mail, "Please donate."

Well, part of what we're looking at here is how we make sure that when you do donate, it gets to the right person. Now as I say, this one of very many moving parts to do with IGOs. And this one is curative rights. Again, more jargon. But that means can IGOs use the Rights Protection Mechanisms. And if so, help.

So talk us through that is the one, the only, Chris Disspain. Good evening, Chris. At least it's evening here in sunny Brussels.

CHRIS DISSPAIN: It's evening here in sunny Norfolk as well, thanks. Hi, Marie. How are you?

MARIE PATTULLO: I'm very well. So Chris, can you give the community an idea of how you've been working since ICANN72?

CHRIS DISSPAIN: Sure. Hard, is the straightforward answer. We've had many meetings. This is a group that meets weekly, barring Christmas and New Year and things like that. And we've made, I think, some significant progress since we last talked which was at ICANN72. And in fact I think, without wishing to jinx it, and touching every piece of wood I can find, I think we are on the final lap to bring ourselves to the end of a long process and to come up with a bunch of recommendations.

The charts speak for themselves. I'm not going to talk to them because, mostly, I don't understand them. But I just know that it's been hard work, but we're getting there.

MARIE PATTULLO:

That's really good to hear. Now forgive me to the interpreters for not talking loud enough. I hope my volume is better for you now.

We know that the working group is, at the moment, going through the public comments that you received after you published your initial report. Could you share with us an overview of the recommendations that you think you're going to put forward? A rough outline of where you're likely to go?

CHRIS DISSPAIN:

So, sort of. We've kind of finished going through the public comments. And a lot of those public comments provided significant and useful feedback which has led us to make some changes to the recommendations that were originally put out. But it's really quite complicated to try and explain in a format like this in a 10-minute period in a meaningful way what the recommendations say.

But I can tell you that there are going to be a small number of recommendations—probably five or six in total—and the goal is simply to provide a methodology to solve the issue of how the IGOs can have access to curative rights in a way that is embracing of them in the sense that they have the ability to use the system, but is fair to other parties

and doesn't involve other parties in too much change to the current system. And that's been the challenge all along.

MARIE PATTULLO: Interesting. Thank you. So do you think you can still submit your final report to Council by April 4th? Or [inaudible]?

CHRIS DISSPAIN: Yes, I do.

MARIE PATTULLO: Or [you're not going to be able to]?

CHRIS DISSPAIN: No, I think we're on target. We had a meeting today. So far it looks to me as if we are on target. As anyone who's ever been involved in any of these policy development processes will know, often the closer you get to the deadline, the more challenging it becomes. But so far, as of today, I think we're on target to meet the deadline of the 4th of April.

MARIE PATTULLO: Fingers crossed.

CHRIS DISSPAIN: Yes.

MARIE PATTULLO: I know that you unfortunately can't stay for the whole webinar because you're a very important man and have other places to be.

CHRIS DISSPAIN: No, that's not true. I just have to be elsewhere. That's all.

MARIE PATTULLO: Is there anything else that you want to say about the subject? That you want to update the community on?

CHRIS DISSPAIN: Not as such. I do want to say one thing about it, though, which is that for those of you who've been around a long time, you all know that this IGO acronym issue has been running effectively since 2012-2013. And there have been a number of attempts to try and solve the problem. And the last PDP did in fact work extremely hard and come up with a number of recommendations that solved parts of the problem.

But it's a bit like an onion. You peel back a layer and then there's another problem underneath and another problem underneath. And all I really wanted to say, Marie, was to just to thank those who have been prepared to participate—bearing in mind the amount of previous work that's been done on this—to get the number of high quality participants in this PDP who are prepared to put the work in, to come onto the calls to negotiate, to discuss, to cajole each other into reaching what I hope will be a bunch of consensus recommendations, has been yet another

example of how this model works—when it works well—works really well. Thanks.

MARIE PATTULLO: Thank you. And thank you also for putting up here how the Council and community can assist in particular in this virtual world in which we all live.

CHRIS DISSPAIN: Exactly.

