
ICANN69 | Virtual Annual General – GNSO - CSG Open Meeting
Wednesday, October 21, 2020 – 16:30 to 17:30 CEST

CHANTELLE DOERKSEN: Hello, and welcome to the Commercial Stakeholder Group’s Open Meeting at ICANN69. My name is Chantelle Doerksen and I am the remote participation manager for this session.

Please note that this session is being recorded and follows the ICANN Expected Standards of Behavior. During the session, questions or comments submitted in the chat will only be read aloud if put in the proper form or captured for follow-up after this session. I will note those instructions shortly in the chat. The Chair will read questions and comments aloud during the Q&A portions of the session. If you would like to ask your question or make your comment verbally, please raise your hand.

When called upon, kindly unmute your microphone and take the floor. Please state your name for the record, speak at a reasonable pace, and please mute your microphone when you are finished. With that, I would like to hand the floor over to the Business Constituency Chair, Claudia Selli to begin. Claudia, please go ahead.

CLAUDIA SELLI: Thank you very much, Chantelle, and thank you very much, everybody, for participating to our Commercial Stakeholder Group Open Meeting. As you know, it’s the usual meeting that we have

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

normally in person at ICANN meetings, and it's open to everybody for participation.

You have the agenda in front of you that we're going to start the discussion about the NomCom Review Working Group. Then we're going to have a guest speaker, Karen Lentz. And then we're going to continue with Any Other Business for our discussion and, in particular, we thought about the ICANN Board Chair Botterman's letter to the GNSO and Constituency Leaders about the status of upcoming GNSO review.

So with that, we will start the agenda items and kick off with the discussion around Tom Barrett's response to the GNSO feedback and concerns. I'm sure that everybody has seen the letter which was stressing the need for rebalancing NomCom representation to truly represent ICANN and all the changes that happened over time. I want to open the floor for discussion. I don't know if Heather is there, but certainly Heather has been quite engaged on that, or if anyone else would like to take the floor and kick off this discussion. I see a hand up. Oh no, sorry. It's a David from ICANN. Would you like to say something? Or Heather? Sorry, I was reading wrong. Heather, please, why don't you kick it off? Thank you.

HEATHER FORREST:

Hi, Claudia. So thank you very much. I'm happy to kick us off here. Forgive me if I babble a little bit. First thing I want to say is, I publicly need to apologize to the IPC. Certainly it's the case that the original letter from the RIWG was circulated and should be pretty well known

to IPC members. The very most recent correspondence from the RIWG that came in as ICANN69 started, I only just sent that to the IPC list because it didn't occur to me when it came in that it hadn't gone to the constituencies, that it only gone to you and me, Claudia, as individuals, and the leaders of the other SGs and Cs. But I did mention the letter in the interjections to the Board the other night when we met with them.

The most recent letter from Tom, what it says is, "Thanks very much for your input. But we don't consider it necessary to do the more comprehensive review that the NomCom review recommendations provided for or recommended." And indeed the IPC and BC and ISPCP have said, "Why don't you do that review?" So the NomComRIWG response is, "Thanks. We don't think we need to do that review because, in essence, our proposal to rebalance the NomCom representatives isn't just singling out the GNSO. We're suggesting doing this sort of thing to other SOs and ACs as well."

I suppose, speaking very personally, Claudia, that doesn't answer what the IPC initially proposed when it doesn't answer what the NomCom review recommended, which is a full and comprehensive review of the entire ICANN community. So redistribution doesn't, to me, equal review. That said, as I say, I confess and with very sincere apologies, the IPC hasn't seen that letter until it's just been posted to the list 10 minutes or so before this call. So I haven't got instructions from the IPC, but let's use this as an opportunity. Albeit it's an open meeting and welcome to everyone who's joining us from outside the

CSG, let's use this as an opportunity to talk with that as a background.
Thanks very much.

CLAUDIA SELLI: Thank you, Heather. Anyone else that would like to comment?

