Subject:	Policy Calendar for 16-Jun-2022 BC member meeting in The Hague
Date:	Wednesday, June 15, 2022 at 11:26:05 AM Central European Summer Time
From:	Steve DelBianco
To:	BC List
Attachments:	22-06-03 NIS2 Trilogue agreement[93].docx

Here's the Policy Calendar for the open BC meeting on 16-Jun in The Hague (also in attachment "policy calendar.pdf")

Channel 1. BC participation in ICANN Public Comment process:

On 20-Apr we wrote to members of the European Parliament and EC on NIS2 Article 23 amendments. Thanks to Drew, Mason, Marie, Claire-Line, and Margie for drafting.

On 19-Apr we commented on the Policy Status Report for Uniform Domain Name Dispute Resolution Policy (UDRP). Thanks to drafters Andy Abrams, Zak Muscovitch, Marie Pattullo, Vivek Goyal, and John Berard

Selected ICANN Public Comments and other opportunities for the BC to comment:

While there are no open proceedings at this time, Zak advises us that The Transfer Policy Working Group's Initial Report will be published for Public Comment on June 20, 2022. (details below)
The Initial Report will *inter alia*, make recommendations regarding the 'Post-Creation Lock' and the "Change of Registrar' lock. BC Members who are interested in assisting with the BC's Comment should advise Steve, Arinola, and Zak.

The BC continues to work on advocacy on **NIS2** and other regulatory developments with the European Union, led by Drew Bennett.
On 3-Mar the BC provided this response to the EC initiative against counterfeiting.
On 20-Apr we wrote to members of the European Parliament and EC on NIS2 Article 23 amendments.

On 3-Jun, the European Parliament, Council and Commission held their final technical meeting on the draft NIS2 Directive and agreed on the final text.
On 13-Jun Marie circulated the as-agreed draft NIS2 text (attached excerpt of registration data recitals and articles).

Channel 2. Support for discussion and votes of our representatives on GNSO Council
Marie Pattullo and Mark Datysgeld are our GNSO Councilors.

Previous council meeting was 19-May. Agenda, documents, Transcript, Zoom recording.
Council approved revised charter for GNSO Council Standing Selection Committee, where Arinola represents the BC.

Next Council meeting is 15-Jun at 15:15 UTC. Agenda highlights:

Item 4: vote on [Final Report from EPDP on Specific Curative Rights Protections for IGOs](#) (International Governmental Organizations)**.**

>Jay Chapman represents the BC on this [EPDP](#), with help from Zak and Andy Abrams.
>==Jay recommends the BC Councilors approve the [final report](#).==

Item 5: Discuss impact of "[SSAD Light](#)" on other work and ICANN Org resources.

>Steve is on a [Council small team](#) to review [SSAD ODA](#). On 24-Feb Steve submitted [this response](#), drawing on Sep-2021 BC/IPC [joint minority statement](#) on EPDP Phase 2 final report (where BC voted No).
>
>Small team recommended a Proof of Concept (PoC) for a centralized **Ticketing System**. ICANN Org sees 6-week effort to produce a Design Concept paper. Resources needed to produce that document are responsible for other areas of work so this work will delay the timelines by 1.5 months for SubPro ODP, CZDS 3.0, and EBERO and DEA improvements.
>
>The small team met on 25-May to consider next steps. ([Zoom recording](#)). Steve brought up idea of emulating .MUSIC approach with Cyprus DPA, but Michael Palage responded that it is still too soon to know if his technical proposal and privacy impact assessment will be "approved" by the DPA.
>
>==See Steve's email note about [Monday's session on EPDP Phase 2 SSAD](#). ([Zoom Webinar Archive](#)):==
>>==Org says they won't retain requestor information for tickets==
>>==CPH said they don't want a centralized system if they have individual GDPR liability.==
>>==No appreciation for implications of NIS2==

Item 6: discuss subsequent rounds of new gTLDs (SupPro) [Potential initiation request for a GGP](#) (GNSO guidance process) prior to starting implementation.

Item 7: discuss subsequent rounds of new gTLDs (SupPro) Update, [Question set #4](#).

Item 8: discussion with Closed Generics Small Team
Regarding the proposed [Board framework](#), Council drafted an [assignment form for Small Team](#). ==The small team [provided](#) its [recommendations](#) to the Council on 11 June 2022.==

Item 9: discuss GNSO PDP improvements, per a staff [discussion paper](#). Council will preview potential [GNSO PDP Improvements tracker.](#)

Other Council activities:

1. Zak Muscovitch and Arinola Akinyemi are on the [Transfer Policy Review Working Group](#) ([PDP Charter](#)). See [WG Timeline and Progress](#).

==The Transfer Policy Working Group's Initial Report will be published for Public Comment on==

. The Initial Report will *inter alia*, make recommendations regarding the 'Post-Creation Lock' and the "Change of Registrar' lock. BC Members who are interested in assisting with the BC's Comment should advise Steve, Arinola, and Zak.

The next phase of the Working Group's has just commenced, and will include a review of one of most important aspects of the Transfer Policy, namely the 'Change of Registrant' lock. Currently the Transfer Policy contains the following convoluted provision regarding Change of Registrant locks:

> The Registrar must impose a 60-day inter-registrar transfer lock[4] following a Change of Registrant, provided, however, that the Registrar may allow the Registered Name Holder to opt out of the 60-day inter-registrar transfer lock prior to any Change of Registrant request.