MARIE PATTULLO: So I'm going to change the last question a wee bit. We're not in San Juan. I'm looking out my window and I can guarantee we're so not in San Juan. So Chris, how do we, the community, go through the next couple of weeks pretending that we're together in San Juan?

CHRIS DISSPAIN: Oh, now there's a really interesting question. Isn't it? If only we could dress for San Juan and enjoy it in the climate in which some of us live.

Look, Roger talked about the fact when we were last there in 2018, we turned up about six months after Hurricane Maria turned up. And as he said, it was amazing to be there. What I remember is just how extraordinarily welcoming and embracing the community in San Juan was in spite of the challenges that they had.

We were being bussed around, served in restaurants and in the hotels by people who were going home to houses and apartments and flat that had no power. And yet they were prepared to come and help us make the best that we could of the ICANN meeting in San Juan. So I think, actually, the answer to your question is if we could maybe spend the next two weeks trying to sip on some of that spirit, some of that willingness to embrace and to be helpful, that might help us get through the next busy time of ICANN73.

MARIE PATTULLO:

Thank you. And thank you for sharing the experience of the group. And thank you for that sentiment. So on behalf of all of the Council, thank you, Chris, for the work you did.

And we now turn over to my colleague Thomas who's going to take us through the wonderful world of Internationalized Domain Names. Thomas.

THOMAS RICKERT:

Thank you so much. Good morning, good afternoon, good evening, everybody. My name is Thomas Rickert, and I have the pleasure of facilitating this next session with Donna Austin. Hi, Donna. And before we dive into substance, let's just remember ICANN's slogan is One World, One Internet. But that doesn't mean that we should all be ruled by one script. But we want diversity. We want folks to be able to communicate in their mother tongue and use the scripts that they're using in their day-to-day life.

And then that brings us to the topic of Internationalized Domain Names. And Donna is going to talk a little bit about the progress that's been made in the EPDP on Internationalized Domain Names. So Donna, you're working group, what has it been doing since the last update that you gave before ICANN72?

DONNA AUSTIN:

Hi, Thomas. Nice to see you. So the IDN EPDP, I think the last time we provided an update we were in a little bit of a leadership void. We'd just lost Edmon Chung to that ICANN Board, so I stepped in to be the chair of the EPDP. And I'm very pleased to say that Justine Chew has been appointed as my vice-chair. So we're now in a little bit more of a stable position and we're getting into some of the meat of the topics.

I would say that we've also had two Board liaisons appointed to the working group, and that's Edmon. So he's come back around again. And [Akinori]. So we're very grateful to have their expertise on this working group. Edmon, obviously, has been closely involved in this subject area for the better part of 20 years, so his expertise is greatly appreciated,

Just on the progress that we've made since the last meeting, we spent quite a ... I guess we've made some good progress, but it's been slow progress, if I'm honest. And some of that is because of the kind of setup that we feel we need to have in order to have discussions.

So just by way of example, Charter Question 5 is about whether there should be any ceiling or limits to the number of variants than a TLD

operator could apply for or seek to have. And we had a lot of discussion in the working group. We were a little bit at odds as to what the sense of the working group was. And part of that was because of some of the advice that we'd had from SSAC.

SSAC is not, even though they're invited to appointed representatives to the working group, we don't actually have formal representation. But what we were able to do in January was to have a conversation with members of the SSAC that were involved in the development of that advice. And we found it really valuable to have that conversation and actually tease out what was behind the advice that was written by SSAC.

So we found that really valuable and it cleared up a number of misunderstandings that we had about their concerns about permutations if you have too many variants at the top level coupled with variants or IDNs at the second level. That creates a lot of challenges. So we were able to tease some of that out.

And then we have fabulous staff support, like every PDP does. And Sarmad and Pitinan put together some really helpful statistics for us that helped us understand how broad, or what's the scope of the problem that we're trying to resolve.

And what that data enabled us to do is to understand that the problem we were talking about wasn't as widespread as we thought because the Generation Panels that developed the Label Generation Rules actually have some restrictions in place already about variants so that the issue

of multiplication or permutation wasn't as widespread as we thought it was.