BARBARA WANNER: Claudia, this is Barbara Wanner from the BC. I guess my question really for the group is—and, Heather, thank you very much for summarizing the exchange and sort of the situation we're faced with—we've already provided written comments, what is our next step in terms of continuing to press our concerns? Because I know the BC has some very pointed concerns based on history and the risk of disenfranchising the voice of small business in any sort of fluid review that is being proposed by the RIWG. Thank you.

CLAUDIA SELLI: Thank you, Barbara. I think Heather is just writing a comment saying that has been noted in discussion with the Board. The next steps are set by the Bylaws, as this is a Bylaws amendment being proposed.

I have Susan Payne that put their hands up and Jay afterwards. I don't know if Susan still wants to intervene. Yes?

SUSAN PAYNE: Thanks, Claudia. So I did put my hand up, and then as Barbara was speaking, she was basically saying something very similar to what I

was saying. I was kind of pondering on this and on the assumption that we're not particularly happy with where this has come out. It's not terribly clear to me what our next steps are. And so I was going to sort of raise a similar question really of, are there still avenues we can follow?

CHANTELLE DOERKSEN: Hi, Claudia. I see in the chat that you lost audio. One moment and I will have the techs offer you a dial out.

CLAUDIA SELLI: It's fine now. It's fine. Thank you.

CHANTELLE DOERKSEN: Okay. Thank you.

CLAUDIA SELLI: So apologies. I don't know if Susan had finished her comment because at certain point I lost the audio, so I don't know if Jay wants to come in. I'm sorry, I don't know what—Susan, I didn't hear everything.

JAY SUDOWSKI: Thanks, Claudia. I guess I feel like this whole thing is kind of twilight zone-y because the recommendation from the review was very clear that there should be kind of this holistic broad-based assessment around representation within ICANN and how that plays out on the NomCom. But the RIWG is more or less really seeming to push this very

divisive thing down on GNSO and not really addressing any other SOs and ACs. So it's really just bizarre from that perspective.

I think the practical reality is that some of this pressure is coming because NPOC doesn't have a seat on NomCom and they have historically felt rather aggrieved about that. Whether or not that's right or wrong, the other reality is that the GAC has a seat on the NomCom that they never use. So I just feel like the way that this is all evolving is just really lacking of all common sense in that, really, the issue is that NPOC wants a seat. Well, wouldn't it just make more sense to give NPOC a seat on the NomCom? And if the GAC has a seat that doesn't use it, they don't want to use it then maybe that's how that could just get settled very easily and very practically.

I think, aside from that, this is a long-term thing that will take a while to play out. I don't know if even there's been any specific language around the proposed Bylaws changes that's even been circulated yet. So, this will be an issue that takes a couple years to get settled. Thanks.

CLAUDIA SELLI:

Thank you, Jay. There have been a couple of comments also in the chat. From Jimson, he says that small businesses are located in developing countries, and so why can't the number of representatives be expanded? And Heather also commenting that basically it seems that they will get ahead even if the RySG, IPC, BC, and ISPCP do not support their recommendation. And Heather is probably not convinced that further interventions to the review working group will

be fruitful, but we could try to convene a meeting. I think it's indeed, Heather, it would be a good idea. I don't know if you want to take the floor again, Heather? And I think I have also Lawrence in the queue. Heather, please, and then Lawrence.

HEATHER FORREST:

Yes, sorry. I'm happy to jump in very quickly. I really don't think that going back to the RIWG is useful. I'll note for everyone, just for the record, that it was the hope that at this meeting we would have one of the co-Chairs of the RIWG here and we'd be able to ask some questions, although my inclination is to say I would love to know the rationale for the position that's been taken, which is we acknowledge that the registries and all three constituencies of the CSG do not support our proposal, and that's a substantial proportion of the GNSO. But nevertheless, it's our recommendation. I personally would love to have a rationale explained to me for that but I don't know that that's going to change the outcome for the RIWG.