> When BC members previously discussed transfer locks on a dedicated call on March 31, 2022, BC members agreed on the following position regarding 'Change of Registrant' locks, which was subsequently shared with the Working Group:

> "***Change of Registrant Lock***
> *The default rule should be a transfer lock following a change of registrant. However, a registrar should be required in a transparent manner, to enable a registrant, upon request to opt-out of the transfer lock or to reduce the transfer lock, rather then leave it to each registrar to decide whether they will generally permit opt-outs. Nevertheless, each registrar should retain discretion as to whether to permit a transfer even if the registrant has ostensibly opted out, for security reasons. A transfer lock should not prevent registrants and businesses from effecting bona fide transfers when necessary or desirable. There should be a fact-based rationale for the determination of the length of the default transfer lock, whether it is 60 or 30 days, for example."*

2. The Council Committee for Overseeing and Implementing Continuous Improvement (CCOICI) completed its assignment for the Task Force to review the existing Statement of Interest (SOI) requirements (see chapter 6 of the GNSO Operating Procedures [gnso.icann.org]). Thanks to Susan Kawaguchi and Imran Hossen for volunteering to participate in this Task Force.

3. DNS Abuse small team. Mark Datysgeld serves as co-lead.
> The team has a draft work plan several phases:
>> outreach to the community,
>> understanding the current landscape of DNS abuse,
>> considering which elements of DNS abuse appear inadequately mitigated AND are in scope for GNSO policy making (if any),
>> making recommendations on next steps to the Council.

> Lots of discussion of DNS Abuse at ICANN 74:
>> Goran pointed us to DNS Security Facilitation Initiative Technical Study Group (DSFI-TSG). See their Final Report

>> GAC briefing and slides presented in their Tue session.

4. Steve represents the BC on a Council small team to review staff
paper [Modifying Consensus Policies](#).
   The staff [Discussion Draft](#) suggests 6 ways to change GNSO procedures regarding
   existing policies.
   Calls on 14-Dec & 10-Jan focused on process for approving recommended changes to
   PDP Manual & templates, ODP, and implementation guidelines. We sent [this letter](#) to
   Org and board.
   Held a call on 4-May-2022, where Steve suggested that Org staff could easily implement
   the 6 suggested improvements to PDP templates and processes (pages 10-14 [here](#))

5. Registration Data Accuracy Scoping Team Update
   Susan Kawaguchi and Toba represent the BC on the Registration Data Accuracy WG.
   Accuracy under the current requirements, as spelled out in the Registrar Accreditation
   Agreement (RAA) as well as Consensus Policies, is understood as syntactic accuracy of
   the registration data elements provided by the Registered Name Holder or Account
   Holder as well as the operational accuracy of either the telephone number or the email
   address.

6. Implementation Review Team for Registration data EPDP Phase 1 (Alex Deacon)
   After 3 years of work the EPDP Phase 1 IRT team has finally set a date of Aug- 2022 to
   publish the Phase 1 implementation specification (called the "OneDoc").

   However this work is dependent on getting several data processing agreements
   (required by the approved policy) that ICANN org must "negotiate and enter into" with
   CPs, DRPs and Escrow providers.   These negotiations have been ongoing for 2 years,
   including face to face discussions here in The Hague, and neither ICANN nor the CPs can
   say when (or even if) they will complete. It will be important that we understand the
   impact the lack of DPAs will have on the implementation of the Phase 1 policy (and
   whois in general).

   ==Assuming the IRT does publish its work for public comment in August, the BC will need
   to spin up a comment team.   Alex is willing to lead the effort, but it will be important to
   form a deep bench of BC members to review, understand and draft our comments to
   the numerous IRT documents, including the many updates to existing consensus policy
   docs in the forms of "red lines".==

Channel 3. Supporting discussion/voting on matters before the Commercial Stakeholders Group (CSG)
Tim Smith is the CSG Liaison for the BC.

The Commercial Stakeholders Group is comprised of the Business Constituency, the intellectual
Property Constituency and the Internet Service Providers and Connectivity Providers Constituency.
The CSG advocates for issues of common interest. Priorities for 2022 are:
- Having Coordinated action with GNSO on areas of common interest
- Improving access to registration data
- Helping to successfully mitigate DNS abuse

CSG Membership last met on May 10. The topics discussed were:
- Potential abuse-related RAA amendments
- Accuracy scoping project
- ICANN prioritization framework
- SSAD and the ongoing Board/Council/small team conversations

There was no meeting of CSG scheduled during ICANN 74 but we will be setting a date for a post-ICANN meeting in the weeks to come.

On June 1, ICANN org provided an update on Planning Prioritization Framework Project Pilot during a Planning and Finance Update webinar during ICANN 74. At that point, and indeed during the **Plenary Session: Who Sets ICANN's Priorities?** session on Tuesday, June 14, while the priorities of the outstanding Board Recommendations have been determined, we will not see Org's assessment of dependencies or financial and staff resources with focus on FY23 for another couple of weeks. Planning for FY24 will commence at end of June and they will obtain input from community to enhance planning going forward.