So we think, combined with the work that the Generation Panels do and the restrictions that they put in place coupled with the market, we don't think a registry operator is going to apply for 100 variants because there are going to be market forces that will impact that. So we were able to pull it back and get a pretty good sense of the working group about developing a recommendation around whether we should have a limit in place on a number of variants.

So I think that was a really useful exercise for us in ensuring that we had the right information in order to make a decision. And that included having that conversation with SSAC and the data that was provided by Sarmad and Pitinan that was really valuable.

THOMAS RICKERT:

Donna, if I'm not mistaken, your initial report is due in December. Do you think that's workable?

DONNA AUSTIN:

Probably not, Thomas, I'm honest. The leadership team reviewed the project timeline, I think just a couple of weeks ago. And we acknowledged that we are a little bit behind. Well, actually a little bit, a lot. We don't know. We're being schedule. We acknowledge that.

We have recently changed the order of the chartering questions to separate them into two buckets. So we're dealing with variants from

2012 because IDN variants weren't allowed in the 2012 new gTLD round. So we're dealing with variants at that level. But also, we're going to have to deal with variants at the second level.

We've tried to reorder things so that we're dealing with topics that are associated with one another at the same time rather than talk about one piece here and then a few weeks later talk about the other part. So we've done a resequencing of our charter questions and what we've agreed among the leadership teams. We'll come back and review our project plan in about three months and see where we are. We think we'll have a bit of a more realistic idea about the timing in this.

The rooster is awake even though it's ... Well, it is close to 5:00 A.M., so there you go. Sorry, guys.

THOMAS RICKERT:

No worries. I think that's a great ... You have some life [inaudible]. I thought that this was a gentle nudge by the ICANN team to let us know that we ran out of time, but it seems to be a real animal that's creating the noise.

So Jonathan Zuck is mentioning in the chat that ... He's asking, "What's the takeaway from this slide?" And I think that the slides will be made available for everyone's the consumption afterwards on ICANN's website. So you can increase the font size and really study the slide and take all the information from it, which is a little bit hard, I understand, at this stage.

Donna, is there anything you think the community or Council can do in order to assist you with your work? Maybe to help you get back on track a little more than you otherwise could?

DONNA AUSTIN:

I don't know that there's anything specific, Thomas. This is a hybrid representative model, I think, of an EPDP. This isn't necessarily a contentious PDP in the sense that we don't have opinions on different ends of the spectrum where ... It's a pretty congenial lot. So we are working through things as quickly as we can.

But I think one of the challenges that we have is that there are a number of assumptions in the charter when it was developed—and one of the main ones—is that the SubPro IRT would be operating at this point. And as we know, the Board is still considering the recommendations from the SubPro IRT—from the SubPro Final Report, sorry.

So there are a few assumptions in the charter that don't hold, so we're making up some of our own assumptions on the way through to try to get to answers for these questions. So that is a little bit of a challenge for us. We're relying on a process that worked for 2012 new gTLDs and hoping that, in large part, that will hold for the recommendations that we have coming out of this working group.

THOMAS RICKERT:

Now you have a few seconds to advertise your meetings during this ICANN meeting. So what can folks that are interested in the topic expect your discussions to focus on?

DONNA AUSTIN: So I think for the ICANN73 sessions, we will probably be getting into Topic A which is around processes associated with 2012 like objections and string similarly. And some of those is ... And whether they hold within the work that we're doing. So, it's a review of those processes to see what to what extent they're relevant to the work that we're doing.

THOMAS RICKERT: Okay. Anything else you'd like to share?

DONNA AUSTIN: I don't think so, Thomas. Look, I know we're behind schedule, but we meet on a weekly basis, 90 minutes a week. The leadership team usually mates for at least an hour a week. So I don't know that there's much else we can do this to speed things along. It's a charter with a lot of questions, so we're just working our way through it.

THOMAS RICKERT: Well, Jeff Neuman mentioned in the chat that "There are some incredibly complex issues in the IDN PDP" and he's certainly correct and I would like to take the opportunity to thank you and your team for your hard work on this important topic. And as the other teams speaking before us, do you have any memory from the from ICANN61 to share with us?

