MARRAKECH – ccNSO: Members Meeting Day 1 (3 of 3)
Tuesday, June 25, 2019 – 13:30 to 15:00 WET
ICANN65 | Marrakech, Morocco

PATRICIO POBLETE: Welcome to the afternoon session. Please take your seats. We're about to begin with Stephen's first presentation this session about the Empowered Community Administration update.

STEPHEN DEERHAKE: Thank you, sir. All right, how does this thing work? Technically challenged here. I have to go consult with Kim. It helps to find the on button.

The current ECA membership. I think this is the first time I presented this slide with no changes from one face-to-face to the next face-to-face. You can see who they are. The most recent addition was from the ASO. That happened just before Kobe. It may have happened just after. I think it was before. I remain the only charter member. We keep an eye on things on behalf of the ccNSO.

Since Kobe, we've done a few things. These were election certifications based on what the SOs/ACs have sent us. We got the ASO member on. Becky was reelected by the GNSO and we certified their selection. We also let the ICANN corporate

secretary know that there is no rejection actions brought against the FY2020 budget and operating plan, nor to the updates that they submitted for the five-year operating plan. These were all out for public comment. They expired. Staff wrote their thing. The Board did their thing and nobody complained. That's actually healthy.

With regards to upcoming activities, we have a fundamental bylaw change that's currently out for public comment. This is an IFRT issue requested by us. You can see the period when it opened, when it ends, and when the staff report is due.

Now, I would assume that the Board will get their stuff together and vote prior to ICANN 66 in Montreal. That will trigger an approval action period. ECA is most likely going to hold a community approval forum some early morning, very early, in the meeting – probably Day 1, I hope – to have the community weigh in on this. Note that it would require the approval of a total of at least three SOs/ACs, so we're going to have to do some lobbying with the other SOs/ACs to make sure we got the votes needed.

There are two other standard bylaws changes, one for the [SSRC] and one for the [SRASRC]—

UNIDENTIFIED MALE: [inaudible]

STEPHEN DEERHAKE: Oh, did I [back off]? I'm sorry. Yes, two public ones out. These all got dropped off – all three of these public comments – the same day. I think it was the 10th – yeah. It would in theory trigger rejection action petitions if the Board adopts this these, so there's a very, very outside possibility we might have an approval action community forum and two rejection action forums at Montreal. But those latter two? I would play [natural latter] before betting that those last two will happen. And that's what they're about. RSSAC has something going on. [SRC] has something going on, and I don't remember – yeah. So that's it there.

And that's it. We're going into a quiet period, I think, between now and Montreal, at least for events that are predictable. I don't think there's going to be any unpredictable events coming from Board actions between now and then.

UNIDENTIFIED MALE: [inaudible]

STEPHEN DEERHAKE: Ah. It reminds me that the strategic plan is coming along.

UNIDENTIFIED MALE: [inaudible]

STEPHEN DEERHAKE: Right. It'll be a rejection action.

PATRICIO POBLETE: Okay. This was a fast report but nothing really happened.

STEPHEN DEERHAKE: Yeah. I do all the correspondence.

PATRICIO POBLETE: Okay. Please, questions?

EBERHARD LISSE: It was a very nice but very quick presentation. Can you explain in a few words, especially to the newcomers, what's rejection action, what's an acceptance action, what it means, and what the difference is? Because it went past me. I have no ideas what you guys are doing.

STEPHEN DEERHAKE: It took me 45 minutes with the ALAC yesterday, but yeah.

EBERHARD LISSE: I mean just shortly.

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STEPHEN DEERHAKE: Yeah. Basically, the way the bylaws are set up as a result of the IANA transition, the community has approval and rejection possibilities over certain Board actions. Approval actions are something that the Board does that they have to come and solicit the approval of the community. These include fundamental bylaw changes, asset sales, and changes to the articles of incorporation. I know this stuff too well.

Rejection actions are different than approval actions because the Board does something and then the community has to rise up, organize themselves, and object to what the Board has done. The ones that immediately come to mind are the budgets for both PTI and ICANN itself. The strategic plan and the operating plan are the main ones in my head. There are probably a couple more.

The way rejection actions work is, if, at any point in the process, the community misses a deadline or doesn't get support from an additional SO/AC [for] what they're objecting to, the process fails and ICANN prevails, whereas, with the approval action, ICANN actually has to get us to say yes.

With a rejection action, in a nutshell, we have to organize ourselves and say no. So that's it in a nutshell.

UNIDENTIFIED MALE: Okay. Now, since got started, has there been any successful rejection action?

STEPHEN DEERHAKE: No. In fact, the ECA has never seen a rejection action petition from the community, which tells me that ICANN is doing its job with respect to the community.

PATRICIO POBLETE: Thank you. If there are no more questions, [I think I'll give an applause to him] to warm him up for his second presentation this afternoon.

STEPHEN DEERHAKE: [inaudible]

PATRICIO POBLETE: Yeah. The report from the [ccNSO].

STEPHEN DEERHAKE: Working group. Right. I also did it for the GAC this morning.

PATRICIO POBLETE: Do we have slides?

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STEPHEN DEERHAKE: Yeah.

UNIDENTIFIED MALE: It just takes a moment.

STEPHEN DEERHAKE: Don't get on Kim's case. Treat him well. All right. As Patricio said, this is an update on the PDP Retirement Working Group, which will come to an end sometime before the end of this century, I promise. Not quite sure when yet.

UNIDENTIFIED SPEAKERS: [inaudible]

STEPHEN DEERHAKE: All right. There is about four slides that involve history and stuff because this presentation we also used for the GAC, and the GAC is need in continuous education. I'll go through these rather quickly. If somebody wants me to slow down, wave their hand because I will watch you guys for that.

The history goes back to RFC [51]. The whole principle notion is that the IANA is not in the business of determining what is and what is not a country. RFC [59] left a lot unsaid. A lot of lack of detail about transferring control. You can see the terminology we

use. The ccNSO, several years, fired up the framework of interpretation to try to fill in some of these details.

As I say here in this one, historically there was some confusion. There's inconsistent criteria that has been used previously by IANA for their revocation and transfers. And there are a bunch of other issues with IANA with that as well.

