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PANAMA – Fellowship Daily Session  
Monday, June 25, 2018 – 11:30 to 13:30 EST  
ICANN62 | Panama City, Panama

SIRANUSH VARDANYAN: Okay. Can we start the recording of the session? Thank you. Hello, everyone. Welcome to ICANN 62. This is our first session. For some of you, this is your first ICANN meeting, so welcome to ICANN. Welcome to the Fellowship Program. It's a huge pleasure meeting you. Unfortunately, at this time, this is a short meeting. We didn't have time to have an introductory session with all of you, but I hope that during these four days, we'll have a chance to communicate, to talk to each other a lot. So, please reach me whenever you have any questions. Reach to your coaches and reach to any alumni who are here who are ready to help you.

For us to start the first session, I would like to let you know that we have headsets, translation, for this session. So, please, use the translation. This will give you the opportunity to listen in your native language, in Spanish, in French, and in English. We have three languages here available, so please use it. And if you have any questions, you can ask your question in your local language. Use this opportunity while we have this.

Without further ado, I would like to introduce our first presenters. Carlos Reyes and Mary Wong are ICANN staff who are

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our policy development gurus. They will explain us what is policy development in ICANN, how this works here, and how you can be involved in that process.

So, as we already took 15 minutes of your time, my apologies. That's why I would like you to start. So, Mary and Carlos, the floor is yours.

CARLOS REYES:

Thank you very much, Siranush. Hi, everyone. Thank you very much for having us here today. We're mostly interested in answering your questions throughout the session. We'll start off with a few slides just to lay the groundwork and give you some context. Then, Mary and I will alternate explaining some of the policy development processes of the supporting organizations. But, like I said, we're more interested in hearing from you and answering any questions you may have about the work here of ICANN, the policy work of ICANN.

Alright. First off, I didn't realize this was your first session, so that's very exciting. It's a little bit of added pressure on Mary and me, but I think we'll be okay.

Just to quickly explain the ICANN ecosystem. Obviously, you're somewhat familiar with this since you applied and were selected to be a fellow for the policy forum.

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There are three basic components at ICANN. It's easy to or it's better to understand the distinction between the three different parts to ICANN because they all do different things within the ICANN environment.

First is the community. That's all of you. The community is really the heart and soul of ICANN. This is where our policy proposals emerge and this is where the work happens. These are the people that you see in the sessions that are debating and discussing policy proposals or advice. The community is really the foundation of the work at ICANN.

Of course, like any organization, we have a board. The board essentially provides corporate governance for the organization, but they also listen to the community. The board is comprised of representatives from the community. The supporting organization appoint members and some of the advisory committees also appoint members to the board.

Then we have the organization. Mary and I are part of the organization. You'll see a lot of our colleagues in the venue here that are part of the organization. We are here to support the work of the community and to facilitate all of the policy development work and engagement activities, the fellowship program, etc. We are essentially the support structure for the community and also the board.

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Any questions about the three parts of ICANN? Great.

If we look a little bit more at the community piece, you've probably heard the term multi-stakeholder while you've been exposed to ICANN. At ICANN, we manifest a multi-stakeholder model, which essentially a participatory model. This participatory model enables and encourages the participation of multiple voices, different sectors, different groups in a shared objective. In this case, policy development for names and numbers of the DNS.

At ICANN, we have three supporting organizations and advisory committees that structure the ICANN community. I'll explain them at a very high level here shortly.

The supporting organizations within ICANN are responsible for developing the policy recommendations. Any supporting organization has a specific mission and scope. The Address Supporting Organization is the body that develops and recommends policies on global Internet protocol addresses. So, any sort of number resources at the global level. There's a lot of regional activity, policy development activity at the regional level that you may be familiar of in terms of numbers. Are you all familiar with the RIRs, LACNIC for example or APNIC or AfriNIC? They all have regional policy development and that's the scope of the RIRs.

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At ICANN, the scope is global. So, the ASO and the Address Council work to develop global policies.

The ccNSO is the Country Code Names Supporting Organization. This is the supporting organization that develops policies for country code top-level domains. You're probably familiar with ccTLDs. For example, dot-BR for Brazil or dot-UK for the United Kingdom. There's a supporting organization at ICANN that develops those policies and it also has a council. And the council, much like the Address Council, manages the global policy development process for that particular supporting organization.

Finally, the GNSO, the Generic Names Supporting Organization. Most of the policy development activity at ICANN will be part of the GNSO. I think right now there's one PDP policy development process in the ccNSO. There's nothing at the global level for the ASO right now. Everything else is at the GNSO.

So, a lot of the sessions you'll see throughout the week, a lot of the conversations we're going to be having throughout the week as well are related to GNSO policy development. The GNSO develops policies for generic top-level domains.

Any questions about the three supporting organizations? I know you're all eating. It's okay. Yes?

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SIRANUSH VARDANYAN: I'm sorry. We have mics. Please state your name before asking a question. Thank you.

CARLOS REYES: The question is how many PDPs are ongoing in the GNSO.

MARY WONG: Hi, everybody. This is Mary from staff. As Carlos said, we both work on the policy team. So, to the question how many ongoing or active policy development processes there are right now in the GNSO, in comparison to the country code or the ccNSO and their reasons for that – if we have time, we can go into – there's five active PDPs in the GNSO right now. One of those may be paused or it may change because the GNSO Council is launching a new PDP called Expedited Policy Development Process. You may have heard of it. That's going to be the subject of a lot of discussion this week because that expedited PDP will deal with the WHOIS system after the General Data Protection Regulation.

But, just to follow-up on that point, in all of these different supporting organizations and advisory committees – and we'll go into that on the next slide – while the three supporting organizations focus primarily on policy development work, through the PDPs, they tend to also have a number of other

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projects that may not rise to the level of policy development, but that continue to keep the community functioning. This could include work on the governance structures of specific groups within one of the supporting organizations. It could include some of the reviews that are mandated by the ICANN bylaws that have to be conducted periodically and a few other administrative type matters.

So, the workload across the supporting organizations and advisory committees is quite significant. So, while the PDPs are really the prime focus of the community, there's also a lot else that goes on that's managed, for the most part, by all of these councils.

UNIDENTIFIED MALE: Thank you.