So I think we did get some attention on the issue, albeit unexpectedly because we didn't expect to get a whole lot of time to discuss it when we spoke to the Board last week as the CSG. I don't think we'd be remiss from maybe pursuing that avenue a bit further. Certainly, our GNSO reps on the Board would have a decent understanding and that sort of formal and informal rep. So I'm adding in here also, say, Aubrey and Sarah, in addition to Matthew and Becky. Becky was quite outspoken in that conversation. But I do think that our GNSO savvy reps on the Board could maybe be helpful here and maybe the

Organizational Effectiveness Committee could be helpful, insofar as we do have Maarten’s letter asking for our input on the GNSO review.

And it’s certainly the case that this review, I think this is something I’ve suggested on the list some time ago and perhaps even tried to segue to in my intervention to the Board, although I confess I don’t want to quote myself because I don’t remember entirely what I said last week word for word. But it is certainly the case that there is a segue between the GNSO review for which we’ve been arguing for quite some time and there are questions around scope as well as timing. But those scope questions dovetail pretty neatly to the review that we’re calling for here, and I think that’s one way to handle this, Claudia. So apologies for waffling on a little bit.

CLAUDIA SELLI:

No, no. Thank you, Heather. It’s very helpful. I have Lawrence on the queue, then Steve. And, Jay, if it’s not [inaudible] then you’ll be next.

LAWRENCE OLAWALE-ROBERTS:

Thank you, Claudia. Quickly, I will just want to add that the recommendation that the Implementation Committee Working Group has latched on, which is Recommendation 10, was specifically talked about looking to see if there could be some form of rebalancing within the GNSO and the ALAC. At the last public meeting of the NomCom Review Working Group, I asked at that point, they had sent a letter to the GNSO and I inquired from the working group if the same letter that was sent to the GNSO was also sent to the ALAC. One of the co-Chairs’

response was that they didn't feel it was necessary sending that to the ALAC since the ALAC was not covered or there wasn't a direct request made with regards to ALAC, which isn't what we find in Recommendation 10.

The way I view all this is basically since those who have been making a lot of call towards getting a seat on the NomCom, which is NPOC, happens to be from the GNSO to fill that. Well, we could as well sit one of our seats. But the way the Business Constituency is structured and the way business is generally structured, the small business seat covers a very, very huge demographic. Today we all hear about the startups and all that. While we have startups that are unicorns, very big organizations like the Uber and Coke, a very huge percentage usually happens to be small businesses. And what forms priorities for small businesses is very, very different from what the large businesses are looking at. The things that we want to focus on, like businesses might often not just gloss over them. And so it's very important that we not only maintain a seat, but the trade associations are not even covered, so to say. So we should even be requesting for more seats.

But finally, I want to also say that as long as the Review Implementation Committee Working Group is looking at something that could potentially impact on the Bylaws and cause a Bylaw change, then it has to be holistic. I have mentioned this several quarters that the NomCom as is presently constituted after the IANA transition also had the responsibility of appointing PTI directors. It wasn't as if the composition of the NomCom was changed to accommodate that particular assignment. So we might get to a point

where we do something right now on the fly and in a couple of months running into years, we will be forced to again look at the composition of the NomCom, and so it's good to really take time to make sure that whatever is done now can definitely serve the NomCom, serve the community, serve ICANN for years to come. Thank you.

CLAUDIA SELLI: Thank you, Lawrence. In the queue I have Jay and Steve and Wolf-Ulrich. Jay, if you want to start.

JAY SUDOWSKI: Old hand.

CLAUDIA SELLI: Oh, old hand. Okay. Steve, please.

STEVE DELBIANCO: This is an open meeting so nothing we say here is privileged to CSG, but I don't think it's a secret to anyone that if the GNSO, in general, gets to allocate a handful of Nominating Committee seats then the Commercial Stakeholders Group is only one quarter of the GNSO and it's not likely to get the same number of seats that we have today. That has to be the businesses' main concern—the main objection—with the proposed restructuring, especially when you see how business community is treated in the face of Contracted Party and Non-Commercial Stakeholders Group on elements regarding consumer safety and the battles we've had on EPDP.