As you know, most of you know, we embarked on this long-term process to review policies. These are the principle working groups that were related to figuring out RFC 5091 that began with the Delegation/Re-delegation Retirement Working Group that was chaired by Keith Davidson. The follow-on was the Framework of Interpretation Working Group, also chaired by Keith Davidson. The current one is the PDP Retirement Working Group, initially chaired by Nigel Roberts and now chaired by myself. We're actively working on stuff.

There will be a follow-on, the Appeals Process Working Group. That report will be combined with the report of my working group as a single, unified report. What the Appeals Process Working Group will be looking at is coming up with a policy for the appeals mechanism, I think, in no more than two sentences in 5091, with regards to transfer issues.

What we come up with is the criteria that, since cc codes are based on entries in the ISO 3166 table, if a country code that

happens to be a ccTLD is removed from that table, our position is that the corresponding TLD must also be removed from the group, and that is retired. The FOI, as you can see there, noted that there was no policy for retirement of ccTLDs, and hence the current working group is to try to flush that out.

As you can see, we were chartered a little over two years ago. We had our birthday just post-Kobe. So we've been at it for two years. I like to think that two years for this working group is middle-aged, but we'll see. We meet regularly. We have teleconferences every two weeks. We rotate the start time by six hours for each call so we all share the joy in getting up in the middle of the night or the wee hours of the morning. We do also have a policy that carried over from the FOI, where we do not finalize anything in one read. We give it two, and we do that because we give the people who are sleeping because of the call time for them an opportunity to participate on the next call at a better time for them. I think it's only fair. We meet here face-to-face every three hours. We had one yesterday. And we've identified a whole bunch of issues.

The closed issues since Kobe, actually, despite being the Board jokes, we are making some progress. We closed up applicability of policy, the definitions of the trigger event, and the end date for the retirement process. Both of those took a fair amount of work. We dealt with the removal process and we came to consensus on

the duration of the removal process. It's a minimum of five years, and it could be as long as ten years, depending on the level of interaction between the IANA function operator and the TLD that's being retired. We did a preliminary report there in Kobe.

This has been shown before. You can see that we consider the trigger event that starts the retirement process for a TLD to be the removal of the corresponding country code from the ISO table. There are two paths. There's the path on the right. If the retiring TLD cannot make some sort of arrangement with the IANA function operator, they go out in five years. If there is a reasonable level of cooperation, which includes preparing a retirement plan, picking an end date, etc., they can go for as long as ten years before finally being retired. The conclusion to the process, of course, is the removal of the TLD from the root zone.

Next steps that we're working on/topics. Oversight of the retirement process. We're getting deep into the status of exceptionally reserved country codes. They're technically, as Nick point out with regards to .uk, not in the part of the table that we consider where cc's come from. The last big nugget is IDN ccTLDs, since they're not in ISO 3166 at all. We kicked the can on this one and deferred it to the IDN PDP on that.

Things that we need to discuss is a change of a manager during the retirement process, given that the minimum period for the

retirement of a TLD, unless the TLD manager requests a shorter requirement, if they can get their act together and wind it down sooner, it's likely that there could be a [inaudible] of a manager during the retirement process. There's some issues around that because the old manager might be cooperating with the IANA function operator quite well and getting retirement [inaudible] things set up. The new manager may come on and say, "I don't want any of this," and try to do something completely different. We're also just beginning to look at scenarios for testing the policy so we can start figuring out stress tests for this stuff.

Once again, I went to the GAC this morning. I gave them this presentation. Once again, doing something insane, I asked them once again for GAC membership. I think this is probably the fourth or fifth time I've done that. The Framework of Interpretation Group had GAC participation and it proved very useful and it prevented the GAC from going, "We're completely surprised. We don't know anything about that." With no GAC participation in this group, it may well come to the point where the GAC says towards the end of our work, "Well, we don't know anything about this. We're going to push back." So I don't know what's going to happen there on that.

I think that's it. Any questions?

Anybody awake?

EBERHARD LISSE: Can I make a contribution?

STEPHEN DEERHAKE: You may. Go to the … you have a mic.

EBERHARD LISSE: If there's nobody else—

STEPHEN DEERHAKE: No, you're good.

UNIDENTIFIED MALE: [inaudible]

STEPHEN DEERHAKE: Oh. Just put on your snowshoes and get over here. You're Canadian. You know how to do that.

ALLAN MACGILLIVRAY: Allan MacGillivray from .ca. Stephen, when was the last time we formally communicated to the GAC in writing that we seek their participation?

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STEPHEN DEERHAKE: Ah, in writing. It predates my tenure as the Chair of the working group. That's the best answer I can give you. I have not written to the GAC formally. I have talked to the GAC Chair repeatedly. She understands the issue. I have appealed to the GAC as recently as 11:35 this morning.

ALLAN MACGILLIVRAY: Because I fear the scenario that you've laid out is at the last minute to go, "Oh, my goodness. We have to slow this down." So I think it would be important to put something on the record so they cannot pretend – who knows if it'll be a different GAC Chair when we report? There's many ways that this could go off the rails, so we should consider a written communication just to focus it. Thank you.

BART BOSWINKEL: In response to Allan—

EBERHARD LISSE: Can I respond to Allan? I'm, as Allan, a member of – I'm a Vice-Chair of this PDP anyway. We have asked, at every GAC briefing, if these things are transcribed so there is a record. I don't think it's the place of a chair of a working group to [say] the Council should do this. We can kick this up to Council if we want to and have the Council decide, but we have briefed the GAC twice. They were

quite interested and quite uninformed, as usual. Some of the stuff is a government activity[-like trigger] but we have asked both times that I remember. We will do it on the next meeting as well. We will ask clearly that it's reflected in the record. They transcribe these things so that it is documented.

BART BOSWINKEL: In addition to this point, they have been informed at the start of the PDP itself [to participate actively] because that's a requirement under the PDP itself, that the GAC is informed and asked to participate. At the end of the PDP, even before the members vote, if I'm correct, or right after, the GAC is asked to provide input and response as part of the PDP before it goes to the Board. So they are very aware of this part of the procedure. From that perspective, in previous occasions with the PDP [2], they have been informed, etc., and they didn't respond at all. That is fine as well. Even the Board requested their input and they didn't respond. So, at that point, to quote somebody from your country, you can put water in the front of a horse, but if it refused to drink, that's it.

