

**Transcript GNSO Council Teleconference
20 December 2012 at 15:00 UTC**

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on page :

<http://gnso.icann.org/calendar/#dec>

The Adobe Chat transcript is also posted on this page and can be directly viewed at:

<http://gnso.icann.org/en/meetings/chat-transcript-council-20dec12-en.pdf>

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House

Registrar Stakeholder Group: Mason Cole, Yoav Keren, Volker Greimann

gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching

Chiao- absent, apologies, proxy to Jeff Neuman

Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Zahid Jamil, John Berard, Osvaldo Novoa, Brian Winterfeldt, Petter Rindforth

Non Commercial Stakeholder Group (NCSG): Maria Farrell, absent, apologies, temporary alternate Norbert Klein, Magaly Pazello, Wendy Seltzer, Joy Liddicoat, David Cake, Wolfgang Kleinwächter

Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers:

Alan Greenberg – ALAC Liaison

Han Chuan Lee– ccNSO Observer

ICANN Staff

David Olive - VP Policy Development

Rob Hoggarth - Senior Policy Director

Margie Milam - Senior Policy Counselor

Marika Konings - Senior Policy Director

Julie Hedlund – Policy Director

Barbara Roseman – Policy Director

Berry Cobb – Policy consultant

Glen de Saint Géry - GNSO Secretariat

Alexander Kulik– Systems Engineer

Denise Michel - Vice President Strategic Projects

Guest:

Jean-Francois Baril

Woman: Thank you and the audio is connected. I'll start with the role call
Jonathan.

Jonathan Robinson: Yes please.

Woman: Jeff Neuman, Jeff Neuman? (Unintelligible)?

Man: Present.

Woman: Jonathan Robinson?

Jonathan Robinson: Present.

Woman: Mason Cole?

I'm sorry, could we just have somebody to mute their line?

Thank you. (Walter Dryman)?

(Walter Dryman): Present.

Woman: Thomas Rickert? Thomas is on mute. Zahid Jamil?

Zahid Jamil: I'm here.

Woman: John Berard?

John Berard: I'm here.

Woman: Brian Winterfeldt is not yet on the line. (Peter Winfroth)?

(Peter Winfroth): I'm here.

Woman: (Unintelligible)?

Man: Present.

Woman: Wolf-Ulrich Knoben?

Wolf-Ulrich Knoben: Present.

Woman: Wendy Seltzer? Not yet on the call. David Cake? Not yet on the call.

(Unintelligible)? Not yet on the call. Joy Liddicoat?

Joy Liddicoat: Present.

Woman: Wolfgang Kleinwachter?

Wolfgang Kleinwachter: Yes I'm here.

Woman: And Maria Farrell is absent. And we have a temporary alternative for Maria Farrell today, Norbert Klein on the line with us.

Yoav Keren has just Joyned.

Jeff Neuman: This is Jeff Neuman. I missed the call for my name. Sorry I'm here.

Woman: Thanks so much. (Unintelligible)?

Man: Present.

Woman: (Jennifer Wolf)?

(Jennifer Wolf): Present.

Woman: Alan Greenberg?

Alan Greenberg: Present.

Woman: And Hanchuan Lee has sent his apology. He probably will not be able to Joyn the call. And Brian Winterfeldt has just Joyned the call.

For staff we have David Olive, Margie Milam, Marika Konings, Berry Cobb, Julie Hedlund, Alex Kulik from our technical staff. And Wendy Seltzer. She has just Joyned the call. And myself Glen DeSaintgery.

Have I left off anyone? So it is over to you Jonathan.

Jonathan Robinson: Thanks Glen and hello and welcome everyone to this last call council meeting of 2012. If I could just make sure, we do seem to have a nice clean, clear line. So just to remind everyone to keep their phones on mute when and if they are not making a contribution.

So the second item on the agenda, the standard second item is a statement of interest update. And in fact we've modified the supplement to that slightly to call for general updates, but also in case there are specific updates related to any agenda items that counselors

may wish to provide. So if I could call for any updates to statements of interest since the last call.

Right, here in then we'll move onto...

Glen DeSaintgery: Jonathan?

Jonathan Robinson: Yes.

Glen DeSaintgery: Excuse me, this is Glen. We have just been Joyned by our guest speaker for today, (Jean-Francois Baril).

Jonathan Robinson: Welcome (Jean-Francois). We'll be coming to you no doubt later in the agenda, but it's great having you on the call and appreciate you taking the time to attend our meeting and contribute to the specific and important item that's on the agenda. Thank you.

So the next item we have is to note that the minutes have been approved the 29th of November. And to move onto the pending project list. There are a number of updates to the project since we last met. I suggest we pick up with a couple different individuals on these. Probably the first one to get a note on this from Wolf-Ulrich on the SCI.

Wolf-Ulrich, you're on the call I know. If you wouldn't mind just giving us a couple of words to update on that area.

Wolf-Ulrich Knoben: Yes thank you Jonathan. It's Wolf speaking. With regarding to the SCI activity, SCI is the Standing Committee on Improvements Implementation. And that is the committee which I was chairing until

last week because we had elections for the chair and the vice chair on the SCI after almost two years of existence of sitting on the committee.

And so we elected Ron Andruff as new chair of the Standing Committee. He's with the Business Constituency. And Avri Doria, she used to be the Vice Chair and she's going to continue being Vice Chair on the SCI as well. So that's one thing from the organization point of view to mention.

And the other thing is related to the item - I think it was Item #6 or so on this agenda regarding the motion on suspension of a PDP. You may remember the council mandated the SCI to think about because there was nothing for the PDP, not yet regarding a potential suspension of PDP's. It was just mentioned and organizations since matters mentioned around determination around PDP, but there may happen all situations where a PDP is going to be needed to be suspended.

So making the story short, so we had already a solution I may say on that and it also was put on public comment. And there was also just agreement on that, but in the end when we resumed at the SCI meeting, with this regard that came up in other question regarding the - with which had the effect at the end that still discussion needed on the SCI with regard - to address for example concerns which may come from the board in case the board is expecting specific GNSO action on - if the - for PDP which may be suspended by the GNSO.

And that created some more discussion on the SCI at the end. So we decided - also together as one and as well that we have to have some more discussion on that. And therefore I would like just to mention right

now that the item I'm not aware that it's still on the agenda right now, but if it's on the agenda right now Item #6 the motion we would like to restore that. And postpone it let me say to another meeting of the SCI and that this discussion comes back with a final recommendation on that.

So that's so far to the SCI and to this pending project. Thank you very much.

Jonathan Robinson: Thanks Wolf, that's a good point. And we did discuss that in our preparatory meeting that it was likely that that motion - in fact I think we even decided at that point that should and would be withdrawn. So I appreciate you confirming that now. We'll reconfirm it when we get to that item in the agenda.

There are a few other items on this pending project and I think it's worth highlighting. Of course the SCI is doing some very good work and it's something which we may well come back to in a couple of points during the course of this agenda that there may be further areas if we want to highlight for the SCI. It's very valuable role in reviewing what - that the procedure that we do have in place and the opportunity to update and improve them on a continuous basis.

Thomas, I haven't prepared you and I don't know if you want to say anything. But I'm conscious that there is regular work going on in the background to kick off this so-called expedited PDP on the Red Cross - well it's actually INGO/NGO name. I don't know if there's anything you'd like to say at this point or if we should wait to schedule a formal update at some point?

I'll just give you the opportunity to say anything if you would like to.

Thomas Rickert: Jonathan, thank you. I would like to take the opportunity just to speak on this for a maximum of two minutes. And that is that the group is meeting in weekly intervals for two hour conference calls.

And what we have done in order to manage this very controversially discussed project is that we have worked on a matrix how to approach the subject. And we've sliced the work in various sub-groups, so we are - we have one group that is dealing with qualification criteria trying to come up with criteria according to which organizations can be vetted, whether or not they would qualify for the special protections that we discussed.

And we have another team working on eligibility checks and that means that if an organization thinks that it fulfills the qualification criteria that somebody needs to check whether this is actually true. Then we have a third group dealing with protection and that group looks at existing and future RPM and to what extent if at all they can help address the issue.

A further group is dealing with admission as we call it and that means it defines how organizations that are eligible can actually access a potential protection program.

And last but not least we have one further group that deals with the nature of the problem and that discusses what is actually the reason for granting special protections.

Now that said in a nutshell, the group is going to work in these various sub-groups on the matrix to have an interim report ready by our next council meeting. So I'm going to report on the progress we made formally then, but I'd like to invite all counselors to look at this - Joyn the working group or Joyn one or multiple sub-groups. Remember this PDP has been called a case study by both the GAC as well as the board and I think the more people contribute and provide input, the better we can respond to this challenging task.

Thanks Jonathan.

Jonathan Robinson: Thanks Thomas. I'm not actually participating actively in the group, but I am keeping a close eye both by listening in on the calls when I can and getting some occasional updates from you. I'm certainly very impressed with the energy and structure you put into it and I know you're working extremely hard as are the members of the group.

And so it's very encouraging to see and I hope it's part of a bigger picture that we do get the credit for putting this level of effort and engagement and commitment in.

Moving down the list then is the Whois study by Margie. But I think we might come to that as part of the bigger picture in talking about integration of the Whois activity. I don't know if you want to say anything now or if we should just pick that up as part of our bigger item when (Jean-Francois) is going to be contributing as well?

Margie Milam: Yes this is Margie. Just real quick because I don't think it's part of what (Jean-Francois) will cover. You know, we have the Whois study that have been going underway. One of them is final now and ready for the

council to consider. I think it's something that'll likely get brought up at the next council meeting for a motion.

Essentially it's a study on feasibility of privacy proxy relay and reveal procedures. And so, you know, given the time and the content today I don't think we'll be able to cover it, but it is something that's flagged in the pending projects list. And I just wanted to bring that to your attention.

Jonathan Robinson: Thanks Margie. I think from my point of view it would be helpful perhaps in that later item to, you know - one has a sense when you look at the resolution, the area that (Jean-Francois) will be talking to, of an overarching new initiative.

So I think it'll be very helpful to think about contextualizing that in - with in respect to all of the other work that's gone on in the past and is going on and making sure we're - council are clear what is and isn't covered. And what remains outside of that (unintelligible). So perhaps we can spend a couple of minutes on that later in the call.