UNIDENTIFIED FEMALE: Hi. I am [inaudible] from [inaudible] University. I am glad that you mentioned the EPDP, which is the expedited policy development process. I was in a meeting this morning with the GNSO and there was quite a, it seemed to be, heated discussion about that particular EPDP because it seemed as if it didn't ... I don't know. It seemed as if it did not start within the GNSO, but it was developed by the board. I don't know. I'm still very

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confused. So, if you could help me to understand that because the whole contention was the fact that the community wasn't involved in drafting this expedited PDP. So, if you could share some and help me to come out of my fuzziness a little bit. Thank you.

MARY WONG:

Thank you for the question. Let me assure you that there's a lot of people walking around in various degrees of fuzziness about the EPDP for various reasons. I'll try and address some, the questions and topics that you brought up. We are advancing the slides right now to focus on the GNSO PDP which is really the parent or the framework for the expedited PDP.

I'll just note that the PDP processes for each of the three supporting organizations is different. So, the Address Supporting Organization, the Country Code Names Supporting Organization, of course the Generic Names Supporting Organization each have their own rules and processes. So, we'll go back to the ASO and the ccNSO when we are done with the GNSO piece.

But, since you asked about the expedited PDP, let me take a step back here. The overall GNSO policy development processes is shown in basically this slide as well as the next slide. I think these slides will be made available to everybody, so we're not



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going to read you through the slides. There's nothing more boring than that.

SIRANUSH VARDANYAN: Absolutely. It will be shared with all fellows and newcomers through our mailing list.

MARY WONG: So, like I said, we're not going to take you through every single step. In fact, these two slides really are just a summary of the exact specific substeps which are completely probably not great for discussion at this particular level.

But, since you asked about the origin of the expedited PDP, I'll make two points here. Like I said, the expedited PDP is kind of the child of the parent PDP. The reason for this was many reasons, but one reason is that the GNSO policy development process can take quite a long time. This is in fact the nature of the multi-stakeholder model. It takes a lot of time and effort and commitment to build consensus across multiple different stakeholders and those stakeholders include governments, businesses, individuals, civil society, and of course the ICANN contracted parties amongst many, many others.

So, it does take that time and commitment to get everybody to, first of all, coalesce around an issue, to agree on what to talk

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about with respect to that issue, and finally to come to agreement or consensus on what the policies should be on that particular issue or topic.

This is very critical within the GNSO for a couple of reasons. One is that the GNSO has a very wide diversity of interest groups that are represented. I think you already ... You've done the ICANNLearn course, and for some of you, obviously, returning two or three times, you are very, very familiar with this.

So, all of these interests have sometimes different agendas, certainly different priorities. But, as a result, each time the issue is identified for a policy development process, there's multiple opportunities for each of these groups as well as every other stakeholder within the ICANN ecosystem to weigh in as well.

So, I'll just put in a plug that for each of these slides, where you see the arrow, that indicates an opportunity for community input. So, you don't need to be a member of the GNSO. You don't need to be a member of any of the GNSO's constituencies to either join a PDP working group or to provide public comment through the various opportunities for input. You'll see other bodies like the GAC, the Governmental Advisory Committee; and the ALAC, the At-Large Advisory Committee doing that at various times.

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But, because of the time, the commitment, that's needed for a GNSO PDP – and the way to remember this is that a lot of the GNSO veterans will say that it really is a marathon, not a sprint. So, the GNSO, about I think two or three years ago came up with a new process, the expedited PDP. And by the name expedited, obviously it means faster.

What I will say about that is, one, it has never been used. So, what we're talking about this week is the very first time that the GNSO will be launching an expedited PDP which is very exciting for those of us who like process stuff, right?

But, as a result, there's some uncertainty. You used the word fuzzy, so I'm going to keep going with fuzzy. There's not much familiarity with how that works. But, just again, to give you the takeaway here, it is a shortened PDP, mostly in the initiation phase, which is this slide.

We do have another slide. Maybe you can go to that. At the second half of an expedited PDP, it follows pretty much exactly the same process as its parent, the original larger PDP.

I wanted to highlight this here before going back to your other question, because again, it is very important that all the policies that ultimately get adopted within the ICANN ecosystem not only have consensus, but they are thoroughly debated. The reason for this is that when they become consensus policies –

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so, it goes through the multi-stakeholder consensus process, it goes through the GNSO Council. You see that at point number five here. Then the council will adopt or approve the recommendations. Then they send it up to the board.

Under the bylaws, it takes quite a lot for the board to vote against a community consensus recommendation. These are very, very critical steps for our accountability and our transparency as a whole community.

So, if we move ahead, we look ahead, to the end of the EPDP, you will see that it looks very much like a regular GNSO PDP. It's really short in only the initial phases. That's where we are this week. For the particular one that we're starting, basically, on the new WHOIS policy in a world where we now have the General Data Protection Regulation or the GDPR.

What I think a lot of you, because you're from multiple different countries and jurisdictions, you know that that there's a number of other countries located outside of Europe that are probably going to also be adopting legislation that's very similar to or based on the GDPR.

So, this is a critical piece of policy making for the ICANN community. It sits within the GNSO because it affects generic top-level domains (gTLDs) which range from the so-called legacy TLDs like dot-com, dot-net, dot-org, to the 1300-something that

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we launched in the new gTLD program, and of course the next round which is another of the ongoing PDPs that is happening within the GNSO. Can you flip back to the previous slide?

That was a very long introduction. Sorry. But, I haven't forgotten your question, because one of the I guess the points of confusion is where did this EPDP come from? I've only just explained the process. Basically, it is a process within the GNSO. They're using it for the first time.

But, if you look at point number one on this slide, you can see that when we talk about the issue identification phase, which is the very first phase of any policy work anywhere really, not just at ICANN, you see that within the GNSO it is possible not just for the GNSO itself through the council, but it's possible for the board as well as an advisory committee.

I mentioned the Governmental Advisory Committee, the At-Large Advisory Committee. If we have a chance, we can go back. We have two other advisory committees dealing with the root server system and security and stability. Any of these bodies can come to the GNSO and say, "Hey, we think this is a really important issue. It affects gTLDs. We think you should take a look at it." And under the GNSO's rules, that can be done.

