Transcript GNSO Council Teleconference
3 September 2015 at 15:00 UTC

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http://audio.icann.org/gnso/gnso-council-03sep15-en.mp3
Adobe Chat Transcript
http://gnso.icann.org/en/meetings/transcript-chat-council-03sep15-en.pdf
on page: http://gnso.icann.org/en/group-activities/calendar#sep

List of attendees: NCA – Non Voting – Carlos Raúl Gutierrez
Contracted Parties House
Registrar Stakeholder Group: Volker Greimann, James Bladel, Yoav Keren
gTLD Registries Stakeholder Group: Jonathan Robinson, Donna Austin, Bret Fausett
Nominating Committee Appointee (NCA): Thomas Rickert
Non-Contracted Parties House
Commercial Stakeholder Group (CSG):Phil Corwin, Susan Kawaguchi, Osvaldo Novoa, Tony Holmes Heather Forrest, Brian Winterfeldt
Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Marilia Maciel, Edward Morris absent apologies proxy to Marilia Maciel, Stephanie Perrin, Avri Doria - absent apologies proxy to Stephanie Perrin
Nominating Committee Appointee (NCA): Daniel Reed

GNSO Council Liaisons/Observers:
Olivier Crépin-Leblond– ALAC Liaison
Patrick Myles - ccNSO Observer - Absent apologies
Mason Cole – GNSO liaison to the GAC

ICANN Staff
David Olive - VP Policy Development
Marika Konings - Senior Policy Director
Rob Hoggarth - Senior Policy Director
Mary Wong – Senior Policy Director
Julie Hedlund – Senior Policy Director
Steve Chan – Policy Director
Lars Hoffmann – Policy Analyst
Berry Cobb- Consultant
Glen de Saint Géry - GNSO Secretariat

Guest:

Jonathan Zuck – Chair - Data & Metrics for Policy Making WG

Coordinator: The recordings are started.

Glen de Saint Géry: Thank you very much. Good morning, good afternoon, good evening, everyone. This is the Council call on the 3rd of September. And on the call we have Bret Fausett, Donna Austin, Jonathan Robinson, James Bladel, Yoav Keren, Volker Greimann. And I do not yet see Thomas Rickert. Thomas, have you - yes, I do see Thomas on the Adobe. Thank you.

We have Phil Corwin, Susan Kawaguchi, Brian Winterfeldt, Heather Forrest, Tony Holmes, Osvaldo Novoa, are you on the call? I do not see him yet. Marilia Maciel, Amr Elsadr. David Cake, are you on the call? I don't see David either. Edward Morris has sent his apologies, he cannot be on and he has given his proxy to - I will tell you in a second. Avri Doria has sent her apologies. Edward has given his proxy to Marilia Maciel. Avri Doria has sent her apologies and given her proxy to Stephanie Perrin. Stephanie Perrin, are you on the call yet? I do not see Stephanie - yes...

Stephanie Perrin: Yes I am.

((Crosstalk))

Glen de Saint Géry: Thank you. Carlos Gutierrez, Olivier Crépin-LeBlond, Mason Cole, and for staff we have David Olive, Marika Konings, Julie Hedlund, Lars Hoffman, Berry Cobb, Mary Wong and myself, Glen de Saint Géry.

Thank you, Jonathan, over to you. Sorry, and Steve Chen.

Jonathan Robinson: Thanks, Glen. And hello, everyone. Welcome to today's GNSO Council call. You will have seen the agenda. And for those of you that are in the Northern Hemisphere and have taken a summer break and I guess to some extent we all took a little bit of a break in that we didn't have a - an August meeting so welcome back after a while.

It would be good if we could resize that agenda slightly in the Adobe Connect room, please, it's a little small. Thank you, that's perfect. Great. So you'll see that in front of you.

And it's by now it should be to most of you a familiar format. We start off under Item 1, we've had the roll call, and then we then take some updates to Statements of Interest. And we have one from Donna Austin. Donna, I don't know if you want to say anything about it. There's a link provided. Feel free to make any comments you would like at this stage.

Donna Austin: Thanks, Jonathan. Donna Austin. The change relates to the recent acquisition by Neustar of Bombora Technologies, my former employer. So I'm now working for Neustar. So that's the change. Thanks.

Jonathan Robinson: Thanks Donna. That's useful to know and thank you for being diligent about updating that. I guess it's a useful reminder to everyone to keep your statement of interest current. It may be just if you want to click on it and check that it does accurately reflect your current position.

Unfortunately we've managed to fall behind on the minutes a little for which I'll take responsibility. I'll catch up on those shortly and will post those minutes. Of course you all have access to the recordings and transcripts from the calls in any event if you need to check.

I think typically we'd move on to Item 2 at this stage and just check off the ongoing and running action list. Much of what is on that list currently is either covered on the main agenda or has been completed. So as you look throughout we've got work on the Dublin meeting and the latest version now looks at turning or suggesting possible topics for discussion in key meetings. There's been a little bit of discussion on that on the mailing list so that's useful. It's always helpful to either get positions from councilors and - that have come up through their respective groups. And to discuss those.

I guess the one thing I would say in this respect is that we shouldn't -- we should recognize that the role of the Council and in terms of suggesting those topics that shouldn't be just another avenue to cover work that's adequately covered through our own groups or constituencies but rather recognizing the broader GNSO and specific Council role in dealing with those. So that's the only sort of point I put on that. But it's very useful to get some active contribution and discussion about those and how we can make those sessions productive.

I mean, we're essentially in a (unintelligible) position to get some good air time with key people. And it's worth utilizing that effectively. And so to the extent you can help do that that's great.

On enhancing ICANN accountability, that's clearly are - the major report is out for public comment and we will come to that as an item under the agenda later on anyway. There's a dedicated spot as there has been for the last half-dozen Council meetings or so.

The next live item is live but open is waiting to hear further update on the work NGPC letter that we received - although there's some active work relating to the curative rights, which we'll come to later. But there's no updates as far as I'm aware on this particular item on the outstanding PDP recommendation.

As far as the GAC communiqué work is concerned, we completed that and submitted that and have had receipt of that acknowledged. I guess there's a question mark there as to whether we do anything more than that. Now we know that's been received, we've had acknowledgement of receipt. We could follow up and say, you know, ask whether that was useful or not or we could simply go through another cycle and process the GAC report in the same way coming out of the Dublin meeting.

And then this maybe a topic that's probably worth actually thinking about it off the top of my head here, this is probably one thing, and maybe some - one or more of you from either staff or councilors can keep me honest on this one. And it's really something we could touch on with the board and just ask them for any immediate feedback.

I suppose specifically a board suggestion as such, it was something that Bruce in his individual capacity raised with us at our Council development session back in LA. But nevertheless it's a useful topic. So I see a couple of checkmarks from Amr and Carlos. That's good.

So let's just make sure we get that as a - as one item. It needn't take more than, you know, 5-15 minutes of our time with the board but its worth checking - getting some feedback on that.

There's various items that are completed here. Letters gone off to the GAC with regard to being more coordinated and effective on work on the country and territory names. Making sure we don't work in separate silos there. The other items you see below there on the issue report on gTLD registration services, the SSAC.

We've got a new item here which is making sure that we keep close to the timing of the GNSO liaison to the GAC, that we review that and the effectiveness of that and are aware of the budget cycle as well in terms of potentially another year's funding. But I think we'll need to be aware of that.

I'm just noticing Mary's comment in the chat saying wasn't this at least mentioned to the board. Yes, I'm looking here - we're going back to the GNSO communication on the GAC communiqué. Yes, I mean, it has but it would be good to get some feedback on it. So it's not - it certainly wouldn't have come from out of the blue, there's no doubt about that. But it would be interesting to get their feedback or thoughts on that in any event.

We have formal approval that the timing for the Council election - chair election. We've done our appointment for - of experts for review of IDN guidelines. And thanks to those of you who contributed to the final email discussion on that and the sort of pragmatic approach we took. And then we've written a communication on this (unintelligible) PDP.

There's an open item here, which I think was raised by Avri and/or David Cake relating to whether or not there's work for cooperation with the IETF before the GNSO Council and IETF. But I think we haven't got either Avri or David there's probably not much more to be said about that. We'll leave that open and talk about that either on this or in future.

And then on the curative rights protection for IGOs and INGOs, down at the bottom of Page 2, Philip Corwin is due to report back to us later in this meeting as part of the agenda item.

Oh David, good, I see you there. Feel free to come in then if you'd like to talk about this if there's any development on this collaboration with IETF. Otherwise come back to us on this. I'll pause to see if your hand goes up.

David Cake: The short answer is there has been no change on this issue so we don't need to talk about it at this meeting. Nothing has changed since the last meeting.

Jonathan Robinson: Okay. Thanks, David.

David Cake: Well the only one thing is it looks like the dotOnion RFC is going to go through. So (unintelligible) in that we could talk about it but nothing specific about the ongoing situation.

Jonathan Robinson: David, go ahead.

David Cake: No, I was saying it looks at this stage as if the RFC for (unintelligible) dotOnion is going to go through. I mean, not sort of signed and delivered yet

but if anyone has any interest in that specific top level domain we can talk about it but I don't think - been discussed before, I don't think anyone is really specific interest.