DONNA AUSTIN:

So Thomas, I'm going to go back a little bit further the 2007 when there was a meeting in San Juan. I was thinking about this a little bit, and at the time I was actually part of ICANN staff. And although you might have been around, I was making a transition from the role of ccNSO Policy Officer to the liaison to the GAC. So I was actually one of the first staff members allowed to sit in on GAC meetings.

But I think the highlight for me was probably beach volleyball that the GAC initiated. So rather than seeing GAC in a closed meeting room, folks were out playing beach volleyball. So I'd say if we get back to San Juan again, I think we should bring that back.

THOMAS RICKERT:

Thank you so much for sharing that. And before I give the mic to Olga, you mentioned something that I'd like to highlight. And this would be the point in time where I would ask the entire room to give a big hand to ICANN's Policy staff. You mentioned that they're offering great support for you and they're supporting the GNSO Council other PDP and PDP working groups. So let me just do a big shout-out to David olive and his team. And Donna, thank you so much for the update.

Over to you, Olga and Michael Palage.

DONNA AUSTIN:

Thanks, Thomas.

OLGA CAVALLI: [inaudible], Thomas. Back again at the mic. This is Olga again, and I will introduce my dear friend and colleague, Michael Palage. We are working in the Accuracy Scoping Team that started its work October 5 last year, 2021. And I have been participating as liaison to the GNSO. Hello, Mike. How are you? Welcome.

MICHAEL PALAGE: How are you doing, Olga?

OLGA CAVALLI: Very good.

MICHAEL PALAGE: Doing well.

OLGA CAVALLI: [inaudible] see you again. We talked this morning, yesterday, and Thursday. So we see each other very, very frequently because it's interesting GNSO work.

MICHAEL PALAGE: Yes.

OLGA CAVALLI: So the Accuracy Scoping Team is tasked to consider a number of accuracy-related factors such as the current enforcement and

reporting, measurement, and overall effectiveness of accuracy-related efforts.

So Michael, can you tell us a bit about what the Scoping Team has been working on since you last updated before the ICANN72?

MICHAEL PALAGE:

Sure. So as part of ICANN72 we literally, I think, had only had one or two meetings, so were very nascent in our work. I think at this point in time, we have some ...

We are nearing completion on Assignments 1 and 2—and we'll get to that in the next slide—although we are a little behind like many other groups. But I think where we have been successful recently is in trying to at least reach consensus regarding a working definition on what accuracy is. That was one of our initial assignments.

And our friends within the Registrar constituency, instead of offering a definition, they actually put forth the specific provisions within the 2012 RRA as a framework for our discussion. And much like Thomas and others, not only have the Policy Team being doing a lot of tremendous, helpful work, they've also been able to liaison with ICANN Compliance.

So one of the things that was very strategically important in our work to date was that some of the questions that ICANN Compliance was able to come back to the group. And what were able to do was to see that 2012 RAA contractual requirements or working definition, while appearing to be rather black and white, there actually was some gray. And that was very helpful.

And what we are now doing, as you are aware, is trying to look at what that Gap Analysis is. So there is some gray. What is the size and scope of that gray? And we're looking for that to drive a lot of our next work which is going to be Assignments 3 and 4. So I think that has been helpful.

I do believe that within the next couple of weeks, or hopefully within the next month, we should be in a position of, again, finalizing that initial work on Assignments 1 and 2 and then reporting back to Council. So there we go.

OLGA CAVALLI:

Thank you very much Mike. And please, we should have in mind that working with definitions is always very extremely complicated because things are defined in different ways for different people. So I commend you for your patience and for your work as chair of this team, and of course, the fantastic help of the GNSO staff that is extremely helpful.

Mike, what are some of the challenges that the group is encountering?

MICHAEL PALAGE:

I would say one of the biggest challenges has been just burn out. Just two plus years of COVID and Zoom-only meetings has taken its toll. As Berry Cobb will acknowledge, when we were originally setting forth a timeline on our work, I wanted to be rather aggressive and try to have most of our work concluded by this year's annual meeting. So I will acknowledge now on the record that Berry is right. We will not meet that original timeline, I do not believe, though we will perhaps ...