I don't think it's entirely effective to talk about disenfranchising small business for one simple reason. The proposal to restructure the NomCom would let GNSO or CSG nominate a small business if it felt like it. So it isn't as if there can't be a small business under this restructuring. Under the restructuring, the point would be that you would just elbow aside a large business in order to elevate a small business to the position of being on the NomCom. That is completely unsatisfactory to those of us in the CSG because it becomes an either/or instead of a balanced representation of both large and small businesses that really are responsible for the majority of registrant and user activity on the commercial Internet. So let's just learn how to stitch together all of our arguments with respect to small versus large representation and knowing what happens when you're subject to the tyranny of the majority over in GNSO versus the Constitution or Bylaw that gives us much stronger explicit allocations. So I think that's where the constitutional protections of the Bylaws are better than subjecting us to the whim of what the majority will vote down our throats. Thank you.

CLAUDIA SELLI: Thank you, Steve. Wolf-Ulrich?

WOLF-ULRICH KNOBEN: Thank you, Claudia. Can you hear me?

CLAUDIA SELLI: Yeah.

WOLF-ULRICH KNOBEN: Okay. I wonder how we can move forward with that. Because these arguments are clear from our side so we have put them together. Maybe you put it in a different way together again. But then the real question is, well, how we are going to move forward.

We had a short exchange on meeting with support last week, and it was good that Heather brought it up again. As I mentioned before, I tried several times in talks with Göran, we had also to make them aware about our concerns, and then he was just leaning back saying, “Okay. That is up to the community itself to find out a solution on that.” But now it seems to me from the talk we had with the Board that some of them, at least, they are more aware what is coming to their table in case the working group is bringing that up with regards to the Bylaw amendment because the consequences may be not as clear for the Board itself.

So my suggestion would be that after that meeting within our group, within the CSG, we make up our mind with regards to what could happen in future, in case it’s going this way or that way. Is it the amendment of Bylaws, or what could be done in order to talk again with the Board?

So we should sit together after that meeting and discuss that internally and bring up some ideas how this could be done. I think there are several options maybe. If it comes to a Bylaw amendment, that may come also to a big issue on the GNSO itself because maybe no more than 75% within the GNSO or the community that the GNSO

don't like this Bylaw amendment. So let's talk about these different ways to look at and find out maybe in a smaller group between the three constituencies how we could move forward with regards to a further exchange for the Board and with regards to options which may come up in case. Thank you.

CLAUDIA SELLI:

Thank you very much, Wolf-Ulrich. I agree that probably we should be discussing in a smaller group on the way forward, including meetings or, in any case, bringing points up to the Board level or whatever action we might want to take. Unless there are other comments—but I don't see hands up in the queue—I would probably move on our next agenda item, if everybody agrees with that approach. Okay. I don't have comments so we can probably approach that way to organize as soon as possible a closed discussion, and then we're going to take it from there.

On our agenda next, we have our guest for the new gTLD round in view of SubPro results. Karen Lentz is with us. She's the Vice President of Policy Research and Stakeholder Programs. So, Karen, if you agree, I would leave the floor to you for some initial remarks from your end, and then we're going to open up the floor for questions as we usually do. The floor is yours. Thank you for coming and accepting.

KAREN LENTZ:

Thank you, Claudia, and hello, everyone. This is of course a little bit of a shift in gears from the previous topic, but this segment is called

“Outlook for a new gTLD round in view of SubPro results.” So I’ll talk about the New gTLD Program Subsequent Procedure’s work, give a little bit of an overview of the activities from the ICANN Org perspective. There are a couple of specific areas that ICANN Org commented on in the most recent report of the SubPro Working Group. I’ll touch on those in response to some questions from the CSG, and then I’ll also touch on the Operational Design Phase proposal, which is being discussed during this meeting and it relates quite a bit to the planning for SubPro. So I just have four slides, and then there should be time for any discussion and questions.