And in terms of, you know, discussing how we do ongoing cooperation between the two there hasn't been anything with regard to that. I think we can...

((Crosstalk))

Jonathan Robinson: Thanks, David. Got a hand up from James Bladel which maybe a follow on from this anyway so go ahead, James.

James Bladel: Thanks, Jonathan and David. James speaking. And I think I raised this last time as well but, you know, while I think it's worthwhile discussing just a general collaboration and being generically aware of what's going on in the IETF I think specifically to keep a close coordination or close eye on the issue of the developments or the discussion of development of the RDAP platform and protocol within IETF and how that - or any changes to the underlying technical and operational protocols of Whois, can affect the run up to this expected PDP on next generation registry director services.

Because I just I feel like the two groups are working very hard and very well intentioned but not necessarily in a coordinated fashion. And I just wanted to ask David if there were any updates or specific discussions or accomplishments in that area that might impact the launch of that PDP on next generation directory services.

David Cake: I'm not currently aware of any but I'd be happy to look in and report it to the Council mailing list.

James Bladel: That'd be great. Thanks.

Jonathan Robinson: Okay so that sounds like a minor development, then perhaps we can capture that in the action items and just make sure that if we are to do anymore that that's recorded and we can track that.

And I notice that Amr has put a very useful point regarding previous point I was discussing which is that the review of the GNSO liaison to the GAC. And since the - as you'll be aware the work of the GAC GNSO consultation group and so that is the genesis of it. It may be that we get initial suggestions - give that as a piece of work to the GNSO GAC consultation group and get them to come back with any suggestions.

And even possibly to go so far as to review the function or at least provide guidance on that. So I think that feels like a good suggestion. Are there any concerns or issues with that? I know the group is - the consultation group is due to meet again very shortly, I think it's next week so that could be useful for them to discuss that and come back with some suggestions.

Okay well let's pick that up in the consultation group and update the Council and if anyone has any reservations about that and the group can discuss whether it either is in a position to undertake the review or suggest to the Council how that review, you know, some parameters or issues around that review and come back on that.

Good well that completes the review of the open action items. Of course you're also provided with a thorough summary of the ongoing projects and the link is in the agenda in order to be able to do that. Are there any comments or questions about that project list? And or the action list in general that is up on the screen in front of you. And it's actually - it's a very handy and effective document now with all the (unintelligible) sharing where we are in the different phases of work and so on.

All right seeing none I think I'll move us on the consent agenda. Okay so sorry about the silence there. Back on. Right, so on the consent agenda,

then, there are a couple of points. Can we get the agenda full size again please?

There are two items on the consent agenda. And the one is to approve the adoption of the timeline for the election of the next GNSO Council chair, which you've seen previously. And the second is on - to approve the transmission of recommendations reports to the ICANN board following the Council's recommendations that the board adopts the final report.

Unfortunately that's - all though there's nothing materially different in that from the final report this is really just approving the transmission. There's a technical breach here in that we haven't seen those recommendations come to the Council list 24 hours before.

I thought about whether we could simply waive that requirement but it's just - it's a technical point that there's no particular benefit to doing so. It's not going to speed up the implementation of this. So I think that we'll do, just to be strictly correct is withdraw that up again at the next meeting when you've had the requisite 24 hours minimum to see that document.

So really if we could just record then that Item 3.2 is being withdrawn from the agenda and the consent agenda is really now 3.1, the adoption of the timeline for the election of Council chair.

With that understanding I'll call for a vote on the consent agenda. And is - can I get an indication of anyone who is not happy with the Item 3.1 remaining on the consent agenda? Anyone who would like to abstain from voting on the consent agenda? Anyone who would like to vote against that item on the consent agenda or the consent agenda as a whole only containing the one item?

So, Glen, if you could record that all those present are in favor of the consent agenda, which for the record is Item 3.1, the adoption of the timeline for the GNSO Council chair.

Glen de Saint Géry: Thank you, Jonathan. I will.

Jonathan Robinson: Thanks, Glen. Next item, Item 4, is an opportunity to discuss the state of where we are with the issue - preliminary issue report on the new gTLD subsequent procedures. We've got - that issue report is now out for public comment. It went out on the 31st of August, a couple of days ago. And to provide us with an update of the status quo and the respective timeline of that I think we've got Steve Chan from staff around. And checking that Steve is on. I don't see him amongst the hosts but I...

Steve Chan: I'm here, Jonathan.

Jonathan Robinson: Okay, Steve, good. Well why don't you go ahead and bring us up to date and then we can have a discussion on that.

Steve Chan: Sure. Let me just go ahead and post the link to the preliminary issue report in the chat module. And so there's - this agenda item is really about the length of the public comment period but I want to take a moment just to talk about and provide a little background and context around report because that might be worth taking account in the discussions on the length of the public comment period.

So the issue report is in part about providing the Council as well as the wider community enough information to determine whether the PDP is actually warranted but it's also about providing, if and when there is a PDP, sufficient background information, suggestions on how to organize the work, what subjects may warrant prioritization, what topics or subjects may be more operationally oriented, etcetera. So that when they PDP does start the

working group can get off and running and started have equal information about the topic and subjects.

So the issue report is, you know, generally intended to set the scope but I think a better way to look at this one is that it's more of a baseline or a foundation that will help the PDP working group to start off and running.

And for those that have taken a look at the report they'll notice that it's rather long, as an understatement. So each of the subjects that the discussion group had identified have been broken down into background and analysis of the issue and the determination of -- at least a preliminary determination of whether or not staff has -- or thinks that policy development may be warranted for that particular subject.

So just wanted to provide a little context. And so the detail in the report is hopefully to prevent efficiency gains downstream. And I just want to talk about the -- sorry -- it's broken into by his preliminary groupings. There's 38 subjects so each of them have that breakdown I was mentioning, the background and the analysis.

Some of the subjects are more foundational like whether or not the program itself should even continue. Some subjects are in regards to possibly new topics or new policy development like creating different TLD types and then the accompanying variable fees that possibly may result.

Some subjects have perhaps separate policy development efforts such as IGO INGOs and RPMs. And then another one - subject I want to draw attention to is the closed generics, which is pertinent to Item 5 on the agenda. And then also it relates to -- that subject is also global public interest which is related to Item 5 but it's also possibly beyond the scope of that PDP on new gTLDs.

And they also want to note there's actually a separate effort related to the global public interest related to ICANN's strategic plan. So just a little background on the report itself, why it's so long.

And so moving on to the actual public comment length, period, right now its set to 40 days which is really the default or minimum. What that does is it results in a close date just a few days before people start traveling to ICANN 54. And as Avri has pointed out, although she's not on the call, you know, it's not necessarily considered ideal to have something -- the public comment period closing right before the ICANN meeting.

But I also wanted to point out that public comment periods that are longer than the 40 day minimum are not really necessarily rare. So for instance the next-generation gTLD registration directory services preliminary issue report, that one is actually a shade under 60 days. And as well public comment periods have been customized to fit around certain milestones or, in particular, ICANN meetings.

So with that in mind I just want to run through a couple scenarios that the Council can consider and to possibly help with the discussion. So if we stay with the 40 day public comment period that would result in a 10 October public comment close date and then assuming 30 days for the public comment summary analysis and the finalization of the issue report that would result in the 9 November delivery of the final report which coincides with the 9 November document and motions deadline for the November Council meeting.

So the second scenario I wanted to talk about is if there is a 60 day public comment period. That would result a 30 October public comment close date which is one week after the ICANN meeting. And that would then result in a 29 November final report which is prior to the 7 December document and motion deadline.

And I know I'm rattling off a lot of dates and I'll get this into the chat module in a second so you guys can stare at it. But the final scenario I wanted to talk about is a 67 day public comment period which results in a 6 November close of the public comment period which is two weeks after the ICANN meeting which I think is something that Avri had hoped for. And that results in a 6 December final report which is before the 7 December document motion deadline.

And so I just picked some dates and obviously the Council could choose a different public comment period. But I just wanted to provide some scenarios that could give you illustration of how it would be impacted.

And I also wanted to note that the assumption is that the final report and the public comment summary could be accomplished in 30 days and that could obviously be impacted by substantial public comment or the substantial changes to the report. And so once again those are just some scenarios to open up the discussion.

And so unless there's questions I'll get those scenarios into the chat pod and otherwise handed over to Jonathan to moderate discussion. And I know there are opinions on both sides of this issue so I think he'll talk about process in terms of if we do want -- if the council does want to change the public comment period how that can be accomplished. So back over to you, Jonathan.

Jonathan Robinson: Thanks, Steve. A couple of remarks before we open up the discussion. And first of all I think that's pretty clear. In effect one key factor, although as you said the scenarios are quite flexible, but given the kind of example scenarios you talked about we are either considering the final report at our November meeting or our December meeting. And then there's a couple of issues around the Dublin meeting whether that comes out a week before the Dublin - the public comment period closes a week before the Dublin meeting or not approximately a week.

From a Council point of view we can review this and we can form an opinion on it. I think what's important though is our view is not necessarily a determination. The report is published with a standard 40 day comment period. Providing no one does anything about that, unless staff take a view of their own, that 40 day comment period will stay.