ALLAN MACGILLIVRAY: I agree with Eberhard. I think Council should discuss this potentially to send yet another letter. See, I'm concerned about institutional memory, like there'll be a change of leadership and,

secondly, to simply to put it on the agenda as a singular item – participation – not just as the update. So I think that Council should consider that. Thank you.

BART BOSWINKEL: That's one, or you put it in the record as we've been updated as well, saying the report of the group itself.

STEPHEN DEERHAKE: It actually is in the GAC's record as well because I've put this question in every presentation to the GAC. So it's not like they haven't seen this request before. And it's in part of their website that keeps all the presentations.

EBERHARD LISSE: And we will present again. At every ICANN meeting, we'll go and update them so it goes in the record again and again.

STEPHEN DEERHAKE: Yeah. They get asked three times a year. I realize the GAC has pretty serious turnover. I don't know the current rate, but the last one was pretty high. I think, if you had more than 10% of the GAC membership there for three years, you'd be lucky.

Any more questions?

Okay. There you go.

PATRICIO POBLETE: We have a minute or two. Let me ask you something. This policy that we're developing in the ccNSO is binding on ccNSO members, which in this case means that, in the case of the retirement of a country code, they will have the expectation of having at least five years to wind down the ccTLD and even up to ten with a reasonable retirement plan. What would a non-member be able to expect in the case of a retirement?

STEPHEN DEERHAKE: In theory, the same thing. If a ccNSO member was really upset with having their code retired for whatever reason, they can always elect to become ex-ccNSO members. By doing so, as currently constituted, the policy is no longer binding on them. At the end of the day, the lawyers will take over. That's probably what's going to happen.

EBERHARD LISSE: The way I see this is that a ccNSO member has to resign from the ccNSO and walk away. A non-ccNSO member can walk away without resigning. It's the only difference. We do not make policy for ccTLDs. We make policy for ICANN. We are not telling how a

ccTLD has to react. We are making policy for the IANA function operator for how they have to approach this.

If any ccTLD managers would like if, if it's a ccNSO member, he must abide by it or resign. If he's not, it's not an issue for ICANN because we only deal with members.

PATRICIO POBLETE: But maybe the interpretations are different. One might be that, if you are a member, you have this guarantee of a minimum of fee years. If you're a non-member you don't have such a guarantee.

EBERHARD LISSE: No. We make policies for ICANN, not for the ccTLDs.

STEPHEN DEERHAKE: We have a remote question. Somebody is paying attention.

UNIDENTIFIED FEMALE: We have a remote question from Peter Van Roste. "Stephen, what stance did you get from the GAC this morning? What part of the PDP, if anything, are they most interested in?"

STEPHEN DEERHAKE: If trying to determine GAC activities is like trying to determine GAC interests in this is similar to determining cardiac activity, I would

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say they were flatlined. Essentially, we got a few questions, but I would not say any of them were substantive. There's just very little interest in this at this time, except from GAC leadership.

I think Bart thinks I'm being too harsh.

BART BOSWINKEL: Listening to the questions – that's something that the working group itself did as well – they are struggling with ISO 3166 and what it means. It took quite some time initially for the working group to have a clear understanding of what it means (ISO 3166) and the country code and everything else for everybody to be on the same page. They're coming up to speed and they still, especially the new people on the GAC, have an issue with understanding the meaning, effectively, of ISO 3166 and everything in it. You can see it not just in this debate but you can also see it in other debates where they talk about ISO 3166 and the way they use the terms and terminology from ISO 3166. It's very imprecise.

[STEPHEN DEERHAKE]:   Okay.

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EBERHARD LISSE: And the interesting thing about this is that it's the government who is ultimately in control of the table. It's not ICANN. The [Maiden's Agency] performs the function basically on input instruction – however you call it – from government. If southern Sudan becomes independent, they say, "We want .ss"? No. They say, "We want .ss," they get it. It's a government activity with regards to the ISO. [And to people], it's probably a different department in governments than the ones that are coming here. That's what the reason is.

We had this question. I was just thinking that maybe Stephen and I will prepare a little bit of background material that we go through a formal presentation explaining again how this works so that we refresh the institutional memory.

PATRICIO POBLETE: Okay. Well, thank you very much, Stephen. The next presentation is about the IDN ccTLD policy review update. That will be who? Bart or …

UNIDENTIFIED MALE: I don't see Ajay [inaudible]

PATRICIO POBELETE: We don't see Ajay, so it's Bart.

BART BOSWINKEL:	This is the follow-up from the presentation. I'll walk around as well. No, I won't. I'll save you a stiff neck.

This is a follow-up from the presentation in Kobe around some of the issues with respect to the IDN ccTLD overall policy, etc. After Kobe – next slide, please – the Council has undertaken some activity, and there is currently a preliminary review team that is looking at the overall policy to identify some issues. But I'll get into that a little later in the presentation. This is effectively an overview provided by the preliminary review team so you understand what they are doing and what will be upcoming. Again, this presentation was given this morning at the GAC as well.

Going back, why is this under discussion – the whole IDN ccTLDs overall policy (the selection process and the inclusion of IDN ccTLDs)? Next slide, please. Or do I have – there it is, yeah. How does it work? What should I press? This? Oh, this is already – yeah. So this is an updated slide from the one in Kobe. Currently there are 61 IDN ccTLDs from 42 countries. This is the latest number. In Kobe, there were 59 from 41 countries. So there are IDN ccTLDs out there, and they're listed. This one is from the ICANN website.

These IDN ccTLDs, if they wanted to, cannot become members of the ccNSO because that's not provided in Article 10 of the ICANN

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bylaws. So that's one reason. It's addressed in the overall policy, but that is pending.

Secondly, there are outstanding issues, issues that have accumulated over time and that need to be addressed. One is – this is at the Board request – there's a lot of work of the communities in different scripts and languages around variant management of TLDs. You can read through yourself. I will not go into details. I don't feel comfortable doing that because I don't understand it.