I wanted to also thank everybody for continuing to engage and support these meetings. A lot is being asked of the community to continue to join Zoom calls and beyond at odd hours and continuing to engage. So thank you to everybody for continuing to support this work. Can we go to the next slide?

Sorry, this looks so small on the screen. This is the universe of work around the new gTLD Subsequent Procedures particularly that ICANN Org has been engaged in since the last ICANN meeting. So at the center of this, obviously, is the Policy Development Process. I didn’t see Cheryl on the call but I did see Jeff, who, of course, are the co-Chairs of the Policy Development Process. And in speaking about the SubPro results, this is driven by the working group. The PDP has not yet concluded but is working every week towards getting to final recommendations.

We've also, in the last several months, worked with the Board caucus. There's a Board caucus specifically about the new gTLD Subsequent Procedures' work. And so we worked to support the Board members on updating them on what the current SubPro recommendations are, some of the background to issues, what are the open questions and other things. There's also two Board liaisons that have been appointed to the PDP Working Group.

Also what took up a lot of time in August and September, ICANN Org did provide some input to the Draft Final Report of the working group. The link to that input is down on the bottom of the slide, and I'll touch on a few of those areas in a slide or two.

Then is the bubble called Pre-Planning. That is focusing on the organizational work having to do with leading us to a future round. So that includes setting up a project charter, being able to organize all of the work, figuring out the resources, projecting what we'll need to be able to do all of the things that are recommended in the SubPro recommendations, and at the same time, continue to support all of the other work that ICANN Org is supporting.

If you recall, there were a set of planning assumptions that were developed last year and we went through those with the Board, shared those with the community, and got some feedback on those. That's a model that I think we are expecting to continue to replicate. Those were the kind of very basic planning assumptions that we had put in place. And there are many more assumptions when you get into the different varieties and different areas of work. So one of the things

that is anticipated is that we'll continue to document and share those assumptions to help facilitate the discussions of how the policy recommendations are being put into place when they're completed. Another part of the pre-planning work within the Org is the concept of an Operational Design Phase, and I'll talk about that later in the presentation.

Then finally is communications. Communications is both a present and a future activity. Now involves finding a place to compile all of the planning work and that will create means to share implementation work. So when we get to the point where we are working with the IRT and advancing on different areas in terms of the implementation, that there will be tools there to share that work. And then within the SubPro recommendations and in other recommendations like the CCT Review Team, for example, there are recommendations around communications plans, communications and outreach, having to do with raising awareness of the New gTLD Program, raising awareness of the opportunities, the requirements, raising awareness of the availability of assistance to the applicants. So those are all that's kind of the universe of the work that we have under way. Can we go the next slide?

This is some comments that ICANN Org made on the topic of Public Interest Commitments. I'm sorry, the text was cut off. As Chantelle said, you'll get these slides. The text is excerpts from the Org comment so it's there as well. Public Interest Commitments—this was a topic that the PDP Working Group spent a lot of time on looking at the framework and the protections and what they wanted to do in terms

of affirming practices and making new policy recommendations. So the recommendation from the working group in this section was to retain the existing commitments in Specifications 11. So to give them the status of policy recommendations and also to maintain the framework that was based on GAC advice for potentially adding additional safeguards to Registry Agreements for certain types of applications. So those things were recommended to be retained, to be continued from what already exists. The working group did discuss potential other additions having to do particularly with abuse and some of the things that are referenced in Specifications 11 and noting that the SubPro PDP has a remit that extends to gTLDs that would be introduced as part of a subsequent round. So to the extent that they developed new requirements, those would only apply to new gTLDs that occurred as a result of this round and wouldn't apply anywhere else. And so they wrote a letter to the GNSO Council in April indicating that decision and really recommending that work take place in these areas in a holistic manner. A couple of reasons for that, one being, to get the most out of it, there should be a holistic approach to the extent that new requirements and protections were devised, that they would apply holistically. Then second, the working group also referenced potential concern about disparate treatment, if there were a set of requirements that would only apply to a certain set of TLDs and not others more generally. I saw the question from Steve in the chat about the Board caucus membership—and thank you, Lars, for putting that in there—that is posted on the ICANN website.