If the Council and or others make significant representations about that if I guess really the prerogative of staff as to whether they modify that or not. But clearly they're going to take direction from the (silence) they're given. So the Council in not making a determinating - a determinant decisions right now. We are feeding into the process as an influential body, should we even want to go that far.

It may be that we just air our views amongst each other and it may be that we have sufficient diversity of views that is clear that the council doesn't have a view as such. I guess if we were to try and form a Council view we would probably need to take a vote on it as to whether or not the public comment period was extended.

Now we don't have emotion as such so it's an interesting position. I mean, so really as I said, there's some slight process hiccups. I think we could probably via a vote take a position on it but it's slightly difficult since we don't - there's not a motion as such. So unless somebody from staff corrects me or anyone else with a perspective view of the process, that's my understanding. The Council could potentially make some input or it could be made via our respective groups.

And it may be useful to hear where the different groups are at. I know we've had a little bit of dialogue online. And there's quite some differing views. Some are in favor of having more time to consider a large report and spending time on it. Others have talked about things like the fact that this

needs - this is a very - a relatively small part in a long process and we should get the first part of the process under way and complete as soon as possible.

So any thoughts or comments? I notice that Amr's made the point that if necessary we could vote on this between Council meetings. And first with his finger on the trigger is Brian Winterfeldt so go ahead.

Brian Winterfeldt: Hi, Jonathan. Brian Winterfeldt for the Intellectual Property Constituency. As Steve noted, this is quite a lengthy report and quite an important topic. I do think the IPC would be in support of a longer comment period for this extending from the typical 40 day period to the 60 day period.

We think this is especially important kind of looking at the timing for the Dublin meeting. I think we all talked about this and I believe Avri referenced this as well where we're all started getting ready for the meeting and then we're at the meeting and then we're decompressing and trying to catch up with our other responsibilities when we get back.

And so we think it would be ideal to have, you know, the closing date pushed back to just give us a little bit more time once we get back from the meeting to get our comments together. But of course were open to hear what other councilors and other constituencies think as well. But that's - we wanted to sort of put that thought forward.

Jonathan Robinson: Thanks, Brian. I just keep in mind the facts here for us to make sure we're clear on. If it was 60 days, the public comment closes at - on the 30th of October, which is how long after the Dublin meeting closes? It is only one week after the meeting closes so - to essentially - but I would imagine the point is that comments can be worked on in part during the course of the public meeting.

Brian Winterfeldt: That's right. The idea is that we would have the meeting to work on and talk about our comments and then have them completed. You know, frankly the

67 day period would probably be even better that Steve put forward to give us the two weeks after the meeting. But I think certainly we're erring on the side of more time but we are respectful of the fact that other people may feel the need to have the comment period be shorter. So that's why we're trying to balance our request.

Jonathan Robinson: Thanks, Brian. Let's hear from others in the line then. Philip Corwin next.

Philip Corwin: Thank you, Jonathan. Philip for the record. And speaking on behalf of the BC we've taken an informal sounding and there's a pretty strong consensus for 60 days, which is what we discussed. I don't think we'd have any objection for 67.

And there's a number of factors. One, this is a very lengthy report on a very important topic. And it comes at a time when the community is somewhat overwhelmed on transition and accountability. It look like those comment periods were closing next week but with the board CCWG call that took place last night and the possibility of face to face in LA on accountability later this month that's going to continue to consume a lot of attention.

Second, extending the comment period would give folks a chance to engage in both formal and informal discussions on this topic in Dublin and submit better informed comments. Third, the only effect would be to delay the Council consideration by one month. And in fact I think the Council would have more opportunity to focus on this in the December discussion because I think November will probably be dealing with a lot of the after effects of Dublin.

And finally, we're talking about this leading to a PDP and a second round which won't start until 2017 or 2018. So having the effect of a one month delay or - and Council consideration is very minor in that overall context. So thank you for your consideration of those comments.

Jonathan Robinson: As a clear point, just to keep in Brian and yourself should now drop your hands having spoken. It's a interesting suggestion that Bret made. We could - and I think this is probably useful practical point so if you could think about that is that essentially we can discuss this, make our points clear now. And we - in terms of putting it - a Council position out on this if we see fit to do so, we could easily process this at the later - at the meeting later in September and then I think that - my sense is that that would be - while staff aren't obliged to follow that, if the Council had a motion that was passed to extend the public comment to, let's say, for argument's sake, 60 days, and that was passed at the later September meeting, it would be hard for staff not to respond to that.

So that feels like a very practical suggestion. So just bear that in mind when you make your comments now that we have a mechanism potentially to deal with that that's been sensibly suggested by Bret and nevertheless it's useful for us all to hear each other's views either of our own or representing the different groups or constituencies we derive from.

Go ahead, Volker.

Volker Greimann: Thank you, Jonathan. I think you described the perfect way forward. I agree this is a very lengthy report and there is a lot of discussions that will have to follow from it. So in depth analysis of whether this report contains any birth defects that might hamper or hinder the discussion later on is important.

I'm not sure if we actually need that much time because the report is not dealing with an entirely new subject. Everyone - every councilor, the entire community has already had a chance to look at the first round of new gTLDs unfolding and therefore this builds on that. This is just a follow on on the first round to see what needs to be improved for the second round, what needs to be changed. So 40 days may very well be enough even for that in depth analysis.

I'm sure that there is different opinions on that. And I think we should have that discussion because it's an important topic. But I shouldn't - I wouldn't say that we as a Council should at this time decide on whether we need more time before this discussion has taken place in the different constituencies and within the community. We should look at this just like you said, at the next meeting and then decide based upon what the community tells us.

Jonathan Robinson: Thanks, Volker. That's a slightly different spin on it - on the same point. That is a good - it's a good point. I was thinking purely with my process hat on but you're right, there's another dimension to it. And that is that we take formal - not only would we have a position to be able to then vote on or not, we would be getting directive from our different constituencies and groups as to whether they needed more time in any case.

So that - just to make it clear though, if for example, the Council came out with a view that was - that 40 days was sufficient that's not to say the public comment won't be extended at staff discretion in any (unintelligible) event if another group, for example the GAC, felt very strongly about this. So just to be clear, like I said at the outset, we don't determine this, we can influence it. And my opinion is that if we came out and said 60 days or 67, for that matter, staff would be hard pressed not to respond to that. But if we say stick to 40 it's not guaranteed we do.

Olivier.

Olivier Crépin-LeBlond: Thanks very much, Jonathan. Olivier Crépin-LeBlond speaking on behalf of the ALAC. And the ALAC has discussed the length of the public comment period and the process during its last monthly call. And the preference of the ALAC, given that the report is rather long, 147 pages, it's the key report or a key process, the new gTLD process is not just something for a subset of ICANN. It really is of interest to most of ICANN's community.

And so the feeling is, and it's a strong feeling, that the public comment period should be the 67 day period that would - I note - let the deadline be the 6th of December for the final report. That would actually make it in time for the 7 December final document deadline.

It's important for the community to get involved with this process as early as possible so as not to end up having questions being asked later on in the game. I think it's important that we - in the interest of openness and giving the ability for all stakeholders to carefully consider the report and to continue to contribute to the process as early as possible is to go for that longer length of public comments. Thank you.

Jonathan Robinson: Thanks, Olivier. I'll just go straight to Bret next.

Bret Fausett: Thank you, Jonathan .I think we as councilors understand the purpose of the issue report very well. I think there's possibly a trap though for people who know the procedures less well than we do, which is viewing this as an opportunity to advocate particular policy outcomes or try to shape what the policy outcomes are going to look like in the PDP.

I think it's important to remind people in our constituencies and especially people from outside the GNSO, the GAC, the ALAC perhaps, ALAC probably knows very well this process also, but people outside that this is really just an issue report and that the purpose here is to make sure we're on the right track.

It's - as I see it it's sort of a quick look for completeness and accuracy, not a place to dig deep down into the policy outcomes. So I think when people look at it that way the comment is perhaps less daunting than it seems. We're going to have plenty of time on the other side in 2016 to debate the merits of the various outcomes. So just want that to be in the front of everyone's mind as we move forward.

Jonathan Robinson: Thanks, Bret. And that's an interesting point and it makes me then think of the position of the Council in all of this because we of all people should be familiar with the process and the purpose of each step in the PDP so I think it's very useful to remind of that point. Let me go to Marilia.

Marilia Maciel: Thank you very much, Jonathan. This is Marilia speaking for the transcript. I think that this is for us really heavy and complex for staff and so probably have been complex for our communities to digest as well especially considering that we have many parallel issues that are draining resources from us.

We had a call from the NCSG two days ago and we informally discussed this matter. And there is a general feeling in the community that an extension would be welcome. We talked about 60 days but I think that we would have no problem with 67.

And our (unintelligible) the fact that we very much welcome the organization of a session about this in the upcoming meeting in Dublin as has been suggested by staff. And I think that if we decide earlier that we (unintelligible) would be considered we would have more time to program for the session defined (unintelligible) does not compete to many other sessions and to mobilize our communities to participate.

So I think that at least for us here in the position to agree with an extension right now. Thank you.

Jonathan Robinson: Thanks, Marilia. Amr, go ahead.