We will be going back to the Council within the next, I would say couple of months with a potential project change. I think that's premature right now. We need to, again, finalize the work on Assignment 1 and Assignment 2. The issues regarding Assignments 3 and 4 talk about additional studies.

Now one of the things that we had seen and which we're beginning to talk about now in that number of gray of what does the Gap Analysis involve is there is potentially going to be the need for additional studies. One of the things that has been discussed and has arisen is the lack of a data processing agreement between ICANN and the contracting parties and how that may inhibit the ability for ICANN or a third party vendor to perhaps undertake some of these studies. This is in fact one of the reasons that the ARS was suspended back in 2018.

So these are some of the more complex issues that I think we as a scoping team will be reporting to the Council. And we will be working closely with our ICANN Org colleagues to figure out that path forward on how to get back on track and limit the lateness in our original projections.

OLGA CAVALLI:

Thank you, Mike. And considering what you have explained, is there anything that the Council or the community could do to assist the work of this group?

MICHAEL PALAGE:

Yes. We need facts. And I think one of the things ... As a long-time participant in the ICANN multistakeholder model, I have seen the continued evolution of the policy development process. And I do think that the ODP and ODA can be viewed as a positive if it is used in a constructive manner. I know there have probably been some people that have been concerned as it being a delay at the end of a long process.

So one of the things that we're trying to do here—and this is one of the reasons we may be taking perhaps a little bit of pause in our work—is can we do some additional data gathering? We saw in the SSAD ODA that they went out and were trying to gather facts that they didn't have. They couldn't find a research firm. So to me, I think this falls on the Scoping Team to actually do a lot of that initial data mining. What are the data points out there?

And the specific callout to my trademark and IP brethren is that we have heard a lot of anecdotal evidence of inaccuracy or the inability to get access to accurate data. I think it is incredibly important to document this. What we have right now are ...

We have ICANN Compliance reports. We have some ARS reports. And while those facts can be viewed through different lights, without actual data elements, that impedes our ability to do our work. This should not be about what I feel or what other people feel, but we should as a community be able to point to facts. This is not easy, but nobody ever said participating in ICANN is easy.

So that, to me, would really be my call to action. Any third-party data that could either support or contradict the existence of any accuracy issues with the RDDS data elements would be greatly appreciated.

I guess the one other final point. While this group has been focused clearly—laser focused—on the work set forth in our assignments as well as in our background documents, we are not blind to the fact that there are some other external discussions in other fora going on impacting potential accuracy of data—the DSA, NIS 2, even most recently the European Union DNS abuse report.

So while we are aware of these external forces, we have not spent time on them. But we are aware that they do exist and we are mindful on how we want to try to deliver on a timely basis so that we are not the weakest link or the slowest link in addressing this potential problem.

OLGA CAVALLI: Thank you, Mike. Is there anything else you would like to share with us with respect to this work?

MICHAEL PALAGE: Not at this time. Just join in on or listen to the recordings. We generally have a lively and constructive debate.

OLGA CAVALLI: Thank you. I can acknowledge that. I do participate in all the calls. Are there any highlights or memories from the last ICANN meeting in San Juan that you would like to share with us?

MICHAEL PALAGE: Well as many know, Nellie, my wife, was born and raised in San Juan. So I was married in San Juan and have been to the island probably 20 or 30 times in my life. So I would say I have a lot more better memories than ICANN61 and ICANN29. But I do look forward to the community getting back to the island. It's always a good venue. And particularly when we need to do North America in the winter, it is a great option for people to pack lightly.

OLGA CAVALLI: Exactly, thank you. Thank you very much, Mike. And again, I commend you for your patience, for your work, and your dedication. And of course, the GNSO staff for helping us with this very difficult work that you do. Thank you very much.

MICHAEL PALAGE: Yep. They are rockstars. And as you said, the Policy people do not get their fair share of the hard work they do. So, much appreciated.

OLGA CAVALLI: Exactly, totally agree. Thank you very much, Mike. And over to Philippe. Thank you.