However, what is important is that it was already identified at the time in 2013 that there is this open issue that needs to be addressed, and there is a placeholder policy that is currently with the Board. So policy needs to be developed around this thing, and preferably together with the GNSO. So that's one outstanding, open issue.

The second one is around the confusing similarity. As probably most of you will recall, this has been one of the ongoing issues under the fast-track process. It started with the first review of the fast-track process and it already became clear that the solution at the time was introducing the EPRSP (Extended Process Review Similarity Panel).

But then again, that did not resolve all the issues, so there was a next situation of the confusing similarity process with the

introduction of the risk mitigation panel to look at measures that have been proposed to mitigate the risk around confusing similarity. You can see this is way into the weeks of confusing similarity, which [requires] a PhD in itself. For somebody who's interested, I can give them some pointers, and probably Giovanni can as well.

By now, that evolution is closed. Recently, [a case] had to be dealt with past the fast-track process, so it now time to revisit the proposals and again to align the process for the new gTLDs and for the ccTLDs because they are clearly divergent, not just the process but also the criteria and other aspects, like the assessment methodology.

The third one is, and an open – that is what Stephen alluded to – is the retirement of IDN ccTLDs. What is clear is that the triggering event for a ccTLD, an ASCII ccTLD, is very clear. It is the removal from the ISO 3166 list. That could be for two reasons. One is a significant name change. The other one is solution of a country.

With respect to IDN ccTLDs, it is less clear. A significant name change in, I would say, either English or French will result in a change in the IDN ccTLD or in the ISO 3166 name list, but it does not imply that the meaningful representation of the name of that country in the local language is changed significantly as well.

There you can see there is this difference between IDN ccTLDs and ASCII TLDs. And there are other circumstances as well.

What is also very clear – that's why it could be deferred or will be deferred; the suggestion is to defer it – is that, once every time it is triggered – so the trigger event as occurred – then the process, as developed by the PDP Retirement Working Group, applies to that IDN ccTLD. So that's more or less the current thinking.

Under the future work, the trigger event needs to be defined. What causes an IDN ccTLD to be removed ultimately from the root zone? It will be done according to the process that is currently developed by the working group. A new one will define that triggering event.

So these are the outstanding issues. This is just from the Kobe meeting that the PTI has looked into. In Kobe, the Council adopted a roadmap. I will not go into the details of it. It's going from the current situation to the new one. What actually is the roadmap about? [To] stop the evolution. The Council sent a letter to the Board to that respect, together with the proposals around the Risk Mitigation Panel. The gap analysis I'll go into that in a bit, a little bit more in detail, because that's the work of the Preliminary Review Team.

Then the next step will be – so that's the near future – is what is the ccNSO going to do with the current overall policy proposal?

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The current thinking around some people on the Council and of the preliminary working group is to split the overall policy in two ways. One is to go for a bylaw change to enable the IDN ccTLDs to be included in the ccNSO if there are no major issues with respect to the bylaws. The other one is to start a new PDP and not pursue the old one to resolve the outstanding issues and identify issues.

This is about the Preliminary Review Team and what happened. The review team has been meeting every week since early May and has come a long way. The only thing they do is just list and table issues with respect to the overall policy, not going into details and what needs to be adjusted, but come up with issues and topics that need to be addressed by a next group and advise Council to that respect.

The second part of it is how to address these issues. So it's either through a bylaw change, another ccNSO PDP, maybe joint working groups, maybe cross-working groups, etc. That's open for discussion.

What are the preliminary findings? I'll go into a big more detail in a minute. I think the major one is with respect to – I'll go into them into more detail now. With respect to the bylaw change to include IDN ccTLDs, in the ccNSO, in the current proposals, it's very clear that the membership definition needs to be amended. If you would look at the PDP #2 about overall policies, there is an

already-suggested language to change the bylaw definitions. This will also resolve the issue that has been identified before by the PDP Retirement Working Group around the membership definition. That's good to observe. That would allow for the bylaws to go for a bylaw change without going through another PDP in order to include the IDN ccTLDs.

Secondly – this goes back to one of the fundamental principles – is that one of the fundamental principles is almost like one vote per territory/country. If you recall the slide, the first slide with 61 IDN ccTLDs from 42 countries, simple arithmetic will show you that some countries have more than one IDN ccTLD, and also the ASCII ccTLDs. If everybody would become a member, you would see that some country/territories will have maybe 12 votes, whilst others would have just one. At the time, this was already discussed.

The proposal was at the time to introduce emissaries that are voting on almost a one-by-one by country. This will be done by emissaries for those countries, and it's how these people would vote that was a matter of [in-country] for the countries themselves.

One of the questions that came up in the discussions of the review team is, how often will they vote? Where does it matter? Now, you can see them. It only matters with the selection of nominees for

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the Board. So [for] Board Seat 1, 11, and 12, if there is more than one candidate, [there's] a members vote on the PDP. So that's in the future probably, maybe, two, and with the election of Council members on a region-by-region basis. So that's the formal voting by members. All the votings are done on a one-by-one basis, and there is not real distinction even between ccTLDs who are members and non-members, as you know.

Secondly, the policy around retirement of IDN ccTLD and variants. I'll not go into the details. It needs to be addressed. That's very clear. In the overall policy #2, there are certain areas that already are included, but that needs to be updated in the view of the review team. That's around confusing similarity, as I just alluded to, the mixing of scripts – whether or not to allow it – procedures and requirements to IDN tables, also in light of the root zone … I always forget what [RZLGR] means.

Some questions that came up … yes. And there are some old requirements in the policy that have been inserted by the working group under the fast-track and looking at the policy. That is the requirement a table of country and territory names in designated official languages. Given the evolution of the thinking probably of the whole community, the question is whether that is still needed, and that's something to discuss for future events. The requirement to review the policy, whether it should be maintained. There is currently a requirement that the overall

policy needs to be reviewed every five years. There is a big of a review fatigue in the broader community. Adding another review and making this special? I don't know if it's a wise idea. And then the IDN Advisory Panel, again, is recommended into the current proposal. The question is whether it should be maintained.