Amr Elsadr: Thanks. This is Amr. Yeah, first I'd like to thank Bret for pointing out the purpose of the issue report and that is something important to keep in mind because we're not actually going - we're not - the community is not meant to submit a public comment on a policy document, this is just a document to sort

of scope out the issues and folks need to just be sure that all the issues that need to be discussed once - or if a PDP is launched and everything is there.

Having said that, I do agree with a lot of the views coming forward put by Marilia, Olivier and Phil, from an NCSG perspective I would just like to say that there are a number of open public comment periods that we are having - that we are struggling to sort of draft comments on and have those reviewed and approved. And this also eats into some of the time we can spend on reviewing this document even just from an issue scoping perspective.

So having said that, I think I would also be in favor of an extension. I realize that an extension might mean quite a lengthy one especially if we want to go down the 67-day route. I think that's reasonable in terms of not wanting to have a deadline too close to an ICANN meeting. But I'm also not very sure why we need to have another Council discussion on this at some point. I think that's something we're actually discussing adoption of the final issues report and launching a PDP.

One final point is that if the final report is actually delivered - the final issues report is actually delivered on December 6 and we will have one day for a motion to be submitted for the deadline on December 7, that still gives us a tight window to review the final issues report and folks to - are pushing for the 67 day period should be aware of that. So I'm thinking maybe a 60-day public comment period might be better, it gives us a little more time to submit the motion on the final issues report and have a chance to sort of look over it before we look at this on Council. Thanks.

Jonathan Robinson: Thanks, Amr. Donna.

Donna Austin: Thanks, Jonathan. You know, notwithstanding I think a 40-day public comment is probably my preference for which way we'd want to go on this given that there's been extensive work already done on this through the discussion group.

I just want to make a point on the 60 versus 67 days, I think I prefer 60 days. That gives the staff a little bit of extra time in terms of pulling the report together. As Steve said, they, you know, they require a 30-day period for finalizing the report. But I don't want to see that push out - have to be pushed out so that we actually miss that timeframe for considering the report in December. So I think I'd prefer a 60-day timeline and that gives staff I think if I've got the numbers correctly, 37 days to get that final report finalized.

Because I'm concerned that, you know, we started this process with thinking that this issues report would be available on the 8th of August. And we had a request to push that out because of the volume of work involved. If we extend this for another 60 day period, you know, the consequence of that could be that we have more detailed comments, which make it more challenging for staff to sift through those and work it through.

So I understand, you know, Philip made the point that nothing is going to happen in this arena for quite some period of time but the more we push these dates out the longer that, you know, timeframe becomes. And I think we're - we should respect the process to the extent that we can in terms of identified timelines. I think we're setting an unfortunate precedent if we allow slippage on a regular basis particularly on this issue. And I do understand that there's other, you know, everyone has resourcing issues at the moment because the amount of work going on.

But we also need to be conscious of paying some attention to the process that has been developed over a period of time for very good reason. So, Jonathan, I think in summary, if we are going down the path of 60 versus 60 days - 67 days - let's say for 60 that gives staff a little bit more time to finalize that report.

Jonathan Robinson: Thanks, Donna, for yours and to everyone else who's contributed what feels like a pretty high quality discussion then, that's useful. What I think I've

heard, and I hope you'll agree, is that there is a relative balance of view between extending and not extending and so we have potential decision to make there. And in order to make that as a Council we need to put that to a vote.

I propose to you that that vote, that motion, is simple and short. And it doesn't take up a lot of Council time next time. And it simply offers the Council the opportunity to put a position to staff to have a 40-day - to retain the 40-day public comment period or extend it to 60 days. And so we'll be essentially voting to extend to 60 days or not. And that feels like it represents the balance of views to me. And we should do that at the next meeting.

And I would encourage everyone in then representing this issue to their groups to go back and listen to the audio obviously because it feels like there was some high quality points made for both. And it's really worth think about it properly again and just making sure that when we form our views with our respective groups we've heard what others have said about it.

So that feels like the right way to go. And I propose to you we get a motion. Can I have someone who's volunteered to make that motion assuming there are no disagreements with that approach? And then that can be drafted quickly and I'm sure will help with the drafting, it's a very simple motion. Motion to - for a Council position to extend to 60 days or not and we can pick this up on the list. But if anyone would like to volunteer to be the maker of that motion all better.

Okay please disagree with me if you think that's an unfair summary of things. But it feels to me like that represents the discussion. Seeing no one challenging that we'll go forward with that approach. And then we'll move on to Item 5. And thank you, Steve, thanks, staff and thank you all for decent quality discussion on that item.

The next item deals with a letter from Steve Crocker to the - me - but really to the Council. It was addressed to me. But it's really looking - asking the GNSO to consider and be sure to deal with a point on - a specific point really which is this issue around generic strings, TLDs, (unintelligible) and the GAC view that exclusive registry access for generic strings should serve a public interest goal and I guess therefore if it doesn't they shouldn't be permitted.

So the question that seems to being asked is very specifically the NGPC - that the GNSO include these - should have exclusive registry access for generic strings serving a public interest as part of our policy work. Now I understand having to do that as part of the - the preliminary issue report that we've just discussed (unintelligible) deal with it. The question is, I guess, are we - and I think we could usefully write back to Steve and say - and the NGPC board, the ICANN board, and say, look, we do intend to deal with it and its here.

The question is, is that just a simple reply like that or is there something more - more clarity we should be seeking? For example, are we satisfied that we have sufficient definition of public interest? Is it clear to us in developing this or do we need to ask where in the community that's being dealt with?

Any thoughts or comments on this issue? I know that we've a little discussion. James Bladel made a point and, James, you may want to come in this. Go ahead.

Amr Elsadr: Hi, this is Amr. Jonathan, did you give me the queue to go ahead?

Jonathan Robinson: Yes, Amr, I did.

Amr Elsadr: Thank you. Well, yeah, the public interest that is kind of what sticks out for me. If this is going to be, I mean, as I said before I have no objection to adding items to an issues report because, again, this is not a - this is not a policy document, this is just a document to scope out all the issues and make

sure they are addressed once the PDP begins. So I have no problem doing that.

But I guess what I would like to see is - because of course now a PDP working group charter or a draft of that charter would be included as part of the final issues report. What I would like to see is that public - the term the public interest not be sort of just a standardized term. It needs to be discussed. If we are going to discuss this - if a PDP working group is going to discuss this within the - put in the context of public interest then there needs to be an argument of why this is in the public interest if it is at all. So just - it's just about how it's sort of - how it's placed - how the context is sort of set up for that.

I'm also not exactly clear why the ICANN board is sending this letter to the GNSO Council. I'm guessing if anyone wants to include something in the final issues report I would like to point out something needs to be included to be discussed by a PDP working group they could probably just go ahead and submit it to the public comment forum. I'm not sure what our role is in sort of agreeing to this or responding to the board.

That's all for me. Thanks.

Jonathan Robinson: Thanks, Amr. I could - I guess my speculation is that the board has an open item on its agenda from that GAC communiqué April 2013, and believes that it can close that item off its agenda by submitting this draft. Just for the record, so that we are aware, and maybe one or more of you in the queue (unintelligible) in any event, this issue is covered in the preliminary issue report. The question is for me its twofold is how if at all - well we should respond in some way to the board letter, and it's really about what the content of that response is and making sure we give a good response.

James.

James Bladel: Thanks, Jonathan. James speaking. And, yeah, I think you touched on it there at the end which is that, you know, I think my question when this came up - and this was a couple months ago - was, you know, what's the intent or the motive for sending this letter that we're not seeing is that coming from - at behest of the GAC and the GAC advice that still remains undone or is it coming up as part of the NGPC agenda?

I think that the specific request to add this issue to the issue report for subsequent rounds is probably, in my opinion, fairly harmless. But I think that if a response is warranted then we should simply reference that inclusion in the initial report.

And then, you know, just thinking out loud here, should we treat this letter from the board as a comment - a pre-comment to that initial report? Because it does sound like they are asking that something be specifically included in that - in that document. And it seems like if it's not there we should add it and if it is there then we should acknowledge as such. Thanks.

Jonathan Robinson: Thanks, James. I guess in - without being flippant about this, we could in responding to the board suggest that they put this on record as part of their public comment - as part of the public comment process. And that would record it in that context as well. Olivier.

Olivier Crépin-LeBlond: Thank you very much, Jonathan. Olivier Crépin-LeBlond speaking on behalf of the ALAC. And the ALAC has discussed this issue previously. There was no consensus from the ALAC about this specific issue. And people feel very strongly in both directions so I'm afraid we're not going to be able to let you know at the moment, we have no preference. Thank you.

Jonathan Robinson: Sorry, Olivier, could you clarify, no preference with respect to?

Olivier Crépin-LeBlond: Sorry for being ambiguous. Olivier Crépin-LeBlond speaking. Yeah, no preference with regards to those - as far as the topic is concerned,

the strings representing generic terms exclusive registry access and the letter from the GAC, the Beijing communiqué that deals with this. So as a result, when it comes down to asking for this issue to be specifically dealt with in the work preparing for the subsequent rounds of the new gTLD program, unable to let you know whether there is a strong interest or no interest on the ALAC for this to be included or not.