The comment that you see on the screen are some of the comments that ICANN Org made in regard to Section 9, having to do with the Public Interest Commitments. This is not the whole comment. There were other comments on some details of the recommendations, but here are a couple of things that are noted in here. One is that understanding the PDP's recommendation to seek a holistic solution and to support engagement within the community to continue to clarify the existing obligations. Also, noting that there is very active community discussion happening in the area of DNS abuse, and that is something to be supported as well. And so the approach that's really described here, as far as DNS abuse goes, is topical rather than having to do with the SubPro process itself.

One of the questions that the CSG sent had to do with these discussions or was considering initiating a process having to do with new provisions for the Registry Agreement. So, noting that some of the discussions within the GNSO and elsewhere have to do with what the right path is, so there's potentially a policy development process, potentially a new contract term, maybe best practices, maybe some combination of those. So the Org doesn't have a view on what the outcomes should be. Our role is to support and facilitate those discussions, also to continue to provide data to help inform the discussions around those things, and continue to enforce the existing requirements, as well as to implement what the community decides so that when there are outcomes from those discussions as far as the path and the outcomes that those would be things that ICANN Org would implement. Can we go to the next slide?

This is also a comment that Org made on the Registry Agreement itself. It's a little bit related but a different point. The working group noted that there should be basically a single base Registry Agreement consistent with principles of predictability, fairness, simplicity, consistency, and efficiency. Org has shared that goal in terms of wanting to have a base Registry Agreement that is applied generally and that to the extent that that Registry Agreement evolved that that is not a SubPro process but a process in general. So there are some, again, notes in the comment about making that happen. How do we reach the goal of a single base agreement, but from the Org point of view, that is the clear goal. Can we go to the next slide?

So finally, I'll touch on the proposal for an Operational Design Phase. You've probably heard of this mentioned a few times in the last couple of weeks. The link to that paper that's being discussed is down at the bottom of the slide. I'll just state briefly on this that the goal of the Operational Design Phase is to bridge the work between the completion of the policy development process, resulting in approved policy recommendations and the Board decision to commit to implementing that set of recommendations. So it's meant to bridge those two activities. It's not necessarily needed or anticipated to be needed for every set of recommendations, but there are certain ones and SubPro is definitely one of them where the implementation will be quite complex and significant in terms of the amount of resources required and the decisions that are to be made. If you think about something like SubPro, there are aspects of it that are almost projects in themselves. For example, standing up of RSP pre-approval process

is a significant project by itself. The Applicant Support Program, building that out is another significant area, building in a new appeals mechanism as recommended and how that affects the process flow for all of the steps as the applications go through the evaluation process. So there's a lot of structure and organizational resource components to the implementation. So the goal of the Design Phase is for is to provide the Board with the information to questions that they will ask about how a set of recommendations is going to be implemented and what the impact will be on the organization.

There's also a component as described in the paper for feedback from the community. So as we've said, at different times this is work that has always been happening. ICANN Org has always prepared information to inform Board decision but the phase is intended to add transparency to that effort. And one of the tools for that, as discussed, is a group that's convened to provide and coordinate any feedback on that from the community.

And finally, to clarify that the Operational Design work wouldn't replace this. It's not intended to replace the work that happened with the Implementation Review Team. That's what occurs after the Board approves a set of policy recommendations. That's a separate piece of work that's not changed by the Operational Design Phase, though it's anticipated that the IRT work could benefit from having some of these cost considerations and other considerations described and analyzed beforehand.