What is really, really probably relevant is, because this drove the fast-track process – these principles – and it drove the development of the overall policy in the past, is a set of principles. The question is whether these should be maintained. The Preliminary Review Team is of the opinion is that it should be. That's why we've listed them, and for your memory. Consistency of the delegation transfer revocation retirement process between IDN ccTLDs and ASCII TLDs – effectively there's another way of framing the third principle: IDN ccTLDs are ccTLDs as ASCII ccTLDs are ccTLDs. There is no distinction between the two, only with respect to some very specific areas, like the voting. Otherwise, IDN ccTLDs and ccTLDs should be treated alike, not just in this environment but in the broader community as well and by ICANN itself.

The second one is probably an important one, and it's driving the development of the EPRSP [confusion], and that's the reason why the confusing similarities included is principle to preserve the security, stability, and interoperability of the DNS, because there are risks involved and this is just to pre-warn and is a way to

interpret the policy. So that's why it is included as well as a main principle.

What will happen next? Today the PRT will discuss on Thursday how to move forward. There are a couple of main discussions. First of all, if you have any questions/comments, please do [ask] them now because they can take it into consideration. Then the PRT will need to discuss how it intends to include IDN ccTLDs, how it will recommend the Council do this. Is it, again, to start a policy development process or use the results of the previous one and go directly to the ICANN Board and suggest a bylaw change? So that's a new one upcoming. That would be a change of Article 10 of the bylaws.

The second one is the questions around the IDN ccTLDs string selection proposals and the open issues – how to do this, how to move forward. Is this: revisit the current PDP or launch a new one specifically focused on these areas and add this to the current body of the overall policy? Then there is the question of how to cooperate and collaborate and coordinate with the GNSO.

Post-Marrakech, what will happen is the PRT will need to produce and will produce a report to the Council, hopefully by our August meeting, listing the open issues they've identified and with a suggestion to move forward. Then it's up to the Council to decide how to move forward based on the advice of the PRT.

So that's where we are. Just one more: membership of the PRT. There are observers from the GNSO for the reason of the potential overlap with the … what is it? The Subsequent Procedures work around variant management or their IDN work.

Questions?

I definitely put you to sleep.

UNIDENTIFIED FEMALE: We have a comment from Peter Van Roste. ""RZLGR" stands for Root Zone Label Generation Rules."

PATRICIO POBLETE: Have we ever had someone come into these meeting representing all the IDN ccTLDs without representing also the corresponding ASCII ccTLDs?

BART BOSWINKEL: I think ultimately you would. Maybe there is already some people [there].

I don't know Abdulmonem is in the room. There is an underlying question, if you would go back to the first slide. The underlying question is, how many IDN ccTLDs do not have also the ccTLDs? I think currently there are just two. So, of the 61 from 42 countries, I would say the vast majority … so that's the … this one. Out of …

I think that the IDN ccTLD and the ccTLD from Georgia and from Egypt are two different entities. So two different managers. All the other IDN ccTLDs are run by the ASCII ccTLD manager. That's another reason why you want to have a emissaries: to avoid the issue that one ccTLD, one manager – one entity – has a lot of votes.

[PATRICIO POBELETE]: Thanks, Bart. And right on time. Annebeth, please come to give us an update on the new gTLD Subsequent Procedures PDP Work Track 5 current state of affairs.

ANNEBETH LANGE: Thank you. Hi, everyone. Good to see you again. This will be a little update first, since there might be some people that haven't followed it all together, as this has been quite a long road, a long travel, from the beginning. We're still not finished, but hopefully we will end this at the end of the year.

What I will talk to you about is the timeline, background, recap, and relevant preliminary recommendations summary of the comments we have received, where we are, and some discussion.

It's the black thing there. The background, just to have a little refreshment of your memory – I hope that, if you are looking down at your computer, you are following on Zoom, not doing

something else. The 2012 AGB (Applicant Guidebook) did not follow the GNSO policy from 2007 when it came to geographic names. Still, in general, the new gTLD process has been successful, and it followed in the end, at least when it came to the geo-names, most of the things that the implementation guidebook set out.

The problem has been that there is no GNSO policy because it's not the same implementation, and the policy today is different. That's the goal of this exercise we are doing in Work Track 5: to try to find a policy that GNSO can accept as their policy and that all the other stakeholder groups are satisfied with or at least can live with because, with all these different stakeholder groups, we cannot all be 100% content with what we get. It's a compromise. But that was the AGB as well.

What rules will prevail if no consensus for change is reached? In the beginning, I started to say that then we have to go back to the 2007 rules and the policy of the GNSO, but fortunately that has been more or less left. We are all talking now about that we have to go then to the 2012 [rules]. Geo-names we all know are sensible and very important for a lot of countries. It is discussion that it's not a legal basis for a lot of countries to say that we own, in the end, the geographic names. But they have a feeling and [they've identified them], and it's very sensitive for a lot of countries.

What happens here, Kim? … Okay. Just a small repetition. In 2012, the AGB rules blocked all two-letter combinations in the Latin alphabet, 3166-1, and other combinations, [and] ISO 3166-1 three-letters. That is 274, approximately, out of 7,000 [trillion] combinations. So we've got a lot of things to have for more generic and brands combinations.

Country names: long form, short form, in any language including commonly known names and some other specifications.

What required support or non-objection from the relevant authorities was capital letters, like Oslo, London, and all the others, and sub-national names, like [Weiss], city names, where the intention was to use the city or the community for that purpose. That perhaps was the most difficult thing because it's easy to say we will not use it for the city, and then in the end it was used for city anyway. So it's much more complicated.

After a long discussion in Work Track 5 – just for those of you who don't know what Work Track 5, when the Subsequent Procedures GNSO PDP [started], it turned out that it was divided in four work tracks with different issues. It turned out that geo-names came up in all four. It was difficult for participants to participate in all fora, so then we decided to make a special work track for the geo-names. That has been quite successful. Its Co-Chairs are from the

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stakeholder groups --- one from the GAC, one from the GSNO, one from ALAC, and then myself for you.

Through long months of discussion, we ended up with recommendations for country and territory names and also for the others, and that was sent out for an initial report for comments from the whole community, not only the Work Track 5 members.