As I said, some of our members believe that it's an actual waste of time to be discussing this. And some think that it's very important and it's a matter of public interest so.

Jonathan Robinson: Thanks. That's clear and helpful. Thank you, Olivier. Heather.

Heather Forrest: Thank you, Jonathan. Heather Forrest speaking. I wanted to pick up on, Jonathan, your specific question, should we be dealing with this question of what is the public interest. And I wanted to raise a concern, I'm afraid I'm raising a question without an answer or raising a problem without a solution. But I wanted to raise a concern about the various contexts in which our discussing this concept of the public interest in - within ICANN, within the environment.

It seems that the GAC is looking at this - at the notion of public interest in various contexts. We are now proposing looking at the concept of public interest in different contexts. And it concerns me that we have these parallel discussions that aren't truly harmonized and that we end up at a very (unintelligible) form of what we all understand public interest to mean. Thanks, Jonathan.

Jonathan Robinson: Heather, I mean, one way in which we could work with that is to - in our response to the board is acknowledge that this is part of the preliminary issues report but nevertheless we have concerns over the use of the term "interest" and to the extent that there is a harmony - harmonized view

developed on this the - we'd like to understand what the board's view is on that. Donna.

Donna Austin: Thanks, Jonathan. Donna Austin. So I have a slightly different question in relation to this letter. So this advice came out in April 2013 so almost 2.5 years ago. And this GAC advice has actually put on hold a number of applicants. And there are still about I'm not sure there's up to six that still fall into this category. There was a larger number of applicants that were impacted by this advice that they chose to change their application to be not in conflict with this advice. So we still have you know some applicants that went through a twenty-twelve (unintelligible) impacted by this advice. And I guess my question is why didn't the board come to the counsel earlier and say is this (GAC) advice inconsistent with the current policy?

I guess my concern is that there are I think there was a contention resolution associated with (unintelligible) recently and that applicant is actually in this category. So according to the board resolution on this issue that applicant can't move forward, they will be deferred until the second round pending the outcome of this subsequent discussion on policy. But I would have thought it would have been more appropriate to consider this in light of the policy that currently exists. Given that is the process under which the applicant currently affected has actually submitted their application.

So that's my question. I don't you know disagree that you know absolutely this can be discussed in the second round but this actually had an implication for applicants through the current round that are on hold because of it. So I guess it's a procedural question, why didn't they come to the counsel earlier to see whether it's consistent with the current policy or inconsistent and how that could be dealt with. Thanks (Jonathan).

Jonathan Robinson: That - thanks (unintelligible) point and while I can't answer that what we could do of course is in responding to even the ICANN board letter on this is make the point that you know we know that this issue was raised with the

counsel more than two years after the (GAC) communicate and we would have appreciated it being raised sooner in the way in which you described. So that's one option there. (Susan)?

(Susan Kawaguchi):   (Susan Kawaguchi) for the record. I'm very concerned with this and do feel that we should almost push back with the board and say thank you for the public comments you know we'll include it. Or - and continue that with oh this issue is included. But this statement is general is so voted and then needs lots of clarity so you know I agree with earlier comments about public interest but also generic terms. This one statement alone could generate discussion for months. And so I would not want to have this letter and our action give this statement more weight than the community discussion as a whole on this issue because we've seen, as (Donna)'s pointed out there's been so much - this has already impacted a lot of applicants and so we need to be very careful and really dig deep on both of those terms in my opinion, generic terms and public interest.

Jonathan Robinson: (Unintelligible) interesting and it makes it add to the challenge of how we respond to it. So I'm kind of processing that, I'm thinking about it, (Unintelligible) go ahead. What do you have (Unintelligible)?

Man: Sorry I had to turn off my mute. Two points, quick points I think first of all I think the public issue - interest issue is a bit of a mousetrap, it's a very hard topic to define because everybody has a different opinion of what the public interest is. (Unintelligible) certainly have a different opinion on it than for example civilities have, some user groups have, (unintelligible) everybody has a very complete image of what the public interest should mean but that doesn't necessarily mean that they match up. And if we delve down that hole we risk having a very, very long discussion that may end nowhere.

Second topic is just I agree there's a problem that we already have implications and that meet this - meet this description but I would just very much just that in response to the board that we recommend that the current

implications and obligation the second round be treated the same way, i.e. wait until the second round implications. At least a path forward has been determined on how to treat these on the second round because otherwise the decision now would also imply that applicants in the second round might have a root to argue and has already done this in past and they would be eligible for the same treatment in the future as well even though the rules have changed. That's basically what I wanted to say.

Man: Yes hi this is (Unintelligible). Just wanted to voice a lot of agreement on what (Unintelligible) just said regarding different groups having different views on what is and isn't in the public interest and that really is why that I think this I mean this being a part of issues report and part of the (PDP) I think it is important that the (PDP) working group have the opportunity to discuss the nuances of this and that it shouldn't in any way be pre-determined. Just wanted to voice that and agree with all those, thanks.

Jonathan Robinson: Thanks I must say I might be challenged as to how to respond here because we've got quite a spectrum of thoughts and responses. So it feels to me like we have to say something, that some quite important suggestions be made. That's the only answer is to produce a draft response and then get some feedback on lists on it. So I can't see how else we do this but took me just to the point that (unintelligible) made. I mean my sense is that the precedent isn't being set because no decision is being made. Unless applicants of so called generic revoke their (unintelligible) criteria they're unable to proceed and are forced into the next round whereupon I guess the assumption is that they will get equivalent treatment.

But a couple more and then we'll probably have to try and bring this session to a close. Go ahead (unintelligible).

Man: Just in terms of what the draft include I think it should include the fundamental leisure of the (unintelligible) generic terms but should also add what has happened so far and how many people are waiting and how we are

going to deal with that in the future that brought residual (assets). I think if we want to answer we have to include these both sides - just a suggestion for the draft, thank you very much.

Jonathan Robinson: (Unintelligible).

Man: Yes thanks (Jonathan) this is (unintelligible) again. Regarding a way forward I would also like to point out that the guy at (GAC) GNSO, the consultant group which is working on a pilot space for the issue scoping phase of the policy development process of the GNSO. So according to this pilot project that we've got going on that any previous (GAC) advice should - that is relevant to an issues report for a potential (PDP) should be included and taken into consideration of - I think what the board is asking here is pretty much consistent with what the GNSO council and the (GAC) have been discussing. And so in terms of a way forward they're asking that the (Beijing) communicate item pertinent to this (PDPR) are included in the issues report then I don't see why not.

But I would just also again stress that the specifics of how this is approached and handled needs to be determined by the (PDP) working group not by the GNSO council and not by ICANN staff. And when drafting the issues report and the drafter charter for the (PDP) working group, thanks.

Jonathan Robinson: So is it the case just a simple response that goes and says yes this is going to be part of the work but we know the challenges in the terminology used. And to the instance you know we know there are challenges in the terminology used. But the virtual use of the word generic strings and public interest. And we will you know maybe that's the way to handle it. (James)?

James Bladel: Yes hi (Jonathan), (James) speaking and I agree that's probably the best approach. And I would add to what you just said I would add the suggestion that we say and if the board has further ideas or input on how we can you know make or establish or operationalize certain - what a public interest goal

is, how that's defined and how it should be served. That they're - we would welcome that kind of feedback into the comment on the issues report and on some of the other work on this subsequent round (PDP). Because I think they do, at least what I'm hearing today is that they pose a lot of open ended questions and perhaps we can sort of mirror that back in our response by noting that that's exactly what we are hoping to shake out in this you know in this comment period and in the work to come.

But I think we also have to put a marker down like (Donna) was saying about this is still - we still have some applications that are stuck you know from the twenty-twelve round and we need to figure out how to proceed on those.

Jonathan Robinson: Okay thanks (James). I suppose I can go back to my earlier point, my understanding, and say yes they are but they - well yes okay I won't say anything that - they all (unintelligible) and are going to appear in a future round. (Stephanie)?

Stephanie Perrin: Yes hi it's (Stephanie) (Perrin) for the record. I don't like to sound like I'm pumping the problem but I think this is an occasion where if we are going forward on the scoping of what public interest means and you'll notice I'm avoiding definition because if we ever get there I think all we'll be able to do is scope the parameters. A research report would be very useful. Now maybe that's being done by ICANN staff. If so a public discussion about such a report - a research report would be of interest because it strikes me right off the back that globally the term is different in different courts and different legal systems. And you know this promises to be a very difficult discussion.

I do agree maybe the time has come when it at least has to be corralled somehow. We can't continue on with the cases being blocked but let's not underestimate how difficult this will be. It - we can't just come up with something big that works in one jurisdiction, thanks. So the recommendation was a research report in case that got lost in all of that.

Jonathan Robinson: Thanks (Stephanie). I understand there is some staff working going on, on this in the background. What I'm hearing is a couple of things. We certainly need to reply to (Steve) and the board and I should draft a response quickly. I think we should limit the scope of that response so it doesn't become you know (PDP) in itself. We need - it ought to be brief response which is simply some support for earlier but that does flag the challenges. And then we need to - and then understand where those challenges are going to be dealt with. I don't know if anyone from (staff) has any information on what work is going on, on the public interest work. (Unintelligible) in the chat that there was a strategy panel previously. (Marie) I can see your hand is up, go ahead.