Julie, I don't know if you wanted to say anything on the internationalized registration data? If you wanted to update us on that one, on the translation of internationalized registration data?

Julie Hedlund: Yes thanks Jonathan. This is Julie Hedlund. Just very briefly, the staff - I'm sorry, the staff is working on a preliminary issue report as requested by the GNSO. And we had requested a deadline - an extension of the deadline until 14 December.

However after some discussion with the chairs on our - the GNSO Council chairs on our call this Monday, we felt it would be useful to hear the discussion on Whois in today's council meeting. And we're also working on some additional changes to the preliminary issue report. We'd like to ask for further extension to deliver the report on 7 in January, 2013.

And this is also in consideration of the fact that many council members may be on holidays and may not have time to attend to the report if we were to deliver it before the holidays.

Jonathan Robinson: Thanks Julie. I think the next item that we want to cover within this is (Gene), perhaps you want to give us an update on the work of the IRD.

Man: Jonathan, I thought it was discussed or shared by the update from Julie.

Jonathan Robinson: Was there anything else you wanted to add?

Man: No thanks. Thanks for asking, but I think - I mean the day sounds to me still reasonable, but I'd just like to raise the flag here as - I mean all of us know that.

I mean the IDN will be given a go first in this gTLD round, so I will hope that the ICANN staff will still be able to allocate sufficient resource on this potential IRD project which will definitely impact on the - I mean on the implementation issue. This is just for the record.

Thanks for the effort. Thank you.

Jonathan Robinson: All right, great. Thanks (Gene). So moving on then - I wanted to not to bore you too much, but I do want to make a couple of remarks again at the outset of the call or at least relatively early on.

And so I've put up a brief - a single slide just to make a couple of comments. If I could have that first slide please.

Really it's a matter of a couple of things. I wanted to remind counselors of what we talked about last time and these focus points that I'm trying to keep my mind on. And I hope that you'll work with me on doing the same. And that's really thinking on how effectively we work together and starting with a position of trust and assuming that intentions amongst ourselves utilizing the VC as much as possible.

In particular to include where possible and where it's possible to do so, collaborative work across the houses. And counselors working effectively with one another.

I'm also very, very conscious of - I know a lot of you are of the external perceptions and the relationships that the council has with other stakeholders and groups within the broader ICANN community. And I'm frankly open to any suggestions as to how we in addition to working as effectively and efficiently as possible with one another - how we improve our relationships with other members of the community. And the perception of the productivity and hard work and focus of the council as a whole.

I think that the other issue of course is workload management and our prioritization and ability to get through things. As I said earlier I've seen

some tremendous commitment of some of the working groups and I hope we'll be able to go into the New Year with that same level of effort.

I think overall as many of you know and I've spoken with you individually about - as well as collectively. Overall this for me is about our council being seen and being productive, effective and respected part of the community. We've nailed down the dates for the next year, so I hope we'll be able to have those as substantial as possible - participation.

I've also done some work in the background trying to look at the timing and we've agreed to bring the 20:00 UTC time forward a little to 18:00 UTC. There's no happy outcome for everyone, for all of us. I've seen a lot of work go on in the NTAG group for example where they tried to shift things around. And it isn't - there is no single, easy answer. But I think we've done a reasonable job.

I wanted to draw your attention as part of our focus on sort of continuous improvement and ensuring that we operate effectively. The council leadership and the policy staff plan to meet up face to face in January. We happen to have had tagged that onto the fact that Wolf-Ulrich is in Germany. Myself and Mason will be in Amsterdam. So and we've got a couple of policy staff in Europe.

So we've chosen Amsterdam as the location for our January meeting. We'd considered the ICANN Brussels office, but in the end Amsterdam looked like it was the most practical solution. So we're going to sit down there and look through how we can continue to improve the way in which the council functions and operates effectively.

And of course we'll have one big eye on the next meeting which while it seems like it's a reasonable distance away and the gap between the meetings is large, I suspect there'll be high expectations of the output from Beijing. So we'll put some effort into the planning and organization of that.

There are certainly and we'll touch on this a little more as we go through the call, there were certainly some procedural issues flagged in the last council meeting. And whilst it wasn't the smoothest ride and flagged up some important points, it also reminded me that we have the SCI to assist here and we can refer some of these more challenging issues to the SCI to deliberate and then come back to the council with potential recommendations for improvement.

So we've got at least the mechanisms in place to produce continuous improvement. I'm conscious that as a final bullet point there are some challenging items and issues for this meeting. You know, it's a content rich agenda which is what some people have been very encouraged by in the sense that I think a lot of the council's work in the past has often necessarily been focused on the whole improvements to and development of the procedures.

And we are - we have a window of opportunity here where we can work on substantive issues and just a reminder that as we navigate some of those things where people have very strongly held views and in fact sometimes strongly held feelings about the issues that we recognize that there is an opportunity to just keep the bigger picture which is focusing on the effectiveness and reputation of the council.

And I guess to pinch one of (unintelligible) to do the right thing wherever possible. You know, because clearly policy and procedure are fundamental to it and depending and reliable and trusted council, but it's not everything. If we only rely on policy it has to be - the substance of our output has to also be critically important.

So those are a couple of thoughts to kick us off on the meeting as we go. I'm willing and open to any questions or comments on that before we move onto the first formal item on our agenda, the item for the motion.

Let me just pause for a moment and see if I do see any hands come up. Otherwise we'll move onto the Item 4 which is the motion.

Right, seeing no hands raised I will move then on into the Item 4. There are no items under Item 3 on the content agenda. Then we'll go straight into Item 4 which is a motion as we come to - this is our last meeting and as all of you will be all too well aware. I think the first thing we'll do is we'll represent the motion and in fact although the motion was previously made by Jeff Neuman when it was remade for this meeting was made by Brian.

So in the first instance I'll ask Brian to simply read the motion. And then we'll go into a discussion which I anticipate leading with a couple of remarks at the beginning. And then we'll open it up to council.

Now Brian, if I could ask you to represent the motion. Oh I'm sorry, there's a procedural point here. We don't have as of yet have a second for the motion, so I'd like to call for a second...

Brian Winterfeldt: I think Jeff just seconded it on the list. On the chat.

Jeff Neuman: Yes this is Jeff Neuman. I'll second that motion.

Jonathan Robinson: Yes thank you. I'm looking at two different screens here.

Thank you Jeff. So Jeff having second the motion, let's move onto Brian reading the motion.

Brian Winterfeldt: Thank you Jonathan. I'll start with the Whereas. The board resolution 2011.06.20.01 authorized the president and CEO to implement the new gTLD program which includes incorporation of tax concerning protection for specific requested Red Cross and IOC names for the top level only during the initial application round until the GNSO and GAC develop policy based on the global public interest.

The IOC/RC drafting team established by the GNSO Council has considered a number of different options with respect to protections of both the IOC and the RCRC terms in response to the GAC proposal to provide permanent protection for such terms including at the second level and the new gTLD's.

The solution proposed by the IOC/RC drafting team to initiate a PDP and to provide a temporary reservation of the exact match IOC/RC name for public comment on the 20th of September, 2012 and closed on November 9, 2012. The GNSO has now initiated a policy development process to evaluate council protections for certain international organization names in all new gTLD's including specifically whether to recommend policies to protect IOC/RCRC name.

And therefore the IOC/RC drafting team recommends to the GNSO Council - recommends to the board that it adopt a second recommendation of the IOC/RC drafting team providing for temporary reservation of the exact match IOC/RC name prior to the delegation of the first round of new gTLD's.

Now therefore be it resolved that the GNSO Council adopt the IOC/RC drafting team's recommendation to temporarily reserve the exact match of IOC and RCRC second level domain names listed in Section 2.1.1.2.3 of the Applicant Guidebook. And for the GAC recommendation of September 14, 2011 pending the outcome of the recently launched policy development process involving international and governmental and non-governmental organizations.

That the GNSO Council thank the members of the IOC/RC drafting team for their efforts in producing these recommendations and hereby disband the IOC/RC drafting team. And that the chair of the GNSO Council authorize to forward these recommendations to the ICANN board.

Jonathan Robinson: Thank you Brian. Now our next point to discuss the motion - now clearly we've discussed it since it is exactly the same motion as was presented previously. We did discuss it at the last meeting.

That's not to say we can't and shouldn't discuss it now, but I suspect one of the things on counselor's minds is the fact that we have a - in fact I know it is that we have a motion that has appeared before the council that was the same as it was previously.

So if you'll indulge me I'd like to make a couple of remarks on that and then offer an opportunity to Brian to speak as well as Petter because they were sort of caught up in the issue or part of the issue at the last meeting. And then open it to more general discussion.

I thought on this - I've obviously have given this quite a lot of thought because we had the issues at the last meeting. We've had the board meeting in between and all that's gone on. Is that - there's a couple of things really. People questioned - one of the questions was why raising the issue of abstentions once the vote had been initially cast whilst I accepted that presenting some comments about that may have concerned counselors from a procedural point of view.

I think there's a couple of thoughts I have on that. One that abstentions are somewhat unique in our context in that the impact they have. In particular I was mindful that this was the first vote being undertaken by a number of counselors including one that actually abstained in the first instance of that motion. So I felt it was incumbent on me to make sure that it was understood what the consequences of those are.

I realize not everyone will agree with that, but that's just my way of explanation. Later what had transpired, what was actually going on, I considered reopening the motion and in fact a primary reason for not doing so was that a couple of counselors had left the meeting.

With hindsight I think it would've been improper to reopen the motion in any event. And, you know, I accept that actually. And all I would say to you is that again the motivation for doing so was not in any way aligned with a house or a position that I had or was voting in, but more out of concern for, A, the fact that it seemed to be a extraordinary

situation and I was concerned in particular the impact of that on the overall perception of the council which remains my, you know, primary focus I have.

In any event as time has passed what's happened is that a motion has been resubmitted to the council at a subsequent meeting which is either substantially similar or in fact in this case identical. And I know that's caused concern and it actually frankly causes me concern. And I think it is something which we should raise with the SCI and I have every intention of ensuring that that happens.

And of course the other issue that this raised was out of declaration of interests and there was some degree of uncertainty or at least potential for confusion. And what I've done there is rebriefed myself. I've encouraged policy staff to be as familiar as possible, so they're on hand. And as knowledgeable as possible to intervene should it be necessary in a similar or related circumstance in the future. And I obviously encourage all counselors to do the same.