The recommendation for country and territory names followed, actually, the same thing as in AGB: reserve the following categories, etc. I don't want to go through that again and I want to use the time better. I just said it. So, and likewise, reserve all these things. You will have it in the slides later. Then a summary of the comments from Work Track 5. Most of the preliminary recommendations are in line with the AGB with some refinement, some adjustment, and some things that could be done a little better but not a material change.

Work Track 5, there was more agreement on the top of the hierarchy than further down. That's quite understandable because, at the top, we have the country and territory names. In the ISO 3166, we have a list. Much easier. When we don't have lists, the history of ICANN has shown that, every time we try to make a list of all geographical names – we have .travel many, many years ago – it's an awful exercise. It's really difficult to make

a list that we don't have from before. So the ISO 3166 is a solution and it's good for us because the ccTLDs are on that list. So the country and territory names have more protection, and it's easier to find rules than all the other geo-names in the world.

Work Track 5 is aware that, if there's no consensus, the rules today will probably stand and we have to give and take, we have to discuss, and be prepared that we can't have it all. So somewhere we have to compromise perhaps a little more than we have wanted to if we could choose ourselves.

It seems like, especially since ccTLDs and the GAC are more or less agreed that we should not make substantial changes from the 2012, though there are some exceptions, some governments are more liberal now than they were in 2012. Some others are more restricted. Well, we'll see how that ends.

Languages are still a disputable field. We are discussing that in the AGB. It was any language in the world. And that is quite a lot. We tried to find a list, and the last list I saw was 7,111 languages. Then we had to find the name of every country, every city, in all these 7,111 languages. That would be quite difficult, and also for the applicants to know if they apply for something [from that list]. So I don't think that will be the result, but we'll see.

We also know that, from the [g] side, there's first and foremost interest for three-letter combinations. But still, if we keep the

three-letter on the ISO list reserved as it is today and perhaps discuss it later, as we have talked about here before, to find another policy for those three-letter country codes, that could be more like the cc or a middle category. They will still have more than 17,000 combinations to use for brands and generic.

Of course, there will be some brands that lose their possibility to have a TLD of three letters. But on the other hand, the difference between [cc]TLD is that it's only one that can have it, and several companies can have the same brand, the trademark. That's the difference. So is it more fair that one company get that three-letter as a brand than it's given to a community in the end? We'll see how it works in the future.

Where are we now? The co-leads proposed that the 13 preliminary recommendations in this report should serve as the baseline for the next phase of deliberations. There are concerns, and there is divergence in the summary document because there are a lot of comments coming in. What we see is that – the same as happened before – the difference is quite huge between the different groups. As long as we don't find a consensus for a new solution that is better than what we have today, then it's quite natural to stay where we are and not drag this out into eternity. At least for those who want to open up a new round, this seems to be a sensible compromise.

To adopt or integrate alterations, we need [informed] consensus. It's not, in the end, Work Track 5 that decides. What we do is send recommendations to the full group, the Subsequent Procedures Working Group, and they will discuss it. But I really don't think that they will open up again for discussion if they have good recommendations from the work track that's been set to discuss this. Hundreds and hundreds of hours have been used to do this.

The potential changes to the preliminary recommendations. It can be a few material [changes], perhaps increasing or decreasing the level of scope or protections. It doesn't seem like that today. It's more operational improvements or changes on the edges. Ultimately, the purpose of the phase of the work we have been doing after Kobe is to reach agreement on these recommendations that will be sent to the full working group.

A few words about the development here in Marrakech. Before we go to questions and discussions, I've sent some extra slides to Kim. I hope they're there. What we did the last two weeks before we got here and that we'd been discussing on Monday is we made a tracking of the status to try to use the time we have left now to follow the timeline, which I will show you later, to discuss the most contentious issues. We have been discussing two-character codes, three-character codes, long form and short name for ages, and we have to set a full stop at one point.

The thing you see here that's green? For now, no change to recommendations. We consider them as completed from Work Track 5. That is, as you see here, is a few areas that we will use the next week/month to discuss. We had some discussion here on the permutations and transpositions. We will make that even clearer than the language in the AGN. There's a little confusion about what it is, really.

For a three-letter ISO 3166 code today, it says in the AGB that they cannot be, if it's a permutation or a transposition, if there's a stroke within it, if there's sign within it, if the letters are changed. But as long as the change does not make another three-letter combination that's on the ISO 3166 list, it should of course be permitted because then it will be an ordinary generic three-letter combination that we have a lot of today.

We're still discussing non-capital city names. The intended use is still difficult. Some commenters want to remove the intended us completely, so it should have a support/non-objection anyways. Others want intended use to be expanded to also be used for capital cities. Others, again, when we discussed non-AGB [lengths] that we haven't come to yet – that's also a really difficult area. But we leave this.

You see here we have a few open issues, operational improvements. We have the difficult issue of non-AGB terms, and

we are discussing translations. The thing with translations today is, if we should change it, it would probably be the U.N. languages plus the official, most common language in the country. Then we'd try to find an objection procedure/curative methods for the rest.

Still a few things about string contention. For example, for one application for a city name and another for a brand name for the same, who should prevail? Should we use auctions? Should they agree, etc.? We're not finished with that one.

Intended use I just talked about.

I think that's it. I should have a timeline. It's – okay. Well, I'll just talk you through that. What is the plan now is that the report of the recommendations from Work Track 5 to the full group will be during autumn, probably. We always know that it's difficult to stipulate the time, but the full group plans on delivering their final report to the Council in Quarter 3. I'm not sure that we manage that, but at least that's the goal.

Questions, please? [inaudible]

UNIDENTIFIED MALE: [inaudible], [.ee]. In your experience, there's many [inaudible] time to deal with a new three-letter policy and, even more importantly, in which way?

ANNEBETH LANGE: I would say that the best thing would be to wait until – if we get through now, that the three-letter ISO 3166 cannot be a gTLD and follow the same pattern as other gTLDs, that we have to follow all the ICANN policy the same, then, when the Board has accepted it, at least then it's time to start a new process. This has to be a process within our community, for we have more interest in it. Perhaps we could have like we had for Work Track 5: that it's cross-community but we have to be heavily implicated in that. We've come back to how we can do it. I can talk about that.