So with that, I will wrap up the slides. Sorry, I'm losing my voice now. The paper, as I said, we've gotten some good feedback on it this week and would love to have some feedback here from this group, but also its intended that following the meeting, we will hold another consultation, a more formal consultation on the concept and on the paper, potentially updated a little bit from the things that we've heard this week to clarify some aspects of it. But we want to make sure that we get feedback from this group here or elsewhere. With that, I will turn it back over to you, Claudia.

CLAUDIA SELLI:

Thank you very much, Karen, for the extensive presentation. I see that Jeffrey Neuman has the hands up. Jeffrey, the floor is yours.

JEFF NEUMAN:

Yeah. Thanks, Claudia. Thanks for that presentation. I just wanted to, just for the CSG's information, three points. One is that I want to really thank ICANN Org for the extensive comments that they filed because they really went through everything with a fine toothcomb, and the ones that are presented here are just a real small snapshot of all the work that they did. So there's a lot of stuff to go through. That being said, we just have to keep in mind that these are ICANN Org's comments to the working group, and the working group will look at all of those comments and decide whether to adopt those or not adopt those or do whatever it's going to do with those comments. I think it's fair to ask Karen about comments to the Org's comments but the real questions, I guess, should be within the working group to question

each other as to whether they're going to accept these recommendations and what they mean.

The second thing is I want to lend some support to the Operational Design Phase. I think some of the constituencies and stakeholder groups that I heard comments from earlier this week, it seemed it came at it from a view that this somehow threaten the policy process or that this was trying to undermine the GNSO scope or PDPs, and I don't see it that way at all. I see this as a great tool. When this issue gets to the Board, the Board is going to have to understand not just what the policy recommendations are, but as Karen said, how do we staff this up? How many people is it going to require? How much does ICANN have to spend up front? How do we start the process of looking at who to get for evaluators? Do we establish separate bank accounts from the ones that were from the 2012? I mean, there's a ton of decisions and things that the Board needs to know that are completely outside the policy process, the PDP process but are very important for Board members to understand. And so I look at this Operational Design Phase as a positive step because ICANN is going to do this anyway, and I think they're opening up the kimono, so to speak, to give us insight as to what they need to do and actually give us some sort of review over that, which has never been done before. So I think this is a really positive thing.

And then finally, I see a bunch of comments in the chat asking Karen about how the Board is interpreting or how she's interpreting the Board's comments on the PICs and all these other things, and I don't really think it's fair. I mean, you could ask it but I don't really think

they're fair questions of Karen because that's really kind of the Board's comments and not from Org. But the other thing I would say is I do think it's important for the CSG—and for the community for that matter—to look at the Board's comments on what they said on PICs and on things that are looking at the Bylaws, especially what's grandfathered and what's not. Now, I have a personal view that I've expressed to the working group, again, as a personal view, that I believe that the argument—because registries are voluntarily committing to these contractual requirements in most cases, because they're voluntary commitments, that gives ICANN more leeway to enforce contractual commitments than it would if ICANN were regulating the content itself. In other words, I think that Becky put it really well—there's so many presentations this week—but she said that an argument could be made that some of the things that would otherwise fall outside the ICANN remit may otherwise become within the scope of ICANN's remit because they're voluntary commitments made by registries and ICANN is just enforcing them as a contract. So I think that's something that the CSG and of course the working group is going to have to think about in terms of the Bylaws, and so that would apply to PICs, and that would apply to CPE, the Community Party Evaluation. Anyway, I think it's invaluable—thanks, Karen—presentation and I look forward to working or listening in with the CSG and hearing any comments that they have. Thanks.

CLAUDIA SELLI:

Thank you, Jeffrey. We don't have much time left because we're going to have until 5:30. But, Karen, I don't know if you have any reaction.

And also there were a couple of questions in the chat. To some you have been, of course, responding, but there were questions also from Dean and Alex as well in the chat. I don't know if you had the chance to read them through, and from Anne as well.