So those are my remarks about the context of this resolution previously undergoing in this pace.

Brian, I know you were right in the center of the storm of all of this the last time and I wonder if you'd like to explain a little bit of the background because we didn't get an opportunity to do so either last time or in the intervening period. And it might help if council understood what led up to the previous set of circumstances.

Brian Winterfeldt: Sure, thank you so much Jonathan. And I want to thank all the counselors for this opportunity to just speak to you briefly.

I personally have seen from the previous vote due to (unintelligible) attorney-client relationship with the American Red Cross and the belief that this required me to abstain from the vote.

As it turns out, as long as my interest was stated or included in my statement of interest, I'm free to vote on any matter relating to the American Red Cross. And I do apologize that I didn't seek clarification for that earlier. It is something in the past where I either abstained from voting or did pass a proxy and it wasn't until this instance I was able to see clarification and to better understand the rules on conflicts of interests. And the fact that it was included in my statement was sufficient.

ICANN staff did clarify on the call that the counselors may vote on a motion regardless if they or their clients have an interest in the result. However this clarification came only after the vote was concluded as we'll recall at which time the Council Chair was unable to reopen the vote due to counselor attrition on the call which Jonathan just outlined.

This could be printed in the future through better availability of guidance I think on GNSO Council regulations and procedures to the counselors. And I would welcome an opportunity for all of us to be able to refresh our understanding of these very important rules. And I know obviously there's a lot of focus right now on conflict at ICANN and this is something that's very sensitive and very high profile. And I think we all want to do a good job moving forward.

And I do appreciate again everyone giving me this opportunity to speak for a couple minutes. Thank you so much.

Jonathan Robinson: Thanks Brian and I felt before opening it up to the floor I would offer Petter the opportunity to explain because in his case during the last meeting as you'll recall they initially abstained. And once I had explained to him or reminded him of the consequence of that abstention change.

And I know that concerns some counselors. So Petter, you'd perhaps might like to explain your position and then I think we should open up to other counselors to comment or to provide input on either the procedure issues or in the substance of the motion before we go to vote on it.

Thanks. Petter?

Petter Hello.

Jonathan Robinson: Hi Petter.

Petter Yes.

Jonathan Robinson: I was hoping you might just say a couple of words about...

Petter Can you hear me?

Jonathan Robinson: Yes we hear you.

Petter Okay. Good. Yes it was just simple that I was not 100% sure. I was pretty close to say yes, but that's why I initially abstained. And I did not

know that this was counted as a no, so once I got that information I changed it to a clear yes which I will keep.

And also thanks for getting that information on how to count when you abstain.

Jonathan Robinson: Thanks Petter. It probably serves to further underline the responsibility of all of us as counselors and in fact the council as a whole to ensure that we the counselors are properly trained and mindful of the procedures.

Joy, I see your hand is up. So let me without any further adieu hand over to you to have an opportunity to talk.

Joy Liddicoat: Thanks Jonathan and thanks Brian for your comments and Petter for your remarks. A few things that (unintelligible) has sort of discussed since the last council meeting and not wanting to delay the vote on the motion itself.

I do think there are a couple of important points to raise. I think firstly, you know, thank you for apologizing Brian, you know, for your action. I think that the situation through the meeting somewhat into confusion and I think the reason that, you know, the takeaway from there - the counselors I think should be informing themselves, you know, sufficiently and in adequate time before meetings to know procedurally about dealing with particularly abstention.

My particular concern around abstention and the GNSO operating procedures are pretty clear on abstentions and relationships, volitional abstention or obligatory ones. And in particular one of the specific

examples in the GNSO operating procedures is counselors producing clients in relation to matters before the council. Although this isn't a legal matter, it's a motion.

So I think it's somewhat - although staff did clarify on the call the accretion of the conflict with opportunity for discussion, I think we'll realize that an abstention still could have been taken depending on if it was a volitional or obligatory one. And in either case the procedures in council have - are quite clear about how to remedy that and to simply have someone else take the vote.

So I think that there's sort of two follow-ups for us (unintelligible) for clarification in reference to the Standing Committee on Improvements. One is definitely in relation to conflict of interest. We think that there are certain circumstances where council may need to protect itself from a conflict of interest. And we think that the operating procedures in this regard are - may need some guidance.

And particularly on the resubmitting of the motion, we do think that resubmitting that in the same motion does set an extremely bad precedent. And we don't want that to be something that is repeated and I would like SCI guidance on this and a referral to SCI after the motion in order to get that guidance.

Thanks Jonathan.

Jonathan Robinson: Thanks Joy for points well-made and well-taken. I mean I have to say particularly on the (unintelligible), I'm strongly supportive. It's unusual to have had to do this to say the least and what is highlighted

is that we don't have a clear procedural way of dealing with this. And so it's relevant to me to get referred to the SCI.

Jeff, I see your hand is up. But it's gone down again. Just double checking and that you don't now need to speak.

Jeff Neuman: Well yes this is Jeff. I was going to say that I understand Joy's point about not having motions resubmitted, but I'm not sure I see anything per se that's necessarily wrong with that especially in extraordinary circumstances like this one.

But I think it's something good for the SCI group to look at.

Jonathan Robinson: Thanks Jeff. Wolfgang? Wolfgang?

David, perhaps we can...

Wolfgang Kleinwachter: In favor to, you know, bring this back again and again and again as long as we have to "write results." I think it was more or less rejected in the last meeting and with procedural confusion.

But I wasn't there. I would have voted as no. And so I also will vote with no today. So that means I'm really a little bit confused about the whole process and I think we should just, you know, we have now a lot of new issues on the agenda and probably this is not easy anymore.

Jonathan Robinson: Wolfgang, are you suggesting we simply move forward onto the vote? I know David is next in the queue, but I just need to clarify what you are actually saying there.

Wolfgang Kleinwachter: My understanding is should we have voted last time it was rejected. And so it means there is no need to vote again. And even if you go to the substance of the issue. So we have - we're already ahead of this, you know with the new working group and the PDP.

I do not see any reason it is needed in the resolution. It just agrees (unintelligible).

Jonathan Robinson: David?

Man: On mute?

Jonathan Robinson: David, are you on mute? Can you come off if you would like to speak?

(David): Oh sorry, I'm on mute.

Jonathan Robinson: Fire away David.

(David): Hello?

Jonathan Robinson: Hi David. We hear you now.

(David): Yes okay. I just wanted to say in general, I don't want to make a particularly big issue on this occasion. But in general there are very good reasons why just simply resubmitting the same motion to a future meeting if it fails is not - it's very difficult to do under most sets of standing orders.

And it really shouldn't be something that is regularly done and we really should make sure that the - well I mean while just as extraordinary circumstances really it just the vote not going the way you want or making a mistake in how you vote are not extraordinary circumstances as I said in considering most sets of standing orders.

Really in order to justify resubmission you either have to get - it's harder to resubmit - you need to get a higher level of vote to pass something that's been resubmitted in many sets of standing orders or you need to show that there are reasons why they need to be resubmitted such as a change to the motion or new information that's come to light.

So on the whole I think we should definitely avoid this as a practice and the circumstances that led to it this time should not be considered as a precedent for this to be done again.

That's all.

Jonathan Robinson: Thank you David. That's a point well-made. I'm very conscious about that this is an important procedure and issue the counselors will want to speak to, but I would remind you that I think we are committed to referring it to the SCI.

And so to the extent that that debate and discussion can be had in the SCI I would encourage you to do so. So if you can keep your points brief, but I am mindful that everyone would like to and need an opportunity to talk.

I have Jeff next in the queue. Wolfgang and David, if you could put your hands down please.

Jeff Neuman: Yes thanks, this is Jeff. Look I just want to bring up another point that we are supposed to be a consensus driven organization and not one that's driven by vote.

And that was what was made clear several years ago when we initially did this reform that we were supposed to focus less on voting. Unfortunately we still have to vote. But if a topic at one point didn't have consensus or enough to pass through and then later on it does have the consensus to pass through, again there is nothing wrong with that especially when we are supposed to de-emphasize the voting.

Let's not take our position as to whether we support it or whether we're against it, (unintelligible) for this one motion to drive the rest of it. The principle is that we're supposed to be coming to consensus and if we couldn't do it at one meeting, we couldn't come to consensus, but at the next meeting we can, I think it's ridiculous we just have a procedural obstacle to say we can't or shouldn't bring it up.

So let's keep the focus on the substance and if we come to consensus on something, I don't care if it's been brought up once or twice or ten times, we should still bring it up again.

So that's just my own view. Thanks.

Jonathan Robinson: Wolf - thanks Jeff. Wolf, would you like to say something?

Wolf-Ulrich Knoben: Yes thank you Jonathan. Wolf speaking. I - in this case I kind of agree with what Wolfgang was saying or just to continue that we have voted last time. And that is because we have really a special case.

And also there's nothing preventing the council to resubmit a motion under circumstances in accordance with the (unintelligible). That's one comment.

The other thing is if we would like to refer that to the - that issue to the SCI, I wonder whether - I would say with the outcome I would say in this from my experience, if we could not just verbally submit it to the SCI, but just point out somebody - maybe Joy could write something together under which a question or like some points, you know, in the context of that issue which the SCI should be aware about.

And it would be helpful I would say. Otherwise we'll just try to start in the SCI. I understand there was this case here, how this case should be dealt with in the future. Maybe there's something special which we should take into consideration with outcomes before the council or from Joy.

Thank you.

Jonathan Robinson: Thank Wolf. That's a good point. And I think what I understand is you're asking for this specifically formulated or framed question or questions to the SCI. And I think that's vital. We certainly shouldn't expect you to simply pick it up from the dialogue of the meeting.

Joy, I hope you will be willing to pass - take that up in a way that's been suggested. And perhaps helping in framing a question.

Thanks Joy. I see you on the chat agreeing to do so.

Zahid?

Man: On mute?

Jonathan Robinson: Zahid, if you would like to talk, can you come off mute please?

Zahid Jamil: I'm sorry, can you hear me?

Jonathan Robinson: We can hear you now Zahid. We can hear you now.

Zahid Jamil: Thanks. No I was saying that, you know, my (unintelligible) by what Jeff said on the chat right now. We're an organization that has freedom of expression, et cetera and, you know, (unintelligible).