So, if we bring it back to the WHOIS policy, the current policy development process that concerns WHOIS and the GNSO is

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actually the one that I mentioned earlier in response to the gentleman's question that may be paused. If you give me a couple minutes, I'll try and give you a little bit more background.

A couple years ago, the GNSO launched a full policy development process on the future of WHOIS, essentially because the current WHOIS protocol is outdated. There's a lot of problems. This is a longstanding issue in the ICANN community going back probably to the foundation of ICANN, and it was thought that a new WHOIS policy would be needed.

So, it's more than just about the GDPR. But, of course, between then, two years ago, and now, the GDPR is now in enforcement. It's in effect. And that's added more urgency to these debates.

Then, it became very clear, as the community discussed the impact of the GDPR and all the potential new legislation that may be based on the GDPR that the current WHOIS system clearly isn't fit for that purpose. I'm being recorded, so I need to be really careful of what I'm saying here.

But, as a result, ICANN has contracts with all the registry operators. And like I said, we've got over 1300 gTLDs. We have contracts with all the registrars that sell domain names to registrants whether they're corporate registrants, individuals, or organizations under these contracts with ICANN. And the

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contracts with registries, contracts with registrars are predicated for the most part on the current WHOIS system, which is the one that needs to be changed.

So, to cut a long story short, one thing that the ICANN board did – and remember, Carlos said that the board provides governance for the organization and you recall from the slide that we showed that any consensus policies that come through the GNSO are indeed, the ccNSO, they go up to the board for approval.

So, in order to assist ICANN’s contracted parties with compliance to the GDPR, because the last thing we want to do is have our contracted parties break the law in order to comply with their contracts with us – that makes no sense.

About a month ago ... It just seems like a long time ago because these conversations have gone on for so long. Basically, a month ago, the ICANN board adopted what is called the temporary specification, or the temp spec, and I know that you’ve heard a lot about that. You will continue to hear a lot about that.

The point I’m going to make I think is quite an important point. The temporary specification – I’m not going to talk about the content, but how it arises. That is something that is built into our contracts with registries and registrars. Under those contracts,

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the board has the power to impose a temporary policy and that is exactly what they did.

One of the consequences – in fact, one of the biggest consequences – if the board chooses to do this, and again, I think this may be the first time in the history of ICANN that the board has adopted a temporary policy. So, there’s a lot of historic things happening over WHOIS and GDPR.

But, one of the most important consequences is that starts a clock. If you look at the rules about temporary policies, again, built into our contracts with registries and registrars, the board adopts a temporary specification only for 90 days at a time. This one went into effect on May 25<sup>th</sup>, so we’re about a month into the three-month period.

The board is able to extend that 90-day period for additional 90-day periods up to one year. So, they can extend it three times, if my math is correct.

What this means – and this is the second important consequence of a temporary policy – is that it is then up to the GNSO to determine whether or not the temporary policy will become the permanent consensus policy.

So, that I hope more or less answers your question, and that is a very large reason why the GNSO said the only way we can do



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this, within the one-year clock. Remember, that one-year clock is not set by the GNSO's rules. That is set by the temporary specification. The only way we can even have a hope of making this deadline is to do an expedited PDP. I hope that answers at least some of the questions.

CARLOS REYES:

Thank you, Mary. One of the things I appreciate about Mary's explanation is that she was able to highlight the steps in a GNSO PDP for you. So, as Siranush mentioned, these slides will be shared with you. If you wander to the foyer, we also have this infographic printed. There's a life-sized version in the foyer so you can learn more about the policy development process of each supporting organization. Are there any questions about the GNSO PDP? We've spent I think a good amount of time and we have some good examples, but I want to make sure we address any questions you may have about GNSO.

Ill just quickly go over to summarize. The PDP is actually very intricate. There are a lot of steps to it. The GNSO has an operating procedures and a policy development manual to track all of this and to ensure that the community and the support staff carry out the policy development process in accordance with those policies.

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This infographic is a very high level. It's mostly here to introduce the various phases and the steps. But, if you really want to know about voting thresholds and all the other requirements that go into the PDP, like I said the PDP manual or the GNSO operational procedures will provide some of that context.

Basically, there are six main phases to the PDP. First, it's identifying the issue. I think Mary did a good job of explaining the circumstances behind the EPDP, but also the circumstances for a normal PDP.

Then, the council starts to scope the issue. This is where you see deliberation happen about does this issue fall within our remit? How should we structure this so that it doesn't get out of hand when it's a PDP? Making sure that the work of the potential work party, working group, is set up so that it can succeed and it can accomplish something.

If you've ever worked for a group project in school, you know if someone doesn't take the lead or structure it somehow, it's difficult to move ahead together and make progress on something. So, the scoping phase is very important.

After that, the council initiates the PDP. This is when you'll see resolutions within the council to adopt the final issue report and then there is a call for volunteers for the working group.

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After that, we transition over to the second half of the PDP and this is where most of the work happens. This is probably the longest phase of the PDP. I think Mary could probably attest to some PDPs that have lasted a year, two years, etc. Possibly longer. Minimum she says. That's on purpose. This is because we want to ensure that the process is being followed and that the process is also incorporating as many perspectives as possible. This is where you'll see public comment opportunities. This is where session at ICANN meetings and the policy forum are very important because this is when the working group interacts with the community.

So, the PDP at many points allows for input. Once a working group reaches the point where they have a final report and they have made the recommendations and they have reached consensus on that, it goes to the council and the council deliberates and considers and ultimately votes on whether or not to adopt it.

After the council adopts it, it goes to the ICANN board.

As Mary mentioned, the PDP outlines some pretty high threshold score and circumstances for the ICANN board to reject consensus policy from the community. And that's on purpose. Because the community has spent the time and resources in

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developing a policy or policy recommendations that can address the issue as it was originally scoped.

So, just a quick summary of the GNSO PDP. Are there any questions at this point? Okay. go ahead.

MARY WONG:

So, just to add something and we can transition to the policy development processes of the ASO and the ccNSO. What you actually see at an ICANN meeting, and Carlos has mentioned that this is the policy forum. There's a lot of working group deliberations and sessions. In fact, for the next round on new gTLDs, that particular GNSO working group already held two sessions this morning. They're doing two cross-community sessions this week and some of the other PDP working groups are meeting as well.