(Marika):   Yes this is (Marika). I know that within (staff) it's (Nora) (Unintelligible) that's responsible for that project. I'm happy to reach out to her and see if she's able to provide an update either in writing ahead of the next council meeting or maybe join the next council meeting so that people can hear a little bit more about what is happening or is being planned with regards to that topic which will also help inform indeed how it fits within the new (TLD) conversation on this topic.

Jonathan Robinson: I think that could be helpful and we could even make reference to that in the reply. (Stephanie) is that a new hand? Alright then I think that's what we'll do. I will draft a relatively short reply, I'm sure - there's been quite a lot of discussion here, I'm sure it won't satisfy all of you. If anyone else would like to make a first go at it by all means let me know. If I don't hear any volunteers then I will make an attempt to draft it and put it amongst you. And we can try and capture a relatively short response and I look forward to hearing back from (Nora) via (Marie) to what she can do to inform us whatever is going on, on the public interest side of things as well. That will be useful.

Next topic then to move us onto the agenda is the work from the (ITO) acronym (unintelligible) (ITO) acronym that's the second level and in particular on the work going on regarding something that (Philip) was going to

follow-up on. So I think I'll just hand it straight over to (Philip) to bring us up to speed in developments or updates at this stage. And assisted by (Mary) if necessary and then we can take it from there.

Philip Corwin: Thank you (Jonathan), I'm reporting now my capacity is co-chair of the IGO CRP working group. We have made zero progress since the Buenos Aires meeting; we've been akin to a sailing ship stuck in a dead calm in the (horse) latitudes. And this is unfortunate because our working group had made very rapid progress up to now with a tremendous amount of consensus.

The reason we've been stuck in place is because the last remaining major issue involves an understanding of the accepted scope of sovereign immunity for IGO's and we've been waiting on identification of some legal experts who can advise us on this and securing some funds for ICANN to pay for that legal input. The staff has - and some of the members of the working group have helped in identifying some candidates for the web expertise in this area, we've secured some funds commitments from ICANN. It's not clear yet whether it will be sufficient to get the input we need but we had only one call during the summer to discuss something which I'll get to in a minute. We have scheduled another call for next Wednesday of the working group in which we're going to consider the candidates that have been identified to provide expertise on this topic. We'll discuss their backgrounds and their price quotes and hopefully choose someone or we anticipate it would take a minimum of 30 days once hired for an expert to respond to the detailed questions we have prepared and agreed to as a working group on this issue.

And so that would mean at best we would receive that report very shortly before the Dublin meeting although there's a chance it may not arrive until after Dublin depending on both the time it takes to side on the expert, get the contract signed and the funding forwarded for them to turn out the report. Now the other thing that's occurred which was the reason for the call we held a few weeks ago of the working group is that the co-chairs had been advised by staff early in July that there would be some meeting of the (GAC) and the

IGO's with some people from the board in Paris the same week as those other meetings in Paris to discuss IGO issues. Generally (Pedra) and I were totally free to attend but there was no travel support available which as a practical matter given airfare and cost of staying in Paris in the summer made it impractical for us to even consider it.

Towards the end of July we received a copy of a letter sent by the head of the OECD, the Organization for Economic Collaboration Development to (Fadi) informing him that some IGO's, still unidentified, the (GAC)'s, some (GAC) members and some board members and staff had worked at some comprehensive solution on IGO issues which they hoped the council would look at which we found rather disconcerting. We knew that some IGO issues were still before the (NGPC) as it relates to the new TLD's, but we didn't understand the board or staff had any authority on IGO issues beyond that. Certainly not for incumbent.

TLD's we did have, now I should say (Pedra) and I had a good meeting with (Thomas Schneider) and (unintelligible) vice-chairs one morning in Buenos Aires as the (GAC) has been much more forthcoming and willing to engage with our working group than the IGO's have. But we've been asking for a month now to have a call to brief us on exactly what they had been decided on in Paris and we have yet to get that call scheduled due to August vacations and other things.

So that's where things stand. We are close to securing the legal expertise we need to produce an expert report on the scope of IGO sovereign immunity which is a critical issue we need to understand to reach finality in our own work. There's this other agreement reached, we don't know how much detail there is in it in Paris by certain IGO's and (GAC) members with the board and staff. I have alerted (Jonathan) and the vice-chairs of the council of my concern about those Paris recommendations to the extent they are at odds with whatever our working group may come up with in the end. And as well

as being a proposal created outside the normal (PDP) process that it can set up some conservable concept on this issue.

But that's where we're at and we are glad that our working group will be able to move forward and hopefully select a legal expert to be hired next week and we await the scheduling of a call between (Pedra) and I with the people who met in Paris with IGO issues to at least get some more detailed description of exactly what type of agreement they came to. But that meeting now happened more than six weeks ago and we still are in the dark on it.

So that concludes my report, I'd be happy to take any questions and engage in any discussion.

Jonathan Robinson: Thanks (Philip), and understanding the concerns the nature of the Paris meeting. And so is there really no - who is - is anyone assisting you to schedule the meeting or how do you propose to practically get that information and get that understanding? Have you got staff support helping you?

Philip Corwin: Yes, both (Mary Wong) and (Steve Chan) remain staff report of the working group have been reaching out to try to get that call scheduled. It was not - my understanding is that it was not able to be scheduled in August because of vacation schedules of (Thomas Schneider) and other (unintelligible) who engage in that meeting. And my understanding is that there's a good chance it'll be scheduled very shortly and it'd be ideal if it was able to take place before our working group call next Wednesday although time is getting short in that regard.

But (Pedra) and I have been broadly available throughout the past six weeks since we got advised of the outcome of that Paris meeting.

Jonathan Robinson: Okay that's helpful thank you. Any other comments or questions for (Philip) at this stage?

(Mary) go ahead.

(Mary):   Thanks (Jonathan) and thanks (Phil). Not a question but more of a follow-up to (Phil) and I think I've said this before so apologies if I'm repeating myself too much. But what (Phil) was talking about was obviously the work of the curative rights (PDP) working group. And so this is just a reminder that in respect of the broader context and some of the other issues around the protection of IGO names and acronyms that what we're expecting to come back from the group of IGO's that (Phil) had mentioned is a proposal that covers both the curative aspects which we presume would then be forwarded to the group that he and (Pedra) are chairing to discuss. As well as what we've conveniently I guess in terms of more preventative types of protection which as you all know is the subject of recommendations that came out of a prior GNSO (PDP) working group which was chaired by (Thomas Rickett).

And I mention this because of two things. One is obviously to complete the picture especially for newer councilors but secondly also to remind the counsel that in respect of the so called preventatives aspects this was a subject of an (NGPC) request as well as a subsequent discussion within to the counsel and so the expectation there is that the requests stay the same in other words that the counsel may be asked to consider whether the GNSO would be amendable to changing its previously adopted recommendations on those aspects.

And the last thing I would like to say on that is that obviously we've been very focused on the IGO acronym issue but those outstanding preventative protections that the (NGPC) had previously talked to the counsel about also encompass a certain number of names, off the red cross movement for example which are currently the subject of temporary interim protections.

So there's nothing at this point for the counsel to act on except to wait the proposal from the (GAC) IGO small group. My understanding from the Paris

meeting is that it's basically going to be a more detailed proposal that builds on the initial (NGPC) proposal that was sent to the (GAC) and the GNSO more than a year ago now. So again just a reminder, a place holder, and I guess we'll see in terms of timing when the actual proposal comes in. Thanks (Jonathan).

Philip Corwin: Thank you (Mary) and again (Mary) and (Steve) have been tremendously helpful as always. But I do want to respond briefly I did mention in my own presentation that we're aware that the (NGPC) has other pending IGO issues other than curative rights process. Again (NGPC) is new (TLD) program committee in terms of implementation details, no authority to make policy. For incumbent (TLD)'s whereas we've been trying in our working group to come up with a comprehensive proposal for both new and incumbent (TLD)'s. And again my concern in particular a gentlemen from the (unintelligible) sat in on our working group meeting in Buenos Aires and made clear in informal comments afterwards face to face discussions that they regard their sovereign immunity as absolute and want a new (CRP) that does not provide registrants with any access to national working group and not going to take any position on that until we get objective legal input.

But it to the extent that whatever comes out of that Paris recommendation would apply to incumbent (TLD)'s and would be at odds with whatever legal advice we may receive and ultimate decisions we may make as a working group. There is a potential of conflict there and hopefully there won't be but we felt we had to flag that for the counsel and make them aware of the possibility.

Jonathan Robinson: Thank you (Philip) and (Mary) I think we can consider ourselves well briefed and forewarned and hopefully this situation can be reconciled in your concerns and unorthodox in various ways that look forward to you maybe achieve that state on the so called Paris meeting and let's see where we go from there.

Alright next item is an update on the work of the data metrics for policy making working group. It's been working for some time and we have opportunity to get insight into the potential issues and the final report presented to our peers by (Jonathan Zook) who has kindly provided his time and availability to brief us. So let's go ahead and hear from you (Jonathan).