And stopping people or (unintelligible) the fact on bringing things back to council seems to me a little odd. Second, I support everything that Jeff has said which is that, you know, if it's brought back and voted down again, that's fine. But we shouldn't sort of create a situation where people aren't able to bring anything back.

There could be hundreds of reasons why it didn't pass the first time. So that's one.

Secondly - or thirdly really, the question that is important would it have made a difference had been allowed to vote. If that one vote would've made a difference it's even more important or more relevant that the

motion be reintroduced it if has to be because it might make a difference this time around.

So (unintelligible). I know that we can go back to SCI, so we'll see what they have to see.

Thank you.

Jonathan Robinson: Thanks Zahid. I anticipated and it has been brought out by the discussion that there are some strongly held views on this from a procedural point of view. I think it's only proper that we - well I'd like to bring this to a close relatively soon.

I will certainly close the queue to Thomas who's the last person in the queue in this stage on the procedural issue that we need good airing. And we now need to make that airing take place in the right forum which is the SCI. But Thomas, please go ahead if you have a comment on either the substance of the motion or the procedure. But in any event after you I think we should close the discussion on the procedure and ideally on the substance and then move to the vote.

Thomas Rickert: Thank you Jonathan. I would like to highlight one point that has been neglected a little bit in my view in this discussion. And that is that the whole problem did not only arise because a counselor - or in fact two counselors changed their mind during the session.

The problem arised because counselors left and I think that needs to be put in the equation. And I think that we need to make sure that the council can actually work during the whole two hour session or as long

as it might take. And therefore, you know, counselors leaving should at least have a proxy in place so that we are fully functional.

The other point that I'd like to make is that I'm not sure - I mean we will certainly ask the SCI. That is perfectly fine, but I think it's a general rule that Parliament and I think Alan mentioned this or other (unintelligible) can reopen the discussion on certain items. And putting in place procedural hurdles to limit that might be dangerous in the light of this specific case.

You know, do we actually want to have something carved in stone on that? I would prefer to leave it up to the council leadership to not put those requests for reopening discussions on the agenda if they have the impression that this is actually (unintelligible) in order to change a vote until the outcome of discussion. Or until a result that is pleasing an organization is reached.

So I would rather leave it up to the discretion of council leadership rather than working on specific procedures.

Thank you.

Jonathan Robinson: Thanks Thomas. Some good contributions there. And I see Alan was supportive of that.

I've closed the queue on procedural matters. Thanks (unintelligible) for your support as well in the queue. (Unintelligible), please if you could be brief and then we really should bring this to a close.

Man: Yes actually once sentence of follow-up on what Thomas said regarding Parliament having - that fan rediscuss an issue. But you need to have procedures about that and there are some limitations, I know that.

Like in our Parliament there's like - you can't raise it for 45 days or something. So just saying, you know, if we get to that point (unintelligible).

Jonathan Robinson: Thanks (unintelligible). And certainly from my point of view as chair, even if having the guidance back from the SCI that was in discussion is a challenging tool to have to use.

But in any event it would be useful to have had some discussion. And I think the right forum is now outside of the council. So would like to ask council to support me now in moving to Item 4.3 which is to vote on this motion. And we'll proceed to a roll call vote which I'll ask Glen to manage and take.

Glen DeSaintgery: Certainly.

Jonathan Robinson: Let's do that.

Glen DeSaintgery: Certainly Jonathan. I will start. John Berard?

John Berard: Yes Glen.

Glen DeSaintgery: Wolf-Ulrich Knoblen?

Wolf-Ulrich Knoblen: Yes.

Glen DeSaintgery: Wendy Seltzer? Wendy, can you hear me?

Maria Farrell and I will ask Norbert Klein, the temporary alternative
vote please?

Norbert Klein: I also say no.

Glen DeSaintgery: Thank you Norbert. Joy Liddicoat?

Joy Liddicoat: No.

Glen DeSaintgery: Zahid Jamil?

Zahid Jamil: That's a yes.

Glen DeSaintgery: Jeff Neuman?

Jeff Neuman: Yes.

Glen DeSaintgery: Lanre Ajayi?

Lanre Ajayi: Yes.

Glen DeSaintgery: Thomas Rickert?

Thomas Rickert: Yes.

Glen DeSaintgery: Mason Cole?

Mason Cole: Yes.

Glen DeSaintgery: Brian Winterfeldt:?

Brian Winterfeldt: Yes.

Glen DeSaintgery: Osvaldo Novoa?

Osvaldo Novoa: Yes.

Glen DeSaintgery: Yoav Keren?

Yoav Keren: Yes.

Glen DeSaintgery: (Unintelligible)?

Man: Yes.

Glen DeSaintgery: Jonathan Robinson?

Jonathan Robinson: Yes.

Glen DeSaintgery: Petter (unintelligible)?

Petter Yes.

Glen DeSaintgery: Wolfgang Kleinwachter?

Wolfgang Kleinwachter: No.

Glen DeSaintgery: (Unintelligible)? I note that (unintelligible) is not on the call. And neither is (unintelligible) on the Adobe Connect. She is absent.

Volker Greimann?

Volker Greimann: With reference to the comments I made last time, yes.

Glen DeSaintgery: David Cake?

David Cake: No.

Glen DeSaintgery: No. There are - the contracted party has - there are seven votes in favor. That's 100%. For the non-contracted party House we have seven votes in favor and five votes against with one person being absent. So that is 53.8%.

And the motion needs a simple majority to pass. (Unintelligible). I think that was what was stated.

Man: Yes.

Woman: Yes that's correct.

Glen DeSaintgery: And so the motion passes.

Jonathan Robinson: Thank you Glen and thank you also for taking the time to talk through that particularly in associated with issues of procedure. And we've taken some clear learnings away from that whole thing.

Moving on then to the next item in our agenda which is Item 5, the motion on the advice letter relating to consumer choice trust and competition. This is a motion that's been submitted by John Berard and my concern is that it has been second. Yes it has by Osvaldo. Thank you.

But John, if you could proceed immediately to read the motion.

John Berard: Certainly. Whereas on December 10, 2010 the ICANN board adopted Resolution 30 requesting advice from the GNSO, the TPNSO, ALAC and GAC from establishing the definition measures and three year targets for those measures for a competition, consumer trust and consumer choice in the context of the domain name's system.

Such advice be provided for discussion at the ICANN international public meeting in San Francisco in March of 2011. Whereas, the GNSO Council approved the charter for a consumer choice and trust, competition and working group to produce an advice letter for consideration by supporting organizations and advisory committees who assist in responding to the board requests for establishing the definition measures and three year targets for those measures for competition and consumer trust and consumer choice in the context of the domain system.

Whereas the working group created a draft advice letter and posted it for public comment. Whereas working group reviewed all public comments and feedback from public session and produced an advice letter for consideration by the supporting organizations and advisory committee.

Now therefore be it resolved the GNSO Council endorses these recommendations. Thank you for that correction.

These recommendations they're establishing the definition measures and three year targets for those measures of competition, consumer trust and consumer choice in the context of the domain name system as described in the final advice letter. Resolved further in the GNSO Council approves the delivering of the final advice letters to the ICANN board and resolve further the GNSO Council thank the working group members for their diligence and persistent efforts on this important topic and disbands the working group.

If I may add my own personal addendum to this before we kick off this discussion. You will recall that this motion had surfaced before, but was then withdrawn. I believe that the parties interested and involved have worked through what were necessary changes to that advice letter and to those metrics. So as to offer respectful and appropriate distinction between those new gTLD's that will be available to the public and those that will be closely held.

I want to thank Jeff for his participation in that regard. My feeling is that a lot of what might have otherwise not been addressed has clearly and diligently been addressed in the time that we have taken since two meetings ago when this motion was first offered. And I hope that most of my fellow counselors will see the value of the effort.

Thanks Jon.

Jonathan Robinson: Thank you John Berard. We have Wendy Seltzer followed by Jeff Neuman currently in the queue.

Wendy?

Wendy Seltzer: Thanks. I would like to propose an amendment. I don't know if it will be considered friendly. To remove the first resolved endorsing the recommendations. I'd be happy to pass on the letter, but I disagree with man6 of the recommendations and the NCSG disagreement is noted in the letter.

I would not vote to endorse the recommendations, additional substantive comment. But wanted to raise that question.

Jonathan Robinson: John?

John Berard: Thanks. I do feel friendly towards Wendy, but I do not feel friendly towards the amendment. So I would not accept it as a friendly amendment.

Wendy Seltzer: Okay. And to - then I'd like to address it a bit more specifically the concerns that I have here. These are concerns that I've raised in the group, namely that I don't think the way trust is being defined is appropriate for the general purpose nature of the domain name system.

We don't talk about do you trust your pad of printing paper and similarly I don't think it's appropriate for us to be defining the trustworthiness of the DNS in terms of such metrics as how many complaints were filed under UDRP or URF. And I'm concerned that although the metrics aren't currently defined as enforceable metrics that we're creating a regime in which it's expected that registries and

registrars become police for registrants and the content of their speech using a domain name system and the Internet which I don't think is an appropriate role for ICANN or those parties in the ICANN ecosystem.

So I think we set the wrong precedent by endorsing these metrics.

Jonathan Robinson: Thanks for that Wendy. Jeff, I know you are next in the queue and I see John your hand has gone up as well and I suspect in response to Wendy's comment. But let's respect the position of the queue and Jeff you go ahead at this point.

Jeff Neuman: Yes I'm not sure - my comments are really on the main motion and not on the amendment, but...

Jonathan Robinson: Can we defer to John for a moment then Jeff and then come back to your point?

Jeff Neuman: Yes I'll defer John on the corresponding amendment.

John Berard: I just wanted to bring the council's attention to the fact that Wendy's points which have been passionately and persistently made are a part of the advice letter in a minority report.

This is a - so I mean I guess I'm saying is that even though the decisions made not to adopt a position that Wendy so eloquently espoused, it was considered the opinion of the working group to make sure that her concerns are carried forward, in this case as a minority report as intended by the letter. So I want people to appreciate that by voting for a motion. We are not erasing those concerns.

Jonathan Robinson: Thanks John. Move onto Jeff and I see Wendy you put yourself back in the queue.

Jeff Neuman: Yes actually Jonathan, if we could just finish the discussion on the amendment and then get that out of the way. And then I'll move my comment to my overall motion.