PHILIPPE FOUQUART: Thank you, Olga. And thanks, everyone, for the update. Before we get to the Q&A, I'll just give you a very brief update on two other efforts on

the Council. That's the small team on DNS abuse and the other one on the SSAD, the ODA review.

So on the DNS Abuse Small Team, some of you may recall Council, during our wrap-up session at the last ICANN meeting, put together a small team on DNS abuse which is expected to determine the policy efforts if any is deemed necessary that Council should consider to support the efforts already underway in various parts of the community, both within and outside the GNSO.

So the important element to consider is, indeed—as for the other efforts—to define what “abuse” means here. So there's an emphasis on definition, very much like, for accuracy, what Michael just said in the Scoping Team.

So as for everything we undertake on the Council, there's a particular focus on the workload that will be generated by this. And there are several potential outcomes and answers to the questions that Council asks. If the answer is yes, there's some policy work to be needed. The small team is expected to recommend how to articulate the specific problems that policy work is expected to address and the dependencies with the other efforts on that same topic. How we should manage those, etc.

If the answer is no, however, then we ask the small team to recommend or consider the potential triggering points that may lead to [reinitiating] a similar effort and identify those events that may indeed trigger policy work under the Council.

And the answers could even be “maybe,” and if it's something in between, indeed if we know you're in a position to determine that policy work, then there may be a need to convene a scoping team in that regard to define the scope and topic that DNS abuse effort should take.

So just bear in mind that that small team might reach out to you, both within the GNSO and outside—those of you who have already initiated work on this particular topic—and to better understand what you may expect from the GNSO as it relates to policy work.

As of today, the timing of this assignment has not been fully determined, but we're anticipating an update to Council at the next meeting. So that's the DNS Abuse Small Team.

Let's get to the SSAD ODA review. As you may recall, as part of the Council's vote and the resolution supporting the final report and recommendations of the EPDP Phase 2, the Council requested a consultation with the Board with a particular focus on a cost-benefit analysis, given that there were a number of unknowns during the PDP, the policy work. And that associated with the adoption of those recommendations by Council.

Before their vote, the Board initiated an ODP, an Operational Design Phase, notably on the cost elements of the SSAD. And Council has been kept informed of the progress of that ODP [inaudible].

So as you would know, the result is contained in the ODA, the Operational Design Assessment, which was delivered in January. And

as a result of following up from that publication, we met with the Board several times. The most recent meeting being in the late January to exchange views and concerns that the Board may have on the SSAD and cost elements in particular.

So we're in now in the process of reviewing these elements within the small team. And keeping the Board's concerns in mind, we'll review those and provide some feedback—firstly Council and then to the Board—on the next steps. There are, procedurally, several options that are on the table. And if you're interested in those, do take part in or at least observe the work of the small team on this topic.

I would just and that, to conclude on this, we'll be meeting with the Board—“we” being Council—on Tuesday, March 8th. And we will have more information on the progress of that small team at that time.

This concludes the updates on the second small team, so it's now time for the Q&A. And I will turn, probably, to Julie first to see ... I'm not sure there have been questions put in the chat at this point. I could be corrected. But if there has been, I would [rely on] Julie to channel those. Otherwise, feel free to raise your hand if you have any questions. Julie, first.

JULIE HEDLUND:

Thank you, Philippe. This is Julie Hedlund from staff. Just to confirm that I have not seen any questions put into the chat at this point. I've just sent a reminder to folks in the chat that if you do have a question in the chat, that you can put it into the format that's listed there. But at

this point, of course, you can go ahead and raise your hand and Philippe can recognize you as well. Thank you very much, Philippe. Over to you.

PHILIPPE FOUQUART: Thank you. Thank you, Julie. So no question in the chat so far. Any questions from the audience? Generally it's the first one which is the most difficult to get the ball rolling. [inaudible] been crystal clear. Any questions of the chairs? PDPs? Julie, there's a question in the chat.

JULIE HEDLUND: Yes. I see that there is a question that has been ... We've been asked to take it as a question. I will read out for you.

“ICANN's definition of DNS abuse is narrower than most of that of EU. Is the GNSO DNS Small Team considering a redefinition to include some of the concerns ICANN has so far been reluctant to address?”