KAREN LENTZ:

Thank you, Claudia. I'll try to address them quickly. I think the first one from Dean and the one from Anne are a little bit the same and they do reference, I believe, the Board comments, which of course I don't speak for the Board, but as has been described by the Board and Board members in some of the discussions this week, this is really not intended to say that some of the proposed voluntary commitments would or would not be compatible with the Bylaws, but to make sure that question is considered in the interest of having a predictable contracting and enforcement environment. And so that's the impetus behind the Board raising that topic.

The other question that I saw was about the Operational Design Phase and the EPDP Phase 2 recommendations and whether we were planning to institute the Design Phase for those recommendations, and if so, when and how would that work? I think that is one of the things that's being considered, especially with regard to the Council having asked for when it approved the Phase 2 recommendations, having asked for a consultation with the Board and a potential cost benefit exercise. So the sequence of those steps, particularly as we're still receiving feedback and input on the Design Phase and how it would work, I think, is still to be worked out. But definitely the SSAD is

a set of policy recommendations that will have a significant impact, of course, on ICANN Org but on many others as well. And so it's certainly being considered as something that might be a good pilot effort for trying out Operational Design Phase. Thanks.

CLAUDIA SELLI: Thank you very much, Karen, also for your time and for being with us today. So thank you for that and for the presentation. I understand this will be shared with the group. So thanks once again.

We have a few minutes left before we stop and I would like to go to the last item on the agenda, which is the CSG discussion around the ICANN Board Botterman letter to the GNSO Council and Constituency Leader about the status of upcoming GNSO. I don't know if anyone in the group would like to kick it off, particularly our GNSO maybe more involved colleagues? I don't see hands up.

WOLF-ULRICH KNOBEN: Yes, it's me.

CLAUDIA SELLI: Wolf-Ulrich, please.

WOLF-ULRICH KNOBEN: Just to bring it up here. I understand that this question is to be done more on the level of the constituencies and stakeholder groups themselves before we come up with any kind of firm opinion on that.

But it relates to the question of when the timing of the next GNSO review and as well as the structure of that GNSO review. So I understand Maarten's letter in this way that he is just raising his fingers saying, "Okay. From the existing timeline we have, so their [shift] there shall be maybe mandatory a review kicking off next year. That means there is time. It's time to talk about and to collect opinions on that. So what I suggest is that we should discuss that, really, to have a small group within the CSG to discuss that and to bring something to paper. We have some ideas from our constituency. We have people also engaged in that, so if you would like to contribute to that. That's what I could take, let me say, because I'm going to take over from you this job for the next meeting to organize this year's team meetings, and that I will come back to CSG ExCom in order to have this small group, in order to work out more details on that. Thank you.

CLAUDIA SELLI:

Thank you, Wolf-Ulrich. Anyone else that would like to add anything? No? Okay. I think Tony was also saying that he would support your proposal. I think, absolutely, at least for myself, personally, I would be supportive as well, Wolf-Ulrich.

Okay, if there are no other questions or answer or comments, we will adjourn the meeting. But I'm just looking around to see if anyone else is willing to speak. I think Susan has a question whether there will be a CSG-wide call for volunteers.

WOLF-ULRICH KNOBEN: That was a question to me. Susan, yes, we will talk about that at the next CSG ExCom meeting how we deal with it. And then for sure we need some proposals from the CSG participants here on who would like to participate. I can do a call right now but we will do it formally. Thank you.

CLAUDIA SELLI: Thank you, Wolf-Ulrich. Heather also is supporting in the sense that it seems a sensible way forward to Susan's answer.

Yeah, Barbara, I think you are indeed correct in proposing to take it back to our own constituency and then ask for volunteers.

Okay. I think we have also a good way forward here. Everyone agrees, at least from what I can see in the chat. I would just like to check if there are other questions or any other business that anyone wants to bring up? Wolf-Ulrich, I think your hand is an old one, right? Just checking. Yes.

Okay. Then with that, if there is nothing else, I would adjourn the meeting and stop the recording. Thanks, everybody, for participating to the meeting, and we will certainly see each other virtually very soon. Thank you very much and stay safe. Thank you.

[END OF TRANSCRIPTION]