So I'm not in the queue for the amendment.

Jonathan Robinson: No problem. Wendy, would you like to make a final comment then in this dialogue?

Wendy Seltzer: Yes I forwarded to the list my - a longer version of my comments. I would be happy to have the full version of my comments included in the report rather than in the short version that's there.

Jonathan Robinson: Thanks Wendy. So those are on the mailing list in the council meeting?

Wendy Seltzer: Just sent to the mailing list.

Jonathan Robinson: All right.

Wendy Seltzer: It is listed on the CCI list.

Jonathan Robinson: Yes. All right, thanks Wendy. Let's move to Jeff then and hear your input on the overall motion then Jeff.

Jeff Neuman: Well I mean should we vote on - I think the procedure is to vote on the amendment now and then if that gets added or defeated, then that'll affect the overall motion.

Jonathan Robinson: Thanks for reminding me of that Jeff. So can we put that - is the amendment contained in the motion at this stage? Marika, I saw that - well I guess the amendment's simply to square bracket that first resolved clause.

Yes thanks Wendy. That's clear to drop the Resolve 1 clause.

John, do you have something additional to say before we move to vote on the amendment?

John Berard: I'm just asking is the appending of this longer letter from Wendy a second amendment?

Wendy Seltzer: Sure.

Jonathan Robinson: So Wendy, we need to be clear which amendment we are voting on? Is it to...?

Wendy Seltzer: First let's vote on the amendment to drop the first resolved please.

Jonathan Robinson: Right. Let's proceed to vote on that then. So remind me please of the procedure here. Can we - do we take a roll call vote or is there another way in which we can vote on this amendment? I think we simply have to go to a roll call.

Glen DeSaintgery: We can do a roll call Jonathan.

Jonathan Robinson: So can we hear either in favor of the amendment or not in favor of the amendment please?

Glen DeSaintgery: David Cake, in favor of the amendment?

David Cake: Yes.

Glen DeSaintgery: Mason Cole, in favor of the amendment?

Mason Cole: No.

Glen DeSaintgery: Jeff Neuman, in favor of the amendment?

Jeff Neuman: No.

Glen DeSaintgery: Jonathan Robinson, in favor of the amendment?

Jonathan Robinson: No.

Glen DeSaintgery: Norbert Klein for Maria Farrell, please in favor of the amendment?

Norbert Klein: Abstain.

Glen DeSaintgery: Abstain. Wendy Seltzer, in favor of the amendment?

Wendy Seltzer: Yes.

Glen DeSaintgery: Osvaldo Novoa, in favor of the amendment?

Oswaldo Novoa: No.

Glen DeSaintgery: Joy Liddicoat, in favor of the amendment?

Joy Liddicoat: Yes.

Glen DeSaintgery: Volker Greimann, in favor of the amendment?

Volker Greimann: No.

Glen DeSaintgery: Wolfgang Kleinwachter, in favor of the amendment?

Wolfgang Kleinwachter: Yes.

Glen DeSaintgery: Lanre Ajayi, in favor of the amendment?

Lanre Ajayi: No.

Glen DeSaintgery: Yoav Keren, in favor of the amendment?

Yoav Keren: No.

Glen DeSaintgery: Petter (unintelligible), in favor of the amendment?

Petter: No.

Glen DeSaintgery: Zahid Jamil, in favor of the amendment?

Zahid Jamil: This is Zahid. I'm a little confused about what we're voting on? On which amendment - are we saying dropping off Resolve 1? Just want to be clear.

Jonathan Robinson: Yes exactly.

Glen DeSaintgery: I believe that.

Jonathan Robinson: Dropping of Resolve 1.

Zahid Jamil: The answer is no.

Glen DeSaintgery: (Unintelligible)?

Man: No.

Glen DeSaintgery: Wolf-Ulrich Knoblen?

Wolf-Ulrich Knoblen: No.

Glen DeSaintgery: John Berard?

John Berard: No.

Glen DeSaintgery: (Unintelligible)? I do not believe that she has Joyned the call yet.
Absent.

Thomas Rickert?

Thomas Rickert: No.

Glen DeSaintgery: Brian Winterfeldt?

Brian Winterfeldt: No.

Glen DeSaintgery: The contracted party has seven votes against. The non-contracted party has seven votes against. Four votes in favor, one abstention and one person absent.

May I ask for the reason for the abstention Norbert?

Norbert Klein: I was not completely clear and I'm not (unintelligible) about the amendment clause. That is why I abstained.

Glen DeSaintgery: Thank you. The amendment has not passed Jonathan.

Jonathan Robinson: Thanks Glen. So we have a second proposed amendment now which is to append Wendy's fuller reasons as I understand it. Wendy, would you like to speak to that?

Wendy Seltzer: Yes I'd like to suggest that we don't need to vote, but rather could simply include those as an extension of the remarks included in the report?

Jonathan Robinson: John?

John Berard: So we - the report - the advice letter includes the working group's approved take on those comments. So in order for us to append this longer version we would have to vote as an amendment to replace the one that the working group had moved forward. So it's not just a simple

swapping out, but it is in fact an amendment which I do not view as friendly and so would require a vote.

Jonathan Robinson: Thanks John. I've had a suggestion from Alan which is a sensible one that we indicate a support for or a point against the motion in the chat. I believe one can do that by a simple agree or disagree in the chat. And I believe that we have everyone in the chat.

Is anyone - I think that's the case. I hope that we do have everyone. If you could make a note on the audio if you can't vote in the chat. Otherwise I will assume that you can. So..

Jeff Neuman: Jonathan, this is Jeff. If I can just make one comment on this for those amendment. I don't think we need to have an amendment on this. I think we can allow Wendy to make a statement as a counselor and any counselor can with an agree or disagree with a motion and have it submitted separately.

Not as something that would change anything in the report, but just a separate statement on her thoughts. I don't think that - I think that every counselor has a right to do that. It's not done too often, but it doesn't really need to be a motion on an amendment. I think Wendy's got that right just like any counselor does to send something to the board.

Jonathan Robinson: That sounds like a sensible suggestion. Wendy, are you happy with that as a proposed way forward? That you may give your position clear to the council and forward your comment to the board?

Wendy Seltzer: Sure.

Jonathan Robinson: Thanks Wendy, appreciate that. So I think...

Wendy Selzter: Expedient.

Jonathan Robinson: I think that then puts us in a position to be able to put the motion to the vote. So Jeff, although I'm aware you've had your hand up for some time and want to make a comment in respect to the original motion as it stood.

So please make your comment and then we'll move it to the vote.

Jeff Neuman: Yes I'll make it brief. I just want to thank the group, the working group really. I know I've been a little thorn in the side for the last few months, but I think, you know, the changes have been I think really beneficial.

I think they reflect the changing nature or the actual applications that were received. It's a purpose to know, but I think it's fair and it's balanced and like I said I do thank them for the work that they've done. And appreciate the fact that they even though it was after their final report that they went back and revisited the issue. So just a simple thank you and then that I'm really supporting the motion.

Jonathan Robinson: Okay. If we could then move to vote on this motion, that would be great. Glen, if you could take the roll call for the vote on this motion please.

Glen DeSaintgery: I'll do that Jonathan. Volker Greimann?

Volker Greimann: Yes.

Glen DeSaintgery: Thomas Rickert?

Thomas Rickert: Yes.

Glen DeSaintgery: Osvaldo Novoa?

Osvaldo Novoa: Yes.

Glen DeSaintgery: John Berard?

John Berard: Yes.

Glen DeSaintgery: Zahid Jamil?

Zahid Jamil: Yes.

Glen DeSaintgery: David Cake?

David Cake: No.

Glen DeSaintgery: Jeff Neuman?

Jeff Neuman: Yes.

Glen DeSaintgery: Wolf-Ulrich Knoben?

Wolf-Ulrich Knoben: Yes.

Glen DeSaintgery: Petter (unintelligible)?

Petter Yes.

Glen DeSaintgery: Yoav Keren?

Yoav Keren: Yes.

Glen DeSaintgery: (Unintelligible).

Man: Yes.

Glen DeSaintgery: (Unintelligible). I believe she's not on the call because she's absent.

Jonathan Robinson?

Jonathan Robinson: Yes.

Glen DeSaintgery: Joy Liddicoat?

Joy Liddicoat: No.

Glen DeSaintgery: Lanre Ajayi?

Lanre Ajayi: Yes.

Glen DeSaintgery: Norbert Klein for Maria Ferrell please?

Norbert Klein: No.

Glen DeSaintgery: Wolfgang Kleinwachter?

Jonathan Robinson: Wolfgang has dropped off the call. He may need to either vote in the chart or we may need to hold on for a minute while we reconnect to him.

Glen DeSaintgery: Yes we are calling out to him. Mason Cole?

Mason Cole: Yes.

Glen DeSaintgery: Wendy Seltzer?

Wendy Seltzer: No.

Glen DeSaintgery: Brian Winterfeldt?

Brian Winterfeldt: Yes.

Glen DeSaintgery: We are waiting for Wolfgang to be reconnected. I see that we are trying to call him, but have not succeeded.

Jeff Neuman: Hey Jonathan, this is Jeff Neuman. I just posted something and can we get some votes without Wolfgang and if it affects the outcome, then we should (unintelligible). But if it doesn't affect the outcome can we move on and have his vote recorded and included?

Jonathan Robinson: Sounds like a practical suggestion Jeff. Yes Wolfgang is on the chart and so I hope he will be able to vote on the chat. And let's give that a moment.

Glen DeSaintgery: Yes.

Jonathan Robinson: Otherwise I don't want to take that route yet.

Glen DeSaintgery: Wolfgang, can you hear me?

Wolfgang Kleinwachter: Now I can hear you. Yes okay. Sorry.

Glen DeSaintgery: What do you vote Wolfgang please?

Wolfgang Kleinwachter: For a motion I vote no.

Glen DeSaintgery: No. Thank you very much. The results are 100% in favor for the contracted party house. There are six votes in favor for the non-contracted party house. There are six votes against for the non-contracted party house. And one person is absent. So that's 46% point 2 for the non-contracted party house.

And I believe it must have a simple majority of both houses? Is that correct Margie?

Woman: Yes that's correct.

Glen DeSaintgery: Then it does not have simple majority of the non-contracted party house.