But, what you actually see and what you hear and when you sit in a room with them at an ICANN meeting whether it's a policy forum or a different meeting is what we say is the tip of the iceberg. Most of these groups, and some of you are members of some of these groups, meet pretty much on a weekly basis, sometimes for an hour, sometimes for two hours, sometimes longer than once a week. Sometimes they form subgroups. There's drafting that happens. There's debates that happen.

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These normally take place through conference calls, through the Adobe Connect virtual meeting rooms, and on mailing lists.

So, typically, for I think all the communities, all the three supporting organizations and the four advisory committees, an ICANN public meeting, because it happens basically every four months or so, is a good milestone. They use it to aim to complete a certain phase. Maybe you want to say let's finish deliberations on issues one, two, three by ICANN 63 in Barcelona. That's usually then used as a way to report back to the full community as well as to take community input on what they've completed and what they're about to do. But, it important to remember that a lot of the work goes on on a weekly, daily basis through conference calls and virtual meetings.

CARLOS REYES:

Thank you, Mary. Really, to Mary's point, this is what Mary and I do on our day-to-day work. We're there to support the ongoing discussions and deliberations of the various working groups and communities that we support. Mary and I are not just busy at ICANN meetings. We're constantly in touch with working group chairs and developing agendas and sometimes doing research and cleaning up documents, etc. The work is very collaborative. Obviously, as Mary mentioned, we have Adobe Connect and

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other remote participation tools to ensure that the work continues outside of the context of an ICANN meeting, because that's really where most of the work happens.

With that, we'll move onto the policy development process for the ccNSO, the Country Code Names Supporting Organization. As I mentioned earlier, this is the supporting organization that develops policies for country code top-level domains.

The ccNSO policy development process is actually very similar to the GNSO PDP. There are a few areas of distinction and we'll go over that. I think Mary spent some time on the ccNSO Council, so she may be able to provide a little more context about the PDP. But it actually hasn't been invoked that often. In fact, right now we have the first ccNSO PDP probably since 2003, 2005. Oh yeah, IDN 2009. But again, it's not invoked very often.

Just to quickly go over the PDP. The initiation phase is actually very similar as the GNSO PDP. In this case, the ICANN board, the council, or an advisory committee may request or may ask the ccNSO to consider an issue or the regional organization, the ccTLD regional organization, could also ask the ccNSO to consider an issue.

Finally, there's a provision [inaudible]. At least ten members of the ccNSO could request that the ccNSO as a whole consider an issue.

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There are different options for the introduction of an issue, but ultimately, it sort of proceeds in a very similar way as the GNSO policy development process.

After that, the ccNSO Council appoints an issue manager. Basically, this is the person that ensures that the issue actually falls within the remit of the ccNSO. Remit is very important in the ICANN community. Because everyone's time and resources are so limited, you want to make sure that before you undertake an effort of a PDP that it actually is relevant to the mission of your group. The ccNSO, the GNSO, the ASO, every supporting organization follows this mechanism to ensure that it doesn't propose something that is not feasible, for example. So, the scoping phase is very important.

Again, the ccNSO will then, the council will then consider the issue report that was developed and if they vote to initiate a PDP, there's a working group that will be assembled. Again, the arrows highlight areas where non ccNSO members can participate, whether it's an advisory committee or end users or the ICANN board.

The second phase of the ccNSO PDP, again, this is the longer phase of the work. That's because you have a working group that is deliberating, drafting, debating. That takes up the bulk of

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the time. Ultimately, at the end of that process, the working group can produce a final report.

The one distinction between the ccNSO policy development process and the GNSO policy development process that should be noted, there's an explicit request for the council to present the final report to the GAC.

If you think about the GAC, which is the Governmental Advisory Committee, and the scope of the GAC, that makes sense given the relationship between country code top-level domains and the input of governments in the ICANN ecosystem. That's a deliberate step that is outlined in the ccNSO policy development process.

The approval is a little different in that there are two stages. The ccNSO, the Country Code Names Supporting Organization, is the broader organization. The council is a group that manages the policy development process. Again, much like the GNSO Council. So, the approval actually has to happen with both bodies. So, the ccNSO members will vote on the recommendations of the working group, and if that passes, then it goes to the council for consideration and approval as well. So, there's again, multiple areas for ensuring that as many people as possible in the ccNSO community have a say in the recommendations and the approval of recommendations.



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Finally, after that, it goes to the board, like the GNSO PDP. I'll stop here to see if there are any questions about the ccNSO PDP. Okay. Let's move on to the ASO, the Address Supporting Organization.

The ASO is a little different in that at ICANN the remit of the ASO, the Address Supporting Organization, is very narrow. Much like the ccNSO and GNSO, the ASO also has a council that manages the global policy development process. The distinction here is that a lot of the policy development work of the numbers community happens at the regional level.

Earlier, I mentioned the regional Internet registries of LACNIC, ARIN, AfriNIC, RIPE NCC, and APNIC. These are, again, Internet registries that are covering different geographic regions of the world and they have their own policy development activities. They have mailing lists, they have meetings, they have working groups, they have policy proposals. All of that activity happens outside of ICANN.

At ICANN, the ASO Address Council manages global policy proposals. What distinguishes regional policy development from global policy development is basically the global policy proposal requires an action or outcome by the IANA functions operator. As you may know, currently the IANA functions operator is public technical identifiers which is an affiliate of ICANN. So, if there's

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any request for the IANA function operator to implement certain policies, that is why the remit then would come to ICANN. Anything outside of that is handled by the regional policy development activities of the RIR communities.

Does that make sense? Do you have any questions about that? It's a little hard to really understand it because it hasn't happened that often. I think the last time there was a global policy proposal that made it this far was 2012. So, it's been about six years.

I'll briefly explain the process, but essentially, let's say there is a global policy proposal. In the identification phase, there are a few opportunities for that. Either an individual can submit a proposal to the ASO Address Council. So, the group that manages the global policy development process. Or they can also submit it to the policy development process of an RIR.

Once that happens, the ASO Address Council will start tracking this, and within the address council, there's a policy proposal facilitation team (PPFT) and they will essentially ensure that the global policy proposal is consistent across the regional Internet registries because all five registries, all five RIRs, have to approve the same policy proposal for it to be enforced at a global level.