(Jonathan Zuck): Thanks (Jonathan) for having me in the meeting and your very full agenda so I won't take up a lot of your time. We're in the middle of our comment - public comment period on our draft recommendations and have received some interesting input and still expect to hear from the registries, registrars, (DC) and IPC before the public comment period is done. Still need somebody to dive the slides so maybe I can say next slide. And I guess next slide.

So the task of the (DMPM) working group was to look at how data could be better incorporated into the policy development process and at what stages and to what end. And so the working group worked on a few different areas and specifically improving use of data and issue identification and scoping, a problem's been identified, use data wherever possible to figure out how big or significant that problem is so that the issue could be prioritized on the working group calendar.

Nowhere is that - no time is that more important than this coming year with seven reviews coming up so we may be talking about review teams more than working groups this coming year. Key performance metrics for recommended policies. So in other words, using data as a way to define the success or the objectives of the policy recommendations that are being made. And then finally using data to assess whether or not the policy recommendations had their desired outcome. So this is sort of along the lines of continuous improvement and reviewing policy recommendations for their efficacy.

Next slide. So the opportunities for data and policy development. We think we can help to evolve the ICANN culture to be better informed with fact-based

policy development, (unintelligible) that the most critical registrant, registry, and registrar issues are addressed, facilitate deliberations and decisions based on tangible evidence as opposed to gut feeling or anecdotal evidence, and promote continuous improvement to policy based on measured outcomes.

So I mean these are basically the objectives. And as we went through and looked at some case studies in the past, we saw areas where data could have brought about more informed decision-making and the opportunity for performance measurement of the recommendations downstream after implementation. And so that's where - how we identified these opportunities.

Next slide. Yes I see (James), I see your comment in the chat, and that's exactly right. These data could be used as part of continuous improvement to either refine the recommendations, repeal the recommendations, and set new ones, et cetera. That's the whole point is to see if the recommendations are having the desired outcome and make a course change if they aren't.

So we talk about data and metrics, sometimes interchangeably. So we have a little definition saying the data is the values that are there, statistics and metrics are basically measurements of that data that we define - use to define the problem or the success of the recommendations.

Next slide. So we have seven recommendations that we have in our draft report. The first one is a kind of pilot effort to - where we're asking the council to set aside a small budget to be available to stakeholder groups, constituencies, and working groups so that they can submit requests for data on pressing naming-related issues so that, you know, if the IPC is questioning the efficacy of the trademark clearing house for example, it might be worthwhile to look at URS data, you know, as compared to trademark registrations so it's, you know, so that there can be a sense of whether or not there was a delta in that as a result, you know, of trademark clearinghouse use.

And so it's a fairly simple statistical analysis that we're talking about, not huge studies like the Whois Accuracy study or a new survey of data but more getting at - requesting data from registries and registrars that they may have already collected or from an outside source that they've been collecting and make available for sale. The money might be used to anonymize data that's otherwise sensitive, et cetera. But the idea is the data on which the working group would have the expertise to perform the statistical analysis.

Probably no more than five proposals would be selected. The idea would be to look at the data request, how the information is managed and how the data got used by that working group, whether it is to try and bring about a new PDP or to prevent one because it is determined that the facts didn't support the theory. And then hopefully as a result of this, adjustments are made to the request processes.

We'll look at establishing some success criteria for the pilot that's basically whether or not the data requests were effective in gaining the data that was requested and what improvements would be necessary for a final budget recommendation that would be made in the next budget cycle.

So it's about looking at this for identification and the charting process, as (Barry) said. So I can stop here and take a question or go through these and then go back and take questions. Jonathan, what would you prefer?

Jonathan Robinson: (Jonathan), I do think carry on, but hands do build up in the chat, feel free to stop and respond to any either questions written in the chat or hands up on the - in the Adobe Connect room.

(Jonathan):   All right sounds good. So next slide. So the second recommendation is that the GNSO direct staff to make updates to GNSO policy development process manual that does update existing text to the early outreach in regard to audience scope and quantitative input.

So there are portions of the operating procedures manual that talk about early outreach to gain information when developing the issue report, and there are areas specific to audience scope, in other words who should be - to whom staff should reach out, if I can say that properly without the hanging participle. And then also the use of quantitative information wherever necessary.

So again it may be a case where staff is making a data request or a data purchase in order to better frame the issue in the issue report. So that is the - that's the second recommendation.

Next slide. The next recommendation is that we recommended GNSO direct staff to create and publish new templates of the issue report charter and final report template as linked to from the working group guidelines. So again the idea here is to update the existing templates to incorporate the use of quantitative analysis in each of them so that each of these thing has a template, as you all are aware, now that are used when people create a new charter or a final report.

And the idea is to add some sections related specifically to data and to continuous improvement to those document template so that each working group will have to make them part of the analysis that they do when they're creating their charter or their final output and final recommendation.

Next slide. The working group recommends to the GNSO direct staff to add a template recommendation that outlines any future working group recommendations and includes an additional recommendation that measure whether the policy change produced the intended effect. As part of the prior recommendation to create work product templates, the charter template works to be updated to reflect a change.

And so again this is sort of more procedural looking, but the idea is that we want to build into the policy development process a timeframe and a set of metrics associated with measuring of the success of those recommendations post implementation. So the idea is that from the very beginning, from the charter stage and ultimately in the final report, there would be a timeframe and a set of metrics wherever possible that would be used to measure the success of the recommendation, and as (James) has suggested, allow for midcourt corrections later on if the intended outcomes are not occurring.

Next slide. The work group recommends the GNSO direct staff as part of prior work product templates recommendations to import the same template recommendations as final report templates. And so again this is very specific but it's about the template for the final report and making sure to include in the final report the notion of continuous improvement and checking back on the success of the recommendation as a work group.

Next slide. And then the recommendation six is to incorporate a metric request, decision tree and form. So the work group put together kind of a data request template that could be used by a working group to request data for their deliberations and a kind of process flow diagram or flowchart that would be used to determine how data was requested and how data would be created.

So if for example data was requested from a registrar and the registrar had a particular objection for example, that the data was business sensitive or contained competitive information, what to do next, which would be to look into ways for analyzing the data so that it wouldn't have those same competitive effects. So that decision tree is - would be built into the policy development process manual.

And next slide. And then again the metrics request decision tree and the metric request form would be imported into the working group guidelines as well. And so again this is - these are very specific recommendations about

how the GNSO could direct staff to make these changes to very specific documents, again the idea being to provide as much - as many tools as possible for working groups to request data and to overcome challenges to those data request, whether they have to do with budgets or the sensitivity of the data.

And next slide. So this where we are on the timeline. We are in the middle of the -- maybe not the middle; there's only about six days left -- in the public comment periods. As I said, we're expecting generally supportive comments from registries and registries, IPC and BC. We will go over them in detail and present the final report, and hopefully submit this to you very shortly in order to be in time for the next vote. So the public comment closes on the 7th of September and we hope to submit a final report to you very shortly after that.

Next slide.

Jonathan Robinson: (Jonathan), that's a very useful head's up in preparation for where this is heading. It gives us the opportunity to be well prepared and actually hopefully not be - need to then defer this but to be able to make a decision at the meeting in which comes up.

So I'd encourage everyone to share this information with their respective groups so that you're aware of this and we can process it as rapidly as reasonably possible when it does come in final form before the council.

Are there any other questions or comments for (Jonathan)? Okay good. Well thank you for your presentation obviously, (Jonathan). And thank you to the councilors who responded during the chat and kept up to speed to with and to give their feedback there. I look forward to receiving the report, and we should be in a good position to do that.

(Jonathan):   And feel free to...

((Crosstalk))

(Jonathan):   ...on the way. Thank you very much.

Jonathan Robinson: Okay. So that puts us in a position to hear an update on a - we've slightly
                     run out of time. Normally I'm - I hadn't realized we had missed over a
                     relatively substantive item here, or at least that I had. We've still go to hear
                     from Thomas Rickert on the latest on the CCWG accountability. Thomas, I'm
                     sorry I've left us, given that we want to hear a few minutes from Volker on
                     preparations for Dublin, a relatively short amount of time.

                     I know you were up very late last night. I was amazed that you were able to
                     do the call with the board at midnight your time. But maybe you want to give
                     us a status as to where you are in your public comment and in particular
                     anything that's come out of the interaction with the board last night or any
                     thoughts you have on the progress and work of the CCWG on accountability.

Thomas Rickert: Thanks very much, Jonathan. And I had written in the chat I'm not in the
                 Adobe so I can't see whether there are any hands raised, and I'm sure that
                 you will be able to help me with managing the queue if need be.

                 As you know, we are in the midst of our public comment period. The public
                 comment period is going to close on the 12th of September, so I repeat my
                 encouragement to everyone on the call to file comments to indicate their
                 support or concerns with this proposal that we've published.

                 While we are conducting the public comment period, we continue our work.
                 We are having weekly two-hour calls continuously, and we're particularly
                 focusing on the things that we can do while waiting for the community to form
                 its opinion.

                 There's work going on with respect to the human rights topic that has been
                 raised and that we are trying to address for our final report, or for the

completion of our report. And so this is a work in progress. So I think it would be premature to give trends or other information stemming from the public comments that we received.