Jonathan Robinson: So the motion is not carried.

Glen DeSaintgery: The motion is not carried.

Jonathan Robinson: Right, so moving onto the next item. The next item on the agenda is the motion in connection with the suspension of the PDP process which as Wolf-Ulrich informed us earlier has been withdrawn. So...

John Berard: Jonathan, this is John. There were five total votes on that motion, yes?

Jonathan Robinson: Glen, can you confirm the votes from the non-contracted party house please?

Glen DeSaintgery: I will do that. It was six no votes. Oh I'm very sorry, there was a mistake. Brian Winterfeldt voted in favor.

John Berard: So I'm unsure - I mean it seems to me that the motion passed.

Glen DeSaintgery: Yes I'm sorry. Brian Winterfeldt, can I just make sure you voted in favor?

Brian Winterfeldt: Yes I did. And there was some kind of noise interference at the time I voted. So probably distracted you guys.

Glen DeSaintgery: That is quite right. So the motion passes. I'm very sorry about that.

Jonathan Robinson: All right, so to reconfirm then because the votes - can you confirm the tally from both the contracted party house and the non-contracted party house with the avoidance of doubt Glen?

Glen DeSaintgery: The contracted party house there are seven votes in favor. For the non-contracted party house there are seven votes in favor. Five votes against and one person is absent. So that is 53.8%. I'm very sorry about that.

Jonathan Robinson: So there is a simple majority - at least simple majority in both houses which means the motion is carried.

Glen DeSaintgery: Yes.

Jonathan Robinson: Apologies to all for that confusion. So motion - Item 5 motion on consumer choice trust and competition, the motion is passed.

Thank you.

John Berard: It's been a long time since I've had to rely on my math skills.

Jonathan Robinson: Thanks John. All right, moving onto the next item then which is the trademark clearinghouse straw man proposal. I just highlight with you the time we're on, we are around half an hour behind our schedule.

I did warn counselors in advance that we would need time for discussion and this meeting may run on beyond the standard allotted two hour. And so you should be forewarned. I understand that most of you are in a position to continue and since we don't have items to vote on, it's not absolutely necessary. But I will encourage you to the extent that you can to please stay on the call as to where we're headed.

Let's move onto Item 7. We're going to kick it off with an update from staff led by Margie who has a presentation to remind us of the content of the straw man proposal. And I'd remind you that we have a letter from ICANN to consider this and the items in it and to work on a council response.

Thank you.

Margie Milam: Hi everyone, can you hear me okay?

Okay. So I have them applied up into Adobe Connect a brief overview of what the straw man model provides. It includes additional features that weren't in the original trademark clearinghouse, but came out of discussions since Toronto out of an implementation related meeting that body convened since Toronto.

I won't go through the details of the features given the time period, but it's there. And it's also posted for public comment right now. The public comment period for the trademark clearinghouse model is open until early February and essentially there's four aspects of them. They're summarized on the slide related to things that have to do with the notices and the period associated with trademark claim notices.

There's also additional clarity on what labels would be allowed to be included in the trademark clearinghouse, specifically on Item 4 for example it does say that domain labels that have been determined to have been previously abused such as in the subject of URDP or legal action could be added to the trademark clearinghouse record.

And those records would receive a trademark claims notice. So there's more detail in the documents that are published for public comment, but this is the highlights for the council.

So with regard to the next step as Jonathan mentioned, the body has requested that the GNSO Council provide policy guidance on these additional inclusions onto the trademark clearinghouse. And there is a

public comment forum open until February 5. It's also if you take a look at the public comment forum there's an additional item that is also open to public comment and it's this limited preventive registration model that was proposed by the IPC and the BC.

I just wanted to point out, but it's not part of the straw man proposal, but it is something that staff was seeking public comment on separately. And a note to Jonathan then earlier this morning, body noted that the timeline for council to respond could be up until the end of February to allow time for evaluation of the public comment or perhaps convene a working group.

So the next step for the council is to consider what it wants to do and whether it wants to focus on the draft response that Mason Cole has circulated to the list. And then it's the next step for the council.

And then related to this is the defensive registration issue which has been before the council several times and unfortunately because of agenda and timeline we haven't been able to actually cover - I think it was supposed to be talked about in Toronto. But I just want to refresh the council's memory on this issue that earlier in the year there was a public comment period that was open on the issue of defensive applications at the top level for new gTLD's.

But in that public comment forum it was clear that there was a lot of comments that focused specifically on protections at the second level. So back in April the board, gTLD Committee directed staff to provide this briefing paper on defensive registration for the second level.

And sorry I just lost my connection here. Okay and - hold on one second. Okay. Here we go.

And there was a briefing paper that was actually published for the council's consideration. The board also asked the GNSO Council to consider whether additional work on defensive registration should be undertaken at the second level.

And since that request, the council hasn't formally considered this. And so, the reason the briefing paper was there and the reason why this was on the agenda for the council to consider is to determine whether - would like to take additional steps on this topic.

And this topic is related to the IPC BC recommendation that I mentioned earlier, this preventative registrations mechanism that's open to public comment now. That essentially would give and implement - implement a mechanism for trademark of holders to prevent second level registration upon a payment of a reasonable fee. And so with that, I'll leave it for discussion among the council.

Jonathan Robinson: Thanks Margie. I have in my notes that there may be some form of input from (Brian). But I suspect that's really in and around the paper on the defensive registration.

So my understanding is Margie that you've covered up (stopped in) for his sake.

Margie Milam: Oh yes, and I apologize. (Brian) couldn't make it. He had a personal issue to deal with this morning. So he asked me to cover. And so on this last slide I have the link to the paper.

But essentially it talks about the - what I mentioned earlier. Whether the council would like to take any further action with regards to the issue of second level defensive registration.

Jonathan Robinson: All right, so then my understanding is we've got (Fadi)'s letter.

We've got the straw man, which has more substantive points in it. We have, within (Fadi)'s letter, the mentioned of the model. Although it's not technically part of the straw man model, we've got mention of the limited preventative registrations mechanism proposed by the IPC and BC.

And we also have an outstanding item, which is to make some response or comment or input from this briefing paper on - that (Star) prepared a little while back now. And it is sitting in our agenda relating to the issue of second level defensive registrations.

We have a little more time. I sensed in the run up to this that there were some quite strong views. So I don't now how much time will make a difference. But I think it's good that we do have the luxury of an opportunity to discuss this now.

I think it's very useful to be able to discuss it in person or over the telephone on audio. And to pick it up further on list and see, as you suggested Margie, whether as far as (Fadi)'s letter is concerned whether we build on Mason's end.

But I would encourage councilors to also consider this issue of how we might respond to the second level defensive registration's paper. Zahid I see your hand is up.

Zahid Jamil: Yes, I just, you know, in light of the Mayan calendar, anything I say about this may not matter. But I wanted to ask, and I hear from Margie that there's a comment period that is open with respect to this.

And I was wondering whether it would be appropriate for us to wait for the comment period to close and consider comments before doing something on this? And it's just a procedural question. I just wanted to see what that - what people think about?

Jonathan Robinson: Well my understanding is (unintelligible) that that was what he was giving us time to do and take it as input into the whole process. But I think we, you know, we have the opportunity to act ourselves. And at least to open the discussion as to the council views, either of the councilors and reflecting their groups themselves.

So whereas we might want to take that as a data point. I think we shouldn't be wholly reliant on the public comment input. But certainly we have the time to feed that into our discussions.

Would anyone else like to speak to this? It's a pretty substantial issue. I know there have been some concerns over the way in which it's been handled. I think this is an opportunity to council to discuss it and to formalize our input and feed that back to (Fadi).

So it's an excellent opportunity regardless of strength or substance of your feelings. So I think it would be very useful to hear any input in and around this topic.

And so I'd encourage councilors to participate in this discussion. I know we have had some on this discussion. But it would be very useful to hear any input now. Wolf-Ulrich, followed by Petter and (Brian), actually the hands are starting to come up now, Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, thank you Jonathan. My first comment would be about, which you said, and the question afterwards on how shall we deal with that? So because on the one hand, you know, so we are, as council we are asked for, well for a response to (Fadi).

But in addition so we have in the background our constituencies in the stakeholder groups. Which are going to deal with that item as well, and may respond by themselves as stakeholder groups and constituencies.

So in this respect, so we had - I can also can speak for the ISPCP so far because we have an ongoing discussion on the straw man issue. So we have, just for us it's more let me summarize where we are.

I've have now (ace) that we, from the procedural point of view we have an issue with what's going on now with that. But from the content issue we would like to be a little bit more refrained. That means more neutral on the content. Since we agree that some issue which has not been covered from all point of views in the past with the exiting HEB.

So for us it's important, in general, that the bottom up policy process would be kept. So it's important - and that this policy is not going to be (unintelligible) right now or also in the future at some point.

On the other hand the second point is that the straw man proposal, from our point of view, touches heavily the question of policy versus

implementation. And that needs to be discussed and also decided on by the councilor, (let me say all), not by the councilor but in the community.

And another point is that the schedule for the - the tight schedule for the new gTLD program should not be affected, impacted in any way by discussing that. And maybe also just working out this straw man. And so that's an important point.

So as any changes to the, either to the trademark clearinghouse or the AGB or the (help protection) mechanisms in this round are really essential. And the EG and social take up most of those proposals in a new order.

So these are comments, well just summarized from our ongoing discussions that were like (unintelligible) here. And before me then is the question how we really deal with that, from the councilor's point of view, how we work on that answer.

And in context with what is going on in the different stakeholder group constituencies. Thank you.

Jonathan Robinson: Thanks Wolf. There's clearly work ongoing. And that's likely to be fed into, I suspect, the public comments process. And it's a question of reconciling that with any work that is done at the council level as well.

Let's move to Petter, and then I've got (Brian) and I've got Wendy in the queue.

Petter Well first, I just agree that the councilors should continue to consider the proposals, but don't take an official action until the close of the public comment and reply window.

And also formally would like to add that the letter should identify both those in favor and those not. And allow a minority view to be sent to (Fadi) as well.

Jonathan Robinson: Thanks Petter, (Brian).

(Brian): Thank you Jonathan. I want to reiterate what Petter said that I think that it would be helpful to reflect on the full range of viewpoint that we're going to hear through the public comment period.