Anyone else?

UNIDENTIFIED MALE: Has the .amazon conflict had consequences on how the work track views things?

ANNEBETH LANGE: Well, not really because .amazon is a non-AGB through the non-AGB thing. It is difficult, and I think that was an especially problematic area. What the GAC wants is to have a process so people talk together in advance more than they did in the last round. We tried to find some way to do that.

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But of course, we are all aware that .amazon created problems – political problems, economic problems. It's not a good thing for ICANN and not for the Amazon company, of course.

UNIDENTIFIED MALE: Not so much of a question, but thank you so much for your passion, your patience, all the effort and results you've been achieving in this different working groups. Thank you very much, I think, on behalf of all the people in the room. Thank you.

ANNEBETH LANGE: Thanks. As you perhaps know, I wasn't in Kobe. I have retired from Norid as a permanent employee because I reached the retirement age, but they have—

UNIDENTIFIED MALE: [inaudible]

ANNEBETH LANGE: Yes. They have engaged me as a consultant representing you through this process. After that, we will see. So in my interest, we can keep on for years. Then I can be here with you.

PATRICIO POBLETE: Thank you. Finally, what you've all been waiting for: the Emoji Study Group update.

[PETER KOCH]: Thank you, Patricio. What you've really been waiting for is the high-interest topic session on the DoH. I'm standing between you in that session, which will take place in the other room, in the freezer room, for the GAC. I'm not biting into my own time, so let me just try to get started. Can we have the slides? Because we have another hip topic, which is emojis. We've done this before. I'd rather see the slides than myself. Almost. It's okay. I know I should probably be able to click – wow. It works. Great. Cool. Thank you.

I've reported about the Emoji Study Group at a couple of meetings already. The good news is we're almost there. That means the group expects to deliver the report to the Council definitely before the next ICANN meeting. You will see how far we've gotten then and what the outcome or the result or the status of the report currently is.

Now, the purpose of this study group on emojis. This came out of a Board resolution. Of course, we should have some emojis on the slides where we present about emojis. Just to remember, people, this is only about emojis at the second level for ccTLDs. The emojis at the second level for gTLD would fall into the GNSO, and

emojis at the third or any subsequent level are hardly governed anyway. There is going to be no emoji at the top level, at least for the time being.

There's an SSAC report about the difficulties and risks related to the use of emojis in the domain name system, especially at the second level, and that led to a Board resolution which is on this slide. We presented this a couple of times. One point to raise or to emphasize is that the SSAC notes that use of emojis in domain names is violating the IDN standard because the emoji code points are not acceptable code points for the translation from U label into A labels these days. That's why they say IDNA 2008 and successors. So that's definitely a protocol violation, but let's see. So that's what I said. It violates the IETF standards, and that is definitely defined in that RFC. Of course, there is agreement between the IETF and the ICANN Board recommendation that the IETF-produced standards should be adhered to. One can of course question where is the standard and where does policy start, but we'll have that discussion at another stage, I guess.

I always read 5G when I get to this slide. This is another hip topic. "SG" stands for Study Group, and that means we are a study group and not a working group, which means we don't have to deliver policy or definite results. The study group was [instantiated] to actually study – a simple pun – the issue, research the issue, and reach out to TLDs and other parts of the

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community. The study group consists of members from this community, from the ccTLD community, a number of people from the SSAC, or the security or technical community appointed by SSAC, and a number of ICANN staff members. I hope I didn't forget anyone else. I think we got invites sent out to … did we invite the GAC, actually? I don't know. But we didn't get an appointee, anyway.

The idea was, again, we did that, liaised with SSAC, to get input, and we actually got active participants, which is great, and the relevant departments of ICANN. That is the OCTO department, GDD, and our very active support staff, obviously.

What we were tasked to do and what we actually do is look into mostly the second-level part. I guess we skipped a bit on the fast-track part here, but that's not the important part. [That's set]. So everybody should have in mind by now what we were tasked to do, which was to especially look at the use of emojis in ccTLDs at the second level, nowhere else.

You may remember that I presented this earlier. We were trying to get information from ccTLDs that do this, that accept emojis at the second level. The first attempt – we come to that on another slide – wasn't too successful, so the study group started doing their own research because the round of the first outreach wasn't too successful in terms of getting information and so on and so

forth. Members of the study group went out probing the domain name space, like the different TLDs. It was a best-effort approach in the sense that we could just guess what emoji characters would be registered, like the popular ones: the smiling face, the heart, or something else. So we got a couple of emoji characters, probed whether they were in existence, and had to deal a bit with wild cards and so on and so forth, another interesting topic that we won't go into today. We came up with a list of, I guess it was, 15 different TLDs that were contacted for feedback because, at some point, we only knew that were some emoji domains, but we and wanted more information about how they came into existence. Were they grandfathered in? Was it accidental? Did the ccTLD actively promote emojis or other characters? Or were they even aware of what happened?

We got a bit of feedback and we had another ccNSO meeting. We had another presentation and got some feedback there. The problem was that this wasn't enough information. So staff stepped in and did a much, much more intensive research to find another set or an overlapping set of TLDs where those emojis where in use. After we had sent the letter to the community, as I said, staff undertook the research. That the difference was that, with staff support, we were able to look into registrar activity because usually registrars market this. There were some

registrars actually marketing emoji domain names, and others were probably accepting whatever the customer wanted.

There are some interesting findings that you can find in the report, as in some registrars/registries appeared to accept emoji domain names until the point where the potential registrant would try to pay, and then things didn't proceed as expected. That demonstrates how complicated it is to get definitive results from the outside in a black-box examination in how the respective TLD works. Without staff support, we wouldn't have gotten there.

Then, as I said, there was another number where an overlapping set of TLDs that were identified by that method. All of them were given the chance to read through the draft report before it was made public. We got some feedback. Actually, we got three responses, the first saying that the registrar that was found to offer those domain names wasn't officially accredited. We're trying to implement some changes here, as in prohibiting registration of domain names. By the way, can you give us some assistance or help? That is not in the scope of the study group but it will be taken care. So that was one response.