At that point, the RIRs and the ASO Address Council will review the proposal. If it is approved, the ASO Address Council will ratify

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it to ensure that the regional policy development processes were followed. Then they submit that to the ICANN board.

So, it's a little not as ... Well, the policy development process can take a long time. You do have to work through the regional policy development process of the five regions. But, in terms of steps, it's not as complicated as the GNSO or ccNSO PDPs. Any questions about ASO? Alright.

We have some examples of policies that have basically been the result of policy development work in the three supporting organizations. Here are three of the most recent ones for the ASO.

Allocation of IPv6 blocks, that was in 2006. Again, that process was followed where there was a global policy proposal. The five RIRs approved the same policy and then it went to the Address Council and ultimately the ICANN board.

Most recently, I mentioned in 2012, it was the post-exhaustion allocation mechanisms for IPv4. As you probably know, we're running out of – or, we are out of – IPv4 space and the RIRs and the community has had to develop policies for what happens at that stage.

CcNSO, Mary mentioned the internationalized domain names. That's something that started in 2009, roughly, and it finished in

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2011. That was the most recent occurrence of the ccNSO policy development process, but there's currently a PDP that we'll talk about very briefly here shortly. Any questions about IDNs or the ccNSO PDP? Okay. Mary, do you want to give some background on GNSO?

MARY WONG:

So, this slide, actually, you notice that the subtitle is most recently completed. As we said earlier, and if you go through the GNSO website, you'll see that for reasons that hopefully Carlos and I have already made clear, there is a lot more policy development processes and activity that takes place within the GNSO.

In summary, largely it is because of the very limited remit of the Address Supporting Organization for global policies relating to essentially allocation of numbers.

The ccNSO, because it does coordinate global ccTLD related policy, but specific policies for individual country code domains are not handled by the ccNSO. But, because the GNSO handles all policy activities relating to all generic top-level domains, and again the magic 1300 number, you can imagine how busy they are.

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So, we've only listed on this slide some of the most recently completed ones. These are going through the implementation phase now. So, even when we say a GNSO PDP takes two years, that's not necessarily the full picture. If you've looked through the slides, you realize that for all three supporting organizations, you've got the initiation and scoping phase. Then you've got the launch phase. Then you've got the working group phase, which as Carlos has mentioned, is the longest one. Then you have the board adoption.

But, even after the board says, "We agree with the community. We thank the GNSO or the ccNSO councils for putting up these consensus recommendations," board approval, right? Board votes, no problem.

Then, we go through an implementation phase because now we have to translate the policy into operational matters. For example – and I'm going to use a very hypothetical example. For example, the policy says contracted parties need to respond to requests in a reasonable timeframe. That makes sense as a policy recommendation. But, when it comes to operationalizing it, the registrars are going to ask, "What's a reasonable timeframe?" So, during the implementation phase, there will be probably discussion and debate over whether it's three days, five working days, 14 calendar days, etc.

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One very I think clear example of implementation and how complicated it can get is actually the lead-up to the launch of the 2012 new gTLD program round. I don't have it on this slide, but I think it's etched in my memory because it took so long. It took so much effort out of a lot of people.

I should probably mention that before I joined staff, I spent four years on the GNSO Council during this very exciting period, and then I spent about nine months on the ccNSO Council which was a very different experience.

But, just sticking with the GNSO for now, the policy development process – so, the process that follows the six steps we showed you in the slides concluded in the GNSO in 2007. I think it started I wanted to say in 2004 or 2005, something like that. And that was after a lot of scoping work.

But, essentially, the GNSO Council approved consensus recommendations in 2007. The ICANN board approved those consensus recommendations in turn in 2008. Between 2008 and I want to say it's probably mid-2008 and January 2012 – what's that? Like three-and-a-half years? That was the implementation phase. In the sense that most, if not all, of the GNSO's 2007 consensus policies, implementation guidance and all those recommendations had to be translated into what became

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known as the Applicant Guidebook, or AGB, for the 2012 new gTLD program round.

I think I'm correct to say that there were nine versions of the Applicant Guidebook. Each version was developed with community input. There were public comment periods over not just the version one, two, three, four, but specific chapters of the various Applicant Guidebooks.

I mention this, and I say it's a very obvious example of how implementation can be as important and take as long, if not longer, than the policy phase. We had to get it right because, essentially, we were changing the domain name system from something like 24 generic top-level domains, some of which weren't even available for the community to use. For example, the ones that were reserved to the US government, we were changing from a very limited landscape into an unlimited landscape where as long as a new gTLD application passed all the checks, technical checks, financial checks, operational checks, no objections, etc., we didn't know when we launched in January 2012 how many applications there would be and how many applications would finally make it. So, the entire landscape of the domain name system changed from January 2012 and that's why we have to get it right.

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The last point I'll make on that example is that I mentioned that the GNSO now has a PDP on the new gTLD subsequent procedures which is basically dealing with the next expansion round. We don't have a date for the next expansion round. The reason we don't have a date is because the policy development process is going on and they had two sessions this morning, as I mentioned.

But, what's important to remember is that there were consensus recommendations from 2007 in the GNSO that were adopted by the board, went through implementation. We had an Applicant Guidebook that governed the current round, the 2012 round. Unless and until this ongoing GNSO PDP makes recommendations that change the previous round's recommendations, what was adopted for the previous round remains, because unless you change existing consensus policy, it remains as existing consensus policy. I think I've now just gone into the current example, so it's probably time for me to hand it back to you. Carlos wants me to keep talking. He just wants me to finish with the GNSO.

We do have a series of slides that gives you a very brief snapshot of the ongoing policy work across the three supporting organizations because just about all of these groups are actually meeting this week. I've mentioned the new gTLD subsequent procedures. They are meeting in several sessions.



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Actually, Siranush has asked us to make recommendations on what sessions new fellows and returning fellows might find of interest. I would say that for this policy forum, in addition to the working sessions of the different PDP working groups, you might be interested in one topic or three topics. There are some really interesting and very timely cross-community and high-interest topic sessions throughout the week.

For example, for the new gTLD subsequent procedures group, they're doing two cross-community sessions, one this afternoon and one on Thursday afternoon, on one of the work tracks which is a very difficult one because it's about protecting geographic names in the top level of the domain name system.