And so further to the communication that (Fadi) sent to you, you know, we believe that the council really should allow for the public comment period to close so we can really see the full range of input from the community before we give our feedback.

In addition, the council's letter to (Fadi) we think should be responsive to his request, which we feel that the current letter is not entirely. And should specifically identify which councilors can pose any majority position.

And we should set forth a minority position as well, if there is one. The IPC clearly supports the straw man and limited preventative proposal. And we're frankly surprised and a little disappointed on the council in light of the fact that our understanding as representative is from each of the stakeholder groups participated in the meetings in Brussels and Los Angeles.

It was not just a meeting between (Fadi) and the IPC. And the ICANN proposal of the straw man proposal includes the name of each representative that was there and that participated in the meetings. And our understanding is that this was supposed to be a document that came out of the consensus of the participants.

Importantly, we think they compromised and the straw man proposal, you know, did not necessarily materialize out of nowhere. But again, they were over extensive debates that took place on two continents.

And so for example, if you take the original BC IPC request in Toronto for a claim service of indefinite duration, the negotiator compromise resulted in the straw man proposal was a 38 extension and a longer secondary claim service that is missing pertinent ownership data.

So compromises such as this emerged from give and take negotiation among representatives of all stakeholder groups.

So stakeholder groups now that are asserting their rights protection mechanism should not have been revisited at all. Cast out on the good faith of negotiations that took place in Brussels and Los Angeles.

Also relevant to the negotiated compromises, ICANN personnel have already given their views on which matters are public policy versus which are implementation. And if the council wants to respond on this point, then we should submit that the best way forward is to obtain a (bright line) test from ICANN policy staff that everyone can abide by moving forward.

Rather than making attempts at self - potentially could be seen as self-serving definitions and context. And I think, you know, this is kind of a broader issue that we're all sort of struggling with which is, you know, the concern that people feel like there isn't necessarily always a good faith determination of what's policy or what's implementation.

And it seems like if you want something then it's implementation. And if you don't want something to happen, then it looks like policy. So you send it off to a PDP.

And again, you know, we just really want to reiterate. We feel like there was participation from the whole community in the meeting. There was a very long list of (asks) from the BC and the IPC that was whittled down to ultimately only the straw man proposal.

Our understanding was that that was done in the context of removing things that were policy. And then that's why, from the long list of things that the BC and the IPC brought to the table for discussions in LA and Brussels, this is all we walked away with. Which is frankly a very small amount of what we were asking for originally. And this was supposed to represent the consensus of what could be considered implementation.

Jonathan Robinson: Thanks (Brian). That's helpful input from your perspective and useful to hear. I see you've stimulated a couple of other members of the council to Joyn, or councilor to Joyn the queue. Let's give it over to Alan and then I've got Wendy, Jeff, (David) and Joy in line. But let's go and hear from Alan.

Alan Greenberg: Okay thank you, a couple of points. I and ALAC are - have real problems with how this was orchestrated, how the meetings were set up and who was included and, you know, funding and a whole bunch of other problems.

That being said, I believe, and I think there's a consensus in ALAC. We haven't discussed it yet. But we haven't formally voted on it yet. But there is, you know, a lot of discussion.

Believe that this kind of flexible and open brainstorming is going to be absolutely mandatory to how ICANN addresses policy problems and other problems.

It was exactly that kind of discussion that made STI successful. And I remind everyone that STI was a group formed at the request of the board, or perhaps the threat of the board, on very short notice with limited participation. With a mandate to come up with some answers.

And it was successful and is now being heralded as something that we can't change. But it was exactly this kind of brainstorming. The current PDP process tends to result on difficult problems with least common denominator answers.

And those are simply not what ICANN is going to need in the future going forward to address its really difficult issues. And I think, you know, I would far prefer this kind of process to be initiated by the council, and not by the CEO.

But I think we need to be really open to figuring out how to address difficult problems. And the current working group model just isn't

working. So I don't say that it should replace the policy development process or processes.

But it should be a tool and a valuable tool in going forward in these kind of things. Thank you.

Jonathan Robinson: Thanks Alan, Wendy.

Wendy Seltzer: Thanks. So speaking from the non-commercial stakeholders group, we support the letter that Mason has drafted. And would support its being sent quickly and responsively from as many in council who can support it because I think it's an important statement of the council's role in this process.

It's nice for people to be able to go and have discussions. But the way those discussions are and the discussion group is assembled doesn't give it the same force as the community assembled in the GNSO Council.

It may have had members speaking from various constituencies. And CSG did send people for part of the time. And not as many as would have liked to be able to accommodate the schedule.

And - but it's not a body that's constituted to make policy decisions. And so as much brainstorming as can go on there when it is making policy choices, those belong in the GNSO Council.

And I think we need to say that. And we need to be ready procedurally to address things quickly when asked. But not seed policy making

function. And I welcome the discussion that started on differentiating between policy and implementation.

Jonathan Robinson: Thanks Wendy. I'm just going to make a couple of remarks there. I think there is - it's quite clear that threading through this topic and through, in fact, in many ways the GAC letter. There is the policy best implementation question.

And it's not formally on our agenda or there has been some discussion on lists about this. So that sort of macro question, I'm acutely aware of a requirement to deal with it. And the overlap with this response to (Fadi), as well as the GAC letter that we have to deal with. Let me move to Jeff. And I've got (David), Joy, Zahid and Mason.

Jeff Neuman: Thanks Jonathan. Yes, I mean a couple points. First is I just want to be clear that it was explicitly agreed with all the people that attended there. And I was one of them that our being there and our agreement to allow (Fadi) to put the straw man out did not mean that we agreed with the straw man itself.

And I'm not giving my personal viewpoint here. I'm just making a factual statement that our attendance there should not be taken as some sort of admission or some sort of consent to the straw man.

In fact, the straw man was heavily objected to by a number of the people that were there. And in fact they expressed this very fear that someone would take their attendance as being agreement.

And so on behalf of the (M) (TAG) and on behalf of the registries, I'm obligated to again make that statement. And prefer not to - we would

prefer not to see that made in any kind of statement that comes out of any constituency or stakeholder group. Because we think that's unfair and directly contrary to what we all had said and what (Fadi) had said to us at that meeting.

The second thing is I think this, like the GAC issue, is really, we really need to forget about the substance of the issue. We really need to, at some point, throw that aside. Pretend it's another issue that we're not so passionate about.

And then come down to the fundamental point. Are we or are we not a policy making body of the ICANN team? And only (Fadi) and the council is deciding legislature. But I mean the GNSO as a community.

In fact, it says it in the bylaws that the GNSO is responsible for policy within - for generic names. So to the extent that something is policy, we have no choice but to send a clear message to the board, to the GAC and anyone else that we are that body.

Unfortunately we're getting very distracted with whether we are passionate about this issue or not. We make it about trademarks. And we make it about all these other things.

But the issue is simply is this policy? If the answer is yes, then the GNSO should take it over and take back. And I think that's what the letter should really emphasize more than anything else is this is policy. Therefore, it's for the GNSO.

And I would ask, and I know this is not going to happen. But I'll ask anyway that we take the passion out of the, you know, do we support these additional trademark protections or not?

And move it back to (into this) policy. I think that's critical. I think it's critical for our response to the GAC because I see this as a defining moment. This is is the GNSO going to constantly be (unintelligible) circumvented?

You know, but I also do want to state that I do support (Fadi) and the small meetings that he has. I think it's critical that ICANN have these smaller types of meetings so that their decisions are not made in a vacuum.

Under the previous regime ICANN staff made a lot of decisions on implementation that were in a vacuum, without considering how this would affect registrants, registries or registrars.

I applaud (Fadi)'s attempt to get some actual impact statements from all of the groups. I applaud his efforts in that. But - and he's done his job. He's recognized that there are some policy issues.

And I think those policy issues now need to be handled where it's supposed to under the bylaws, which is the GNSO. Thanks.

Jonathan Robinson: Thanks Jeff. Can I just encourage councilors who have spoken to put their hands down. And I've got (David) next in the queue, followed by Joy, Zahid, Mason.

(David): Thank you. I just wanted to echo what Wendy said that we - the NCSG strongly supports the letter (as) drafted. And I also want to strongly agree with Jeff there that the, you know the GNS - we need to make it very clear. The GNSO is the policy body.

I also don't think this idea that if something is labeled implementation detail, the GNSO does not get involved is somehow to be pulled - you know, someone left the - because of the basically policy decision made later in the process somehow are no longer policy.

I don't think that's, you know, I think there's a definitely we need to make processes by which the GNSO community can advise them later in the process. And if there's small meetings and things, maybe that.

But changing previously agreed on policy positions because of implementation is not how we should go.

And (in said) there are, you know, the G - and just wanted to note that the GNSO does have resolutions mandating review of RPMs in the - RF delegation of new gTLDs.

They don't set in stone. But there will be opportunities to change. But we - the current process - hey, you know, we've done a lot of work to make sure the - what we - done a lot of work to ensure what we have.

There's no what the - I don't agree that we should be changing - we should be using this sort of process (this lead). But I think Jeff's very right. We should move - step aside from how we feel about the personal issues. And talk about the role of GNSO in policy. And how

we can I mean perhaps expand that role. But certainly keep the GNSO as the prime policy body. Thanks.

Jonathan Robinson: It sounds like to me that - I won't try to sum up things at this point. But I'm picking up a couple of themes here. So thanks for that (David). I'm going to draw a line under John because even though we have set the expectation and will need to use the run over time, we still have a lot to get through.

And this is a very useful and helpful discussion. But I think we will need to draw a line under John. So I've got following (David), Joy, Zahid, Mason, Volker and John Berard. Joy come in when you can all be it please.

Joy Liddicoat: Sorry, my turn Jonathan? It's Joy.

Jonathan Robinson: Yes Joy, go ahead.

Joy Liddicoat: Thank you. Thank you. Just a few points, (first to echo) the earlier comment. I don't believe we need to wait for the public comment period to end. You know, we talked about the GNSO Council then needing to be able to respond quickly to and in a timely way to the new (CEO).

And I think we should proceed on it without prejudice basis to do so. I want to thank very much Mason for his leadership in drafting the letter that he's proposed, which is (unintelligible) support (in NCSG).

I do have a just a couple of additions to the letter. One is basically on the point regarding the additional expansion of trademark right to be (lower), which I think the letter makes the point well.