The other was that registry operator – not the manager – was in transition, and the previous one gave us information that the current one didn't really agree with, so we were asked to remove

that TLD from the report as one accepting emoji domain names, which will happen when the next version of the draft report is going out.

Finally, we got one response that basically said, "We don't disallow this, so there might be emoji domain names at the second level, but we've never had anyone complain about this one away or another." That may mean different things to different people because the registrants may have complaints or many people may have complaints that will never get the idea that they could complain to the registry. Anyway, that's basically, "Yes, we're doing this. No problems seen so far. Thank you for your facts," which is okay.

Observations. First of all, the zero observation is it's really, really hard to get information on what people are really doing in terms of registrars, in terms of registries. However, given that we had 15 or 17 overlapping ccTLDs that somehow are supporting emojis on the second level, the number isn't overwhelming. So that's not a very a very broad movement. That's another observation or non-observation, if you wish. The issue, to avoid the word "problem," is contained by the low numbers for the time being, but we don't know about any plans. it's just that we found a bit more than a dozen ccTLDs doing this.

Some people that we contacted during the course of the study group actually said – that includes one of the registries that was very active and very open about the information. They have posted everything to their website, they have a list of emoji characters that they will accept, and a list of mostly meta characters that they will not accept. They idea was that there might be issues in terms of confusability, and therefore maybe security issues, "But we can mitigate those or contain those by having a white list (a positive list) of characters that can be accepted and that would preclude or at least limit the changes of confusion." Again, that's an input we got. That's not a conclusion of the study group. Just one data point in terms of feedback.

How do we proceed? We were not tasked, explicitly of course, to come up with either a ccNSO policy or policy templates for ccTLDs. It is also clear that, as per the standards, the code points are not acceptable. However, on the other hand, we see that certain software would accept that. That would probably go back to the idea [that] that they can figure out whether running code or the spec [winds] – that would be an interesting debate to have there. So there is running code. In terms of looking – being displayed, being transformed – that's one aspect. The other aspect is, of course, confusability and similarity. We were not tasked and didn't want to add that to our task: doing confusability studies and so on and so forth. That has been dealt

with in the IDN context a couple of times and would have been widely out of our scope and mission.

Some recommendations. Those are not yet voted on and fully agreed to. This is not a consensus of the study group. But I take the blame for those. This is by informal discussions between staff, myself, and some of the study group members. It appears that, given the situation, we hardly get any information that is necessary to continue the discussion with at least those ccTLDs where we find emoji domain names in their zone. "Full and frank" means that, yeah, maybe off the record, [there are] discussions on what is the idea behind this. Do you find any issues? What is your idea about confusability? Are you trying or willing to engage in mitigation?

Maybe even before that, the question of what is an emoji is not as easy to respond to as it seems. There are number of, say, weird characters in the Unicode character set that don't officially qualify as emojis. Once you have emojis – for those of you who remember, there's an old character called [SAPs] dingbats, which is all kinds of card game things and stars and stripes. I'm tempted to say that those don't necessarily qualify by emojis. Those also aren't covered by the IDN standard. But still, the question is, what exactly do we mean when we talk about emojis?

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Also, when it comes to these modified characters, where can you join two or more people to resemble a family in emoji language? As we've seen in previous presentations, some people are able to tell whole stories by just concatenating a long set of emojis. Whether or not that's a good place to do that in the DNS is a different story, but there are many, many things that can be done with emojis. It's probably not [Turing] complete, so it's probably not yet a programming language. But we never know because also emojis are a moving target. Every year, when the Unicode Consortium gets another version of the standard out, there's usually in the order of 100 ore more emoji characters and sometimes even new modifying symbols that can turn emojis upside down, change the colors, and so on and so forth. We've talked about that a couple of times. So it needs a bit more technical understanding on what it is and what people mean when they say they want emojis and domain names or they accept it.

Of course, as I mentioned, due to the limited focus and the resources available, by no way did we have a scientific approach to finding out how many emojis are used, where they're used, what the use is, and to understand the full range of issues. It would be necessarily to do a wider research, also, as I mentioned, in the direction of the end users, when it comes to confusability but also in terms of software. Which software is capable of dealing

with what type of emojis? It is the Unicode emoji set from two years ago? Is it the current one? How would that software deal with next year's version? And so on and so forth. So that's a broader topic. While many of these characters look so fine and nice, it's really, really complicated at the technical level, maybe not necessarily at the policy one.

Let's see … okay. I forgot one. There was one observation that I jumped over, which I would want to emphasize, and that is that we had, also in this room, raised some concerns that the whole community is always only looking at the risks and not at the opportunities. That's not necessarily an observation but of course a comment we received that will be reflected in the document without any judgement.

Next steps. The study groups agreed to have a public consultation, which is different from a public comment period. It's more informal, or less formal, I should say. That started, I guess, on the 14th of June and is open until the end of day on the 14th of July. I'm looking at Bernie and he confirmed my memory here.

So we would like to hear from and from anybody else until the 19th of July. When you've re-read that draft report, what do you think about that? Do you have any information to provide or to correct? Or what is the sense of the community in terms of the findings we

gathered? Do you have any other suggestions or recommendations for us to share?

Then, following the consultation, the study group is then going to agree on the final version of the document that will include recommendations, not necessarily in the raw version that was presented here. We'll have this over to the ccNSO Council as soon as possible, maybe at the end of July/early August, so that the ccNSO Council can deal with it and maybe operationalize any recommendation that comes out of the group.

I think that's it? Yes. Questions or comments? Or you can dance in emoji if you want. You don't have to.

Okay. I look forward to your comments. I would recommend to everybody that you rush over after Patricio has closed the session to the GAC room, where we're going to talk about DoH and possible policy implications. Thank you.

PATRICIO POBLETE: Thank you. Now we have a 15-minute break, and then we continue in the [Kristart] room for the DoH session and then the future of the multi-stakeholder model. Don't forget tonight the ccNSO cocktail. It's in the [Asian] room, right in this resort.

BART BOSWINKEL: Again – hello? Yes, it works. If you're not going to the cocktail this evening but you do have a card, please hand it over to me or Kim so we can make other people happy. It's an easy way of making other people happy. If you're not going to the cocktail this evening, please hand in your cards.

[END OF TRANSCRIPTION]