If you've been in some of the GAC sessions, for example, you'll see that that's a very important topic to the GAC. Same for the ccNSO because the topic of geographic names does have political as well as geo-political implications, and as a result, this GNSO PDP, even though it deals with gTLD policy, has to take into account all those views and they're going to do two cross-community sessions.

Other sessions of interest, going back to this lady's question earlier, there's going to be a whole lot of cross-community and high-interest topic sessions on the GDPR and on what happens to WHOIS and the domain name system in a post-GDPR world.

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So, this afternoon, following the geographic names session, the GNSO will be holding a session on the expedited PDP. They'll be trying to get community input into issues like the scope of the expedited PDP compared to the board's temporary policy. What should the PDP team look like? And various other things that are important. As Carlos said, when you start on a project, you want to know what the ground rules are. So, there's that.

Then, the GNSO will also be having a few sessions tomorrow trying to create a charter for that group. We can talk about more of the cross-community sessions later.

But, just to continue with the GNSO, another important policy development process that's underway is something called the review of all rights protection mechanisms in all gTLDs. For those of you who have an interest in intellectual property law or who have the experience, this relates to the different protections that were developed historically at ICANN to protect trademarks and brand owners in the domain name system.

The most well-known is probably the oldest consensus policy we have at ICANN and that is the Uniform Domain Name Dispute Resolution Policy, or the UDRP. That's been in existence since 1999. It's never been reviewed thoroughly. It was way overdue, probably.

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Every policy that we have, because times change ... Technology changes. We see that with the WHOIS protocol. The way people use the domain name system, the Internet changes. So, it is good practice to review longstanding consensus policies after a certain period of time.

But, for this particular PDP, what makes it also very critical is that for the 2012 expansion round, new trademark protections were developed by the community, including a second dispute resolution procedure and a number of other protections.

So, the GNSO decided that before we embark on the next round – and again, we don't have a date for the next round – it will be kind of important to review what we have for the current round. So, this group will be meeting in session not in a cross-community session, but in working group sessions I believe three times during this week.

I've mentioned briefly the WHOIS PDP that's ongoing. That's for the next generation WHOIS. One of the discussions that the GNSO and the GNSO Council will be having is what to do with this big PDP as they launch the expedited PDP because there's a lot of duplication, but there's also a lot of good background work that this PDP has already done that could feed into the expedited process. That's another topic of discussion you'll probably hear this week as well.

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I'm not really going to talk too much about that last bullet point. That's another PDP. When we say IGO and INGO we basically mean Internet Governmental Organizations, like the United Nations, like the World Health Organization, etc. When we say INGO, we mean International Non Governmental Organizations like the Red Cross movement or the International Olympic Committee. There's been a lot of policy work done within the GNSO on what to do to protect the names and the acronyms of these various types of organizations. I mention it this time because that's actually something that if you sit in on some of the GAC sessions, the governments are very concerned about because of the nature of these organizations. Is that it for the GNSO? Do you want to go back to the ccNSO? Do you want to take this one?

CARLOS REYES:

As I mentioned, the ccNSO PDP hasn't been invoked very often. The most recent ccNSO PDP was the ccNSO PDP that developed the policies for internationalized domain names, IDNs. But, just a few ... I think in San Juan, Puerto Rico, actually, or right before that, the ccNSO initiated a new PDP and this is on the retirement of ccTLDs, country code top-level domains.

The working group is convening here. I think they have two or three sessions on the schedule. Basically, this ccNSO PDP is

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looking at the country code top-level domains. As you know, the ccTLDs are allocated or assigned based on the ISO 3166-1 policy. The ISO is the International Organization for Standards. That's how they assign a country to their ccTLD, their two-character ccTLD.

But, as new countries are formed or other countries change their name, etc., we have a set of ccTLDs that are still in operation and the community has been debating this for several years, so the ccNSO decided to start a PDP to basically develop a policy framework for what to do with those ccTLDs. I don't know if you have anything to add for that.

MARY WONG:

Not for this particular PDP, but as Carlos says, because it's quite rare for the ccNSO to initiate a PDP, this would be kind of an interesting topic to watch, especially given the reason for having this PDP.

I did want say something about cross-community working groups, though. We don't have slides, but some of you I know will have questions. We've talked about the PDPs within the ASO, the ccNSO, the GNSO. We get it. There's all these groups and different rules. What is thing called a cross-community working group?

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There's a couple of cross-community working groups that have been formed in the ICANN community. Some of them are actually meeting this week. The one that probably gets the most news and attention is the cross-community working group on accountability. This was a group that was formed as a result or as part of the transition of ICANN away of the IANA from stewardship from the US government to the global community. And they're looking at ways to improve the accountability of ICANN not just the organization or the board, but the community and a number of other topics. They are due to present their final reports soon and they're having a cross-community session on Wednesday.

Another cross-community working group that's meeting this week is on the new gTLD auction proceeds. If you followed the 2012 new gTLD program, you'll know that one way to decide certain contention sets between competing application was by use of a last resort option. As a result, there were quite a few, quite a significant body of funds has been built up as a result.

That's not money that ICANN Org or board can touch. That's been set aside. And this cross-community working group was set up to try and find a consensus mechanism that the community can agree to for how to use this rather large amount of money.

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A third cross-community working group that's meeting, and I know that a lot of you have a background in this more than Carlos and I do, is on Internet governance. I think, as you know as well, ICANN is not the be-all or end-all of the Internet. We have a very limited remit to just deal with coordinating the domain name system. But, we are part of the wider Internet governance ecosystem.

So, this cross-community working group looks at how ICANN as a community can be involved in discussions outside of ICANN, mostly, Internet governance issues.

I mention these three groups not just because they're meeting this week, if you have an interest, but if you actually think about what they do, it should strike you that they are very different from the PDP working groups that Carlos and I have just discussed. That is intentional and that is exactly how ICANN is set up.

If you remember, the very beginning of Carlos's presentation, we talked about three supporting organizations. One point that he mentioned is that all policy work concerning ICANN and the domain name system is done by the three supporting organizations. And we described the remit of each of them.

A cross-community working group does not develop domain name policy. It is formed as a cross-community group to discuss

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issues of interest throughout the community that does not fall within the remit of any of the three supporting organizations. That's a really important point to remember.