And then there was another question in the chat as well, but I'll go over to you for that first question.

PHILIPPE FOUQUART: Thank you, Julie. On that question, I think it's fair to say that the work relates to the definition which was put forward by the EU, and more generally the report that was published recently. The small team was not tasked with reviewing that report or it wasn't even an input to that small team. It will be up to the members to channel some of the elements that are developed in that report there, but it was not even used as a reference.

But as I said, the team is expected to reach out to those in the community who have worked already or are working on the topic to [confront views] trying to figure out the expected policy work that some of you may foresee and possibly align the definitions for us to move forward with the questions that are described earlier in terms of whether policy work is needed.

But I get it's a long-winded answer to say no to the question on using the definition of the report from the EU. I should say the European Commission, by the way. It's the European Commission.

JULIE HEDLUND:

Pardon me, Philippe. Just to confirm that, actually, there was not a second question. It was just a reiteration of the first question. So there's no additional question in chat at this time. Thank you.

PHILIPPE FOUQUART:

Thank you, Julie. And I don't want to put anyone on the spot, but Sebastien Ducos who's leading the small team ... Sebastien, feel free to jump in if I misspoke or as it relates to the reference to that report or ...

SEBASTIEN DUCOS:

[inaudible] there was any questions. But, no, you didn't misspeak. I would have stopped you right there.

PHILIPPE FOUQUART: Okay, thank you. Thanks, Sebastien. So I see, Thomas, you have your hand up.

THOMAS RICKERT: Yes. Thanks very much, Phillip. And on the topic of DNS abuse and its definition, I just wanted to point to [ICANN.org/dnsabuse](https://icann.org/dnsabuse) where ICANN Org is offering definitions that it is using for DNS abuse.

And also, some of you might remember, and some of you have been around the table when we reshaped ICANN's Bylaws in the context of the IANA Stewardship Transition. And there's one piece of information that's relevant to the discussion of DNS abuse. And that is that we clarified in the updated bylaws that ICANN may take care of DNS abuse, but ICANN must not engage in content regulation.

And therefore, we need to balance the two, doing what ICANN should be doing as long as it is DNS abuse, but not crossing the line to taking countermeasures against content-related abuse or engaging in content regulation because that would be a violation of ICANN's bylaws. So I just wanted to offer that as a little bit of context and background. Thank you so much, Philippe.

PHILIPPE FOUQUART: Thank you, Thomas. Thanks for this. I see, Siva, you have your hand up.

SIVA MUTHUSAMY: Yes. The bylaws were reviewed at the time of the IANA Transition once. What prevents ICANN from taking another look at the bylaws now?

Especially in a context where the world is becoming more and more aware of the importance of some form of attention to content.

PHILIPPE FOUQUART:

Thanks, Siva, for the question. And for that, I don't know. I don't know if there's anything that prevents a revision of bylaws, anyway. There's nothing that prevents it, but it's not something the small team was tasked with. It sounds like a more comprehensive exercise than the very extremely limited remit that the small team was chartered with.

But that's certainly a question to put to forward. Any bylaws are, by definition, revisable. But I'm afraid that was not something that the small team was tasked with, understandably.

Any other questions? Thank you, Siva. Okay, seeing no hands. I will just thank all those who took part—PDP chairs, EPDP chairs, and Accuracy Scoping Team chair as well as the councilors who kindly volunteered or have been volunteered to do this. It's been really entertaining and, hopefully, really useful for the participants.

I will just also stress what Donna put in the chat. All these policy-related efforts have been initiated under what we would call COVID times. So the time and commitment that the teams put forward in this is really tremendous. Working in this dry environment of Zoom sessions, etc., it is really difficult and I think we can be thankful for the work and the effort that they all put in this.

So with this, thanks everyone. Have a nice rest of your day wherever you are, and I hope you're all well. That's goodbye for now. Bye, all.

NATHALIE PEREGRINE: Thank you all for attending the GNSO Policy Webinar. This session is now adjourned. Have an excellent rest of your days and nights. Take care, everybody. Good-bye.

[END OF TRANSCRIPTION]