You rightfully pointed out that there's an interaction going on with the board. So the board is investing a lot of time into the analysis and response to our report. So there has been multiple meetings by board members and by board (unintelligible). There's been a two-day workshop, if I'm not mistaken, sometime last week, and then meetings with the full board.

The board is currently forming its views, and we have suggested to have a closer interaction with the board in order to ensure that there is no friction between the board and the CCWG and that we have the same level of information and jointly work towards the common goal of making the transition happening.

So in that spirit, we conducted a board briefing, which took place on Monday this week, 90 minutes where we provided the board with firsthand information about what we're - we are doing in our report and where we gave the board members the opportunity to ask questions, and we responded to them.

Then as was planned, we had another interaction with the board, which took place at 22 o'clock UTC yesterday for three hours actually, where we gave the opportunity to the board to share its observations and concerns with our report. And, you know, so while the board was listening to us during the briefing call, we listened to the board primarily during yesterday's call.

And let me say that we are very appreciative of the board having followed our suggestion not only to come up with criticisms but actually to provide alternative solutions where there is criticism. There has been considerable debate in this call yesterday, and I think it would have been too much time to go into details.

But what I can say is that the board has reassured that they are supportive of most parts of the report. I know that the perception of some in the group was different, but we have received oral and written confirmation from the board members that actually they do support most parts of our recommendations.

There are some questions surrounding the legal vehicle that we're using for community empowerment, which is the single membership model. As you will recall, the board had some concerns that they shared with us yesterday that this is an untested model that it might be difficult to explain, that there are operational uncertainties that might cause instability.

We had agreed that the board would provide us with written information on their analysis as well as their suggestions for an alternative vehicle which would at the same time maintain our requirements, in particular the requirement that our group established on enforceability of the community powers while removing the concerns that the board has.

And I guess that discussion pretty much happened in the spirit of collaboration and I look - we look forward to receiving more information from the board, which the CCWG will then analyze. And it was foreseen that we might have another three-hour call sometime next week, and maybe even another CCWG face-to-face meeting later this month. But this is still under consideration.

So I think I should pause here and open it up for questions. I'm not - again, Jonathan, I would need your assistance in managing the queue. Thank you.

Jonathan Robinson: I've got a couple of hands up so I'll go straight to them. Philip first. Go ahead, Philip.

Phil Corwin: Thank you, Jonathan, and thank you, Thomas, for the report, your very diplomatic characterization of the board presentation last night. I don't - I

should say these are my personal views. We're going to have a discussion of this topic within the BC tomorrow.

Just two things. One, whatever the perception, and we need to await much greater detail from the board, it does appear that they are rejecting the single member model and proposing something different. And I also have concerns about the scope and effect of the IRP, which are the two pillars of the current proposal.

What I want to raise and put aside the substance and get more to procedure, the board is calling for a meeting, a two-day meeting, between itself and the CCWG in Los Angeles sometime later this month, which appears to many as proposing a negotiation session.

I posted comments in the chat room during last night's call and also on the CCWG e-mail list expressing concerns about that on how that such a discussion and its outcome would be integrated with the normal consideration of comments, especially if it comes during a still open comment period.

On the CCWG list just less than two hours ago, Bruce Tonkin responded to me, saying actually there's no reason the CCWG can't invite the wider community to come to the face-to-face. Schneider could present for the GAC, Greenberg for ALAC, et cetera. I'm condensing there. He even suggested there could be some travel funding for representatives of various groups.

I think we need to also think very carefully about the proper procedure going forward. And my own view would be that if the feedback from the board results in a substantially revised proposal with something other than a single member model and at different perimeters for the IRP, that that would require yet another round of comment I think in all fairness to the community.

I'll stop there, but let's wait on the substantive details but let's think about the procedural implications of a face-to-face meeting in Los Angeles. Thank you.

Thomas Rickert: Thanks, Phil. And if I may respond to that briefly. Certainly this is a concern, and we have made clear that no decision was made, or should have been made, during yesterday's interaction with the board. This is for the CCWG to discuss and it is imperative for us to ensure that the integrity of the process is maintained.

So under no circumstances shall there be the impression that the board chimes in in the 11th hour and that changes to the proposal are being made in a bilateral negotiation behind closed doors. So we are fully aware of that. We will discuss with the CCWG how to best go about with this.

There is some traction inside the CCWG for having another face-to-face meeting, but certainly there are more comments that the CCWG needs to take into consideration when finalizing its report. So I think we should remain open as we did after the first public comment period to fully absorb what the community feedback. And amongst that, one of the commenters, will be the board.

At the same time you are correct that should there be substantial revisions of our recommendations based on the board's input, then we need to consider how to best deal with that and it is certainly a possibility that we need to carefully consider to have another public comment period if there are substantial changes.

But having said that, let me remind everyone of the basic working principle that the CCWG has been using from the very beginning. We have established requirements for an accountability infrastructure for accountability enhancements. And our group has been open to listening and also to changing its views if it found a solution that was better addressing or responding to the request and preventing or, you know, minimizing the risk of unintended side effects.

So between the first and the second report, we changed from the old reference model to the single membership model, and I think we should remain open to whatever suggestions come from this wider community, and by community I mean community including the board. But if the board, which admittedly we don't know at this stage, has a suggestion to make that would make us meet our requirements but that would have other benefits to overcome our weaknesses or weaknesses in our current proposal, then I think we should be open to that, because our goal is to come up with the best possible solution and not only with the solution that we have at the time.

Jonathan Robinson: Thanks, Thomas. Thanks, Philip. I'm mindful we've hit the top hour and I'm sorry that I've let us run into this corner a little bit from a chair's point of view, but there's a comment from Amr in the chat saying he was curious as to why the board concerns have come up at quite such a late stage in the process. And I know (James) has got his hand up, so I suggest we go to (James), deal with (James)'s point and then we're going to have to wrap this item up. Go ahead.

James Bladel: Thanks, Jonathan. And just in the interest of time, I'll just note that I share a lot of Phil's concerns. I thank him for him characterization of the call last night. I think a lot of people are just by, you know, gauging some of the side chats and some of the posts on social media that a lot of people's heads are still spinning by the implications of what was dropped on us last night.

It's early, we're still waiting for details, but adding to Phil's concerns about process and how we proceed from here, if a comment from the community points out vulnerabilities in the proposal or short comings or unintended consequences of our proposals, I think that's one matter.

But substituting and entirely new model from the whole cloth I think is something that even if it is, to Thomas' point, has merits and is worth considering is going to introduce significant rework and delays into the CCWG process, which of course is a dependent element for the CWG and

the IANA transition generally, and just the whole thing is going to grind to a halt here potentially at the Dublin meeting.

So I just wanted to prepare the council, you know, for that potential outcome that we are walking into a bit of a circus here with this whole process kind of grinding to a halt while we consider this development from last night. Anyway, I'm just putting that out there. My primary concern at this point is both the process and awaiting some details on the substance. Thanks.

Thomas Rickert: Thanks, (James).

Jonathan Robinson: Thank you, (James). Is there anything else that you would like to make Thomas in return?

Thomas Rickert: Yes I'd just like to briefly respond to both Amr and (James). Firstly it's not for me to speak about why the board is working on this now. So I think that's for the board to respond to. But to (James)' point, I will surely brief council if there's any indication that we will not make it for the Dublin meeting.

But that said, we have requested that the board would provide us with more detail on their thinking so that the group can deliberate on the board's views in its meeting next Tuesday. So I think we should remain calm for the moment, wait for the board's input, which I expect to be with us prior to next week's CCWG meeting, and then await the CCWG's deliberations. And after that I will send a note to council providing an update on where we are.

Jonathan Robinson: Good, Thomas. Thank you very much. Again, apologies to all that we've - things have run onto the point that they have. Amr, your hand is up. Very briefly, please?

Amr Elsadr: Hi. This is Amr. Thanks, Jonathan, and thanks, Thomas. I just wanted to mention when Jonathan did read out my question in the chat, I did immediately post a comment saying that that was just a general comment. It

wasn't meant for Thomas. I did not expect Thomas to have an answer to a question on board behavior at all. So I just wanted Thomas to know that. Thank you.

Jonathan Robinson: Thanks, Amr. Now I suggest that - well first of all thank you, Thomas, for that update and for that matter, the session last night and what seems to be running on from that. I think we're going to have to recognize that it's five past the hour now and that we're going to have to pick up on the outstanding items on the list.

So with your - unless anyone urgently needs to cover anything, I think we'll work on the further preparation for ICANN 54 on the list. We'll pick up the work on the Cross-Community Working Group for the Needs of Country and Territory Names with (Heather) on list as well and we can defer (unintelligible) point to the next meeting. (James)?

James Bladel: Very quickly under item ten, any order of business, I just wanted to wish our vice chair Volker Greimann a happy birthday. Thank you.

Jonathan Robinson: Happy birthday from all of us then.

Volker Greimann: Thank you all.

Jonathan Robinson: Thank you, (James), and best wishes to you, Volker.

All right good well that's a lighthearted note and a very positive note to finish the call. Again, I'm sorry it ran on and compressed the final item. But I do think we had some valuable discussion. So thanks to all of your for your participation and we'll work hard to keep things moving in the meantime.

Volker Greimann: Thanks everyone. Bye.

Man: Thank you.

Man:	Thanks.

END