There's nothing to say that a cross-community group can only talk about X or can't talk about Y, but the one limitation is that if it is policy affecting the DNS, and if it is policy that therefore falls within the ASO or the ccNSO or the GNSO, that is not something that a cross-community working group is set up to do.

That's why, going back to the slides that we showed, it's also important to see the different arrows we had in the diagrams. Even if it's a ccNSO policy development process or a GNSO policy development process, there are opportunities for other stakeholders and members of the public to provide input. I just wanted to emphasize that because there tends to be some confusion over the status of a cross-community working group and how they fit in the broader system of the three SOs and the four advisory committees.

SIRANUSH VARDANYAN: Absolutely. Thank you very much. I think this is a very interesting presentation and very thorough coverage of the policy work. If you have any questions, we still have time for several. [inaudible], please?



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UNIDENTIFIED MALE: Thanks very much for the information. It's unfortunate that [inaudible] cross-community working group on Internet governance [inaudible]. I had a lot of questions. Mainly, my main question is around the role of ICANN within the [IG] ecosystem.

I know that ICANN, one of the [inaudible] is making sure that DNS is something that is widely accepted and it's being trusted by the wider community globally.

But, now, the challenges that have been faced by developing and developed countries are different. But, maybe for developed countries, maybe issues of security might be a priority for them, but for developed countries there are issues of access. Internet access, specifically.

But, now, if we're talking about the growth of DNS and we cannot be able to address accessibility issues, it's kind of self-defeating somehow because, ultimately, even ICANN itself can end up having a healthy financial situation because that would lead to a growth in the number of registrars and registries at the end of the day.

Then, I have a lot of questions. Sorry about this.

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SIRANUSH VARDANYAN: You have limit for two questions.

UNIDENTIFIED MALE: Okay, last question. The last question is around – maybe I’m not asking the right persons this particular question. It’s around the strategic objectives of ICANN.

I know one of the strategic objectives is to regionalize the functions of ICANN, because I know that ICANN Org has got a lot of staff members and it is also the community that has got a lot of volunteers. Is there a way that the community and the organization can work together maybe in regards to engagement activities, outreach activities, [inaudible] amongst other things? Thanks.

SIRANUSH VARDANYAN: I think the second question most relates to GSE component, to their work. Tomorrow, we will have our LAC GSE team here who can cover also this part. I would like you to focus your questions on policy development work, if possible. If you could just give a brief response to the first part, I think that will be helpful.

MARY WONG: I’m glad to hear that our colleagues from the Global Stakeholder Engagement team will be meeting with you because they are

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best placed to answer those questions and to tell you about how the different regional teams work with the community on outreach, engage, and activities including activities within the Internet governance space, as a matter of fact. Do you want to take the first?

SIRANUSH VARDANYAN: Related to ICANN in [IG]. Or you can tell us the name we can ask the question to him.

MARY WONG: It's not so much a question, but an observation and a question more broadly about ICANN's place within the Internet governance ecosystem. I'll start by saying that, in recent years, ICANN as an Organization as well as through our board members and through a lot of different community groups – not just the cross-community working group on Internet governance, but specific groups and interest groups within different parts of the ICANN community have been engaging in a lot of discussions over Internet governance issues and policy in various forums and in various things.

One of the realities is that ICANN, as an organization, is limited in our remit, in our mission, under the bylaws. Our essential role is technical coordination of the Internet and what Carlos and I

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presented today is about the policy activities that are directly related to that function.

I think if you look at it both ways, that we do recognize at ICANN that we are part of the Internet ecosystem, just as other organizations and communities are. One example is the Internet Engineering Taskforce, for example, or the various Internet Society chapters and ISOC as a whole. Everybody has a different role to play. Ours is somewhat more limited. But I think you see that in recent years, we have within that limited remit, started to engage on issues.

A number of those issues and topics are more appropriately discussed in specific forums that's not an ICANN meeting. For example, at the Internet Governance Forum or at Regional Internet Governance Forum meetings. We are there, but they don't take place here because this is the forum to talk about domain name policy. But, issues that come from those forums that may implicate what we do, there are channels to bring that back and forth. I don't know if you want to add anything, Carlos.

CARLOS REYES:

I guess the only comment I have at this point is, as Mary mentioned, the ICANN community and the organization participate in Internet governance discussions and events, but it would be very difficult because of the diversity of ICANN for

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ICANN to take any sort of stance or position on a particular Internet governance issue.

Even within the community itself, there's a lot of diversity of opinion and views. I think it would really require something truly extraordinary for every single part of the multi-stakeholder model to agree on something within ICANN. Even then, there's a distinction within the three parts of ICANN – the ICANN organization, the ICANN board, and the ICANN community.

So, the fact that board members or obviously some of my colleagues as staff members or community members participate in Internet governance activities and events and discussions, I think that's a testament to the outreach and the engagement efforts of ICANN, but it doesn't necessarily mean that the ICANN Organization or ICANN community are not participating in Internet governance. It's just a very diffused participatory model, I guess. Does that help answer some of your questions? We're happy to talk a little with you afterward as well.

SIRANUSH VARDANYAN: Thank you. [inaudible] and Judith will follow. Not Judith. Yes? [inaudible] and then Judith.

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UNIDENTIFIED MALE: Quickly. Thank you very much for your inputs. On PDPs, I hear now you saying that somehow it's a lengthy process. You need to make sure that there is inclusive and everybody that wants to contribute should contribute. Community inputs should be taken into consideration.

So, my first question is how substantial are those community inputs in the end? The second one is when you talk about lengthy processes, on the other side, is there a discussion of the cost, benefit of those processes? Is there any such discussion being taken of what is the cost of having multi-year lengthy processes on PDPs? Thank you.

MARY WONG: Thank you for those questions. They are really good questions, and actually, questions that are under discussion, but by the community, including in the GNSO.

But, let me first say that when I say it takes a long time, I don't mean that in any bad way. It is what it is, simply because of the nature of the consensus- building process across the various stakeholders.

You're right. This comes at a cost. It comes at a cost of not just organizational resources and staff time, but community volunteer time.

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So, a very real discussion is taking place in the community about how much is too much in terms of expectations, in terms of work load? From the discussions, I understand that a number of the leadership groups including the councils – and I’ll name the GNSO Council as an example – are very aware that because their role is to manage all these policy processes, it is part of their role to make sure that you are focusing on the most important topics of the time.

If, for example, there is a PDP that is taking a long time to reach a conclusion not because the issue hasn’t been debated at length – and I’ll get to your first question in a second – but maybe because the members are hopelessly deadlocked. They cannot reach consensus.

There’s no such thing as – well, there shouldn’t be any such thing as consensus by exhaustion. It goes on and on and on. People drop out until the remaining three people agree. That’s not the multi-stakeholder model.

In those kinds of situation, the councils that manage these PDPs do have an obligation to act. Within the GNSO, for example, there is a provision in the probably development process manual for the council to terminate or to suspend a PDP, and actually one of the reasons given for the council taking that

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quite extraordinary measure is hopeless deadlock. So, there is that discussion. There are some measures.

Another thing that's been under discussion for a while, and I think we've got some general agreement in the community – again, the topics to be put into a policy process have to be not just of interest, but they have to be important topics to the community. I think the ccNSO example of a retirement of ccTLDs is a good one.

It took a long time for the ccNSO to basically say, “This is what we're going to do. We're going to launch a PDP now.” They scoped it very, very thoroughly and it's because of the importance of the issue.

So, when we showed you the slides, if you look at the scoping phase, that's kind of where things become very critical as well.

To your question about the substantial inputs, because of the way that ICANN is structured as a community and how the board is obliged to operate under the bylaws, there actually is an obligation to consider all the inputs.

For example, when the Governmental Advisory Committee (or the GAC) provides advice to the ICANN board and actually all the advisory committees have remits to provide advice to the board on any number of topics, the bylaws actually say that the board



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has to take into account the GAC advice and there's actually a process in the bylaws for what happens if the board disagrees of GAC advice.

Another example I'll give you is in the GNSO policy development processes, again under the manual, the working group – whatever the topic is. It could be the trademarks that I talked about. It could be the next round of new gTLDs. There is a distinct obligation for them to review every public comment that they get, and if appropriate, to discuss and to respond to that public comment and to document in their final report how they did it.

So, these are all the rules and mechanisms. So, there is a positive obligation to obviously undertake policy work that's critical, not just because it's somebody's pet project. And also, as part of that, to seriously consider all the input received, whether it's from a specific group recognized by the board or if it's by an individual who submitted a public comment.

SIRANUSH VARDANYAN: Judith, please? And this will be the last question, I think, because we need to adjourn the meeting.

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JUDITH SAMANTHA FEZEU: Okay. I'm Judith Samantha Fezeu, an intellectual property lawyer. I would really like to ask my question in French.

My question is about the UDRP policy. I would like to understand what happened and why this policy was changed as far as domain names.

Secondly, I would like to know what the [inaudible] for new conflict resolution policies. I'm talking about domain names.

MARY WONG:

Your question was about the UDRP, the Uniform Domain Name Dispute Resolution Policy. We haven't gotten there yet. This particular PDP that I mentioned is actually being done in two stages, and the first stage is to consider the new rights protection mechanisms which were the ones developed for the current 2012 round.

As I mentioned, and this is for everybody's information, the UDRP that you highlighted is actually one of – is our – oldest consensus policy dating from 1999.

Actually, I'll use this as an example of the community input and how a PDP gets scoped and charted. When the GNSO first started thinking about reviewing all the rights protection mechanisms, including the UDRP, including the new protection mechanisms, they knew it was a very huge task. It could take a

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long time. And the question was what is the most effective way to do this? when the issue report – and you may remember that from the slide – was put out for public comment, the staff put out some proposals we asked the community: do you want to do this as a regular PDP? Basically, do it all at once, but obviously have an order as to which one you want to do first. Do you want to do this in stages? If you want to do it in stages, should the first stage be the UDRP because it's the oldest policy? Or, should the first stage be the new rights protection mechanisms because we're working towards a next round? Or, is there a third option? Because if there is, please tell us what it is.

We got community feedback on this. The GNSO Council considered all the feedback and the council decided to do it in two stages, starting with the new rights protection mechanisms for the 2012 round.

As I mentioned, the prime reason for that is so that everything will have been placed for the next expansion round.

So, the answer to your question, unfortunately, is that while there are no specific proposals on the table for the UDRP, we will get there. There has been a lot of community feedback on the UDRP over the many years it has been in operation. I think there's something like 50,000 or 60,000 cases under the UDRP. Those have all been documented for the working group.

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The expectation is that they will start on the UDRP review sometime in the middle of next year. But, one of the discussions that you may be interested in for this week and in the first of the two stages of this PDP is that one of the new protection mechanisms, I mentioned this sort of second dispute resolution policy, and that's a suspension of the domain name if somebody is cybersquatting on it. One discussion that the group is thinking is whether or not that's actually better done with the UDRP. So, whether you want to move certain things from phase one into phase two.

It sounds like kind of a boring procedural issue, but it does have an impact as to whether or not some of the existing processes and protections that, say, brand owners rely on, whether you're going to see changes sooner rather than later.

So, watch this space. We'll get there.

SIRANUSH VARDANYAN: Thank you very much. With this, I would like all of us to give a round of applause to Mary and Carlos. Thank you very much for your time, for coming here, and for sharing this important information with us. With that, we close today's session. Thank you.

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MARY WONG: Can we say thank you in turn for inviting us? Thank you for your attention. Once again, we look forward to seeing you at the sessions this week, especially the cross-community sessions, possibly joining one of the working groups that we support. And obviously, we are very, very happy to answer your questions whether it's about sessions this week or how you participate in the longer term. Thank you, Siranush.

SIRANUSH VARDANYAN: Thank you. And please go to the GNSO briefing sessions early in the mornings, which are very important which are in your agendas. These are sessions where you can ask questions. Always tell your name when you are there. Tell that you are a newcomer. Introduce yourself. Have opportunity to ask questions while you are here in person. Early morning sessions are the place for you to go, so please take this opportunity. Thank you. Okay, the meeting is adjourned and we'll close the records. Thank you to our tech team and interpreters. Thank you very much. Did we close the recording? Thank you.

So, all alumni who didn't get their hats, gifts, takeaways, and we have additional bags, come and see me. Otherwise, this will be the last time you are seeing them. Thank you.

**[END OF TRANSCRIPTION]**