We'd just like to note that this would not only impact the community. It also has implicated beyond it's impact outside the (DNE)s and registrants because it could of course amount to an expansion of trademark rights through this private mechanism outside the traditional boundaries of trademark - current trademark laws and treaties.

Secondly, just to remind the council that we did pass a resolution mandating a review of all rights protection mechanisms from the UDRP to the new ones introducing the new gTLDs 18 months after the delegation of the first new gTLD.

So, you know, expanding policy or taking the scope of agreed upon right protection mechanisms does make our previous decisions problematic. And, you know, in our view if the IPC and the business constituency believes that these only (unintelligible) the solution isn't to propose them ad hock but to accelerate the existing council resolution on review. And we'd be happy to support that.

Finally just on the policy and implementation questions, I want to thank Jeff for raising this. If I can say, a policy (rose) by any other name is still policy. And I think that the - if we were to lift ourselves as a council above procedural questions, then we need to get into the substance. And base document implementation (if borrow), it isn't helping.

And so, you know, I think we very much need to support the latest (unintelligible) now. And finally, I would just echo the point that's made about anticipation in the proposals.

You know, suggesting that council writing to the CEO now is somehow a breach of good faith for those who - the small number of people who were able to participate in the unadvertised meetings that were held.

You know, I think is a real distortion of that process. And I think it's not really becoming of the councilor to raise that in this context, thanks Jonathan.

Jonathan Robinson: Thanks Joy for that comprehensive input, Zahid.

Zahid Jamil: Hi thank you, (unintelligible). I think, you know, I have concerns about the way that the letter is drafted somehow and what kind of discussions we're having.

There are other (unintelligible). But, you know, I completely agree with Alan that you need to have a process where negotiations of this nature can take place, which lead to certain resolutions.

Now not - attending those meetings, negotiating down what one constituency wants and the coming in and saying (we'll qualify without), again I understand that is a right.

But what it does is it creates a problem with good faith negotiations in the future because then everyone will move to extreme positions. And that is going to be unworkable. This is my sense.

The second problem I see here is that, you know, everybody's talking about how this is policy. And just to be clear, not everything that we're being asked to look at is policy.

The straw man proposal and everything in it is not policy, their implementation things. Lots of work, by the way, in the gTLD problem, you know, never passed through the councilor. It was an implementation process.

A simple example of a one RPM that never, ever in any way came to council was the implementation of the whole delegation dispute resolution process. Is that not policy? But it's in the new gTLD program. There are many others that have been implemented or, you know, passed through. And they're not policy.

So I mean maybe we need to be factual and look at what the straw man actually does. Let's have a discussion, substantive discussion and then passionate about one at that. And try to figure out which of those items we've been asked to look our policy and which are not.

You know, at 50 UDRPs, automatic sunrise, (unintelligible) extended. These are not policy issues. These are issues related to implementation.

Also just to clarify, we keep hearing our council is a policy making body. I think we put this to rest a long time ago. And I really would like to hear what others have to say about it.

I think we all had agreed that this is what we are supposed to do. The council is not a policy making body. It's a management body. If managers policy that are still, you know, it comes up from working groups and others.

So here's maybe a couple of things we could do. We could separate the two aspects of straw man and LPRs. The LPRs are - can propose implementation issue. Some things might be policy, but we could separate that.

And then there's the stuff that's in the straw man, which clearly is just implementation. So we have problems, you know, the GNSO policy says that the new gTLD program should not infringe on the rights of others.

But we do have a problem with trying to address. And we just kind of ignore it by sending this letter also. With respect to the letter, I have some concerns in the process that's being adopted.

You know, not all people actually contributed to this letter. It wasn't announced and sort of drafting or anything of that nature. It's not - I don't think it's inconsiderate because everybody keeps saying that straw man is policy.

And I think we do need to do justice to it. We do need to look at the letter, consider it properly. And maybe we need to have, you know, maybe a drafting team or somebody else who will look at it properly.

This rushing through a letter which doesn't represent fact, at least in my view, becomes a problem. So whatever comes out from this council going to (Fadi), I believe needs to be - needs to go through a process where we can genuinely say that we've all considered it. We've discussed it. But I don't think we can do this on this council call. Thank you.

Jonathan Robinson: Zahid, I'm not expecting that we will do it on this council call.

Thanks for your input. I think this council call represents an opportunity to get some comprehensive input in a way that's not possible on list or whether it's not that the list isn't invaluable in and of itself.

I've got - made some (forecasts) John and then I'm going to have to try and wrap this up. So Mason the floor is yours.

Mason Cole: Thank you Jonathan. I'll be brief. I just want to say I certain agree with Jeff about the committee over policy. I further agree with Alan that flexibility in the development of output for the GNSO is warranted. It's appropriate.

It's going to need to be a tool that we employ further and often. All that said, I - speaking for the registrars, you know, we were at the meeting at the request of the CEO.

We were not at the meeting in a negotiation session. It was simply to provide input on what had been proposed by the BC and the IPC. I just, I fundamentally disagree with the idea that that was a negotiated session.

I mean if I flip the situation on its head. If someone were to approach (Fadi) and say we'd like to negotiate the removal of some of these established RPMs and new TLDs. You know, would that be considered a good faith move?

Or would it be, you know, would that be characterized as policy or implementation? I think we need to be very careful about skirting around the established procedures because it removes predictability.

And as I've pointed out on the list before I think, you know, some may think that that's a trivial issue. I assure you that from a contracted party point of view, it's not.

So, you know, I do think that many of these were settled issues. And they should remain such. And we should respectfully treat new proposals as they are.

And, you know, I agree with Jeff that we need to maintain the authority of the council over policy development. Which with regard to the letter itself, I certainly don't intend to rush it through.

I took a stab at it in good faith to - that reflected what I had learned was most of the council's position. I'm certain the IPC and BC are not in agreement with what's written there. That's why I worded it the way that I did.

Minority statement, you know, reflection of BC IPC position, of course. You know, that's - I wrote that letter with the full expectation that the GNSO's full position would need to be considered.

And if there's a strong enough bifurcation in the council about feelings on the matter, then it should be so reflected in the communication to (Fadi). So I certainly have no intention of running one position over the other and silencing anyone else's point of view.

Jonathan Robinson: Volker.

Volker Greimann: Yes I just wanted to say I agree with most of the content of the letter. I do think that establishing parallel processes for policy making when we already have processes, because some parties think they are not conducive to their intentions or goals. Is not the right way to go because in the end that will only turn out to lead to lobbying with the board of (Fadi) for whatever the position of one stakeholder group may be to the detriment of all the other stakeholder groups.

I cannot agree to that that would be a (death nail) to the GNSO process and to the council itself. So I cannot in my best conscious support the process for that.

The second point is that the implementation (where is) a policy issue. There's something that will - I think that should occupy us for a long time for the future because I was positively appalled by some of the comments from staff that certain aspects of the straw man proposal were implementation rather than policy.

When exactly the same topics have been discussed in the policy-making process as policy with a different result. And then coming forward to say this is implementation instead of policy when it was policy before does not make sense is not - the process is not good. Implementation is just not the way that we should accept these proposals.

Jonathan Robinson: John before I try and sum this up or bring it to some sort of conclusion, you've got the pen ultimate word.

John Berard: Thank you Jonathan. I'm - I realize that what we are doing here is we have a number of threads that are wrapping around themselves. I just hope that they don't lead to a rope by which we hang.

The distinction between policy and implementation, the - whether the conversations - the sessions of the (circuit) were held in Brussels and LA were anything more or less than public comment in person.

The ability of staff and the CEO to make real the wishes of the GNSO. I look at the initial implementation of digital archery and then the prioritization (withdraw), and I think if that's implementation then clearly if the policy is to offer some protection to trademarks. Then creating a sunrise of any duration allowing for the protection of marks in a number of ways seems to be a matter of implementation.

So I would encourage us to look at each of these strands separately. But appreciating that they do ultimately lap together. I think that the BC's position is clear.

Coming out of Toronto the BCP had signed onboard with the IPC, promoting a list of eight requests. If you look at the straw man as it exists, there are three of those eight that have survived, with the fourth being the limited prevent in registrations.

And we can discuss whether that's policy or not. But I particularly - I believe it is. But I think it would be great to be able to look at these threads separately with an appreciation that they ultimately will wrap together.

Jonathan Robinson: Thanks John. And I appreciate your drive to try and bring it, well it's not necessarily a consensus of opinions or view, a consensus of thinking or operating.

I mean I think this has been a valuable discussion. And there always was a risk in opening this up that we wouldn't conclude anything. My sense of where things are headed is there is some conflict between the desire to respond in a quick and timely fashion versus a recognition that there is - we do have some time.

And in fact (Fadi) has given us some time. I think those two can be reconciled. What I'm thinking of now, and I'll leave you with this though is that we may want to put a rather shorter reply to (Fadi) focusing on the council's role and our understanding of the council's role.

Our intention to work as part of a broader initiative to tackle this issue of policy versus implementation. And an intention to respond to some or all of the specifics of the straw man in the timeframe in which he has permitted and which we'll permit the public comment process to proceed.

So I think I can see a way forward that accommodates much of what has been said. And what I'm starting to think of as I say, a shorter form of letter that goes out initially emphasizing the council's role and our views and our work on policy versus implementation.

And then a slightly slower response on some of the substance of the straw man along the lines that has already been drafted but clearly with reviewing and work to be done.

So, you know, I think we'll have to pick this up, unless we do have some time. Although I have heard that others would like to respond rather more rapidly. And I think we can reconcile those. And let's pick this up.

But thank you for the very constructive tone. And, you know, substantial input that's been put into the discussion so far. I think that was as much as we could expect. And it's very encouraging to see. So thank you very much for that.

The next topic is possibly equally challenging. Although we haven't - we don't have the benefit here of some subsequent guidance. We simply have the GAC letter, which in my view came not as a total surprise but because it did follow on from a comment from the higher level meeting.

But it did - it nevertheless, was a strongly worded challenge to the council as to our role in a particular area. And it certainly needs - better needs a response.

I think it represents both, if you like, and a little bit of a cliché both a threat and an opportunity. It's the GAC clearly laying down a line, which they want us to respond to.

I think it - I hope that it creates the opportunity for some - for us to engage with the GAC other than simply writing a response and in a sense throwing it back over the fence and saying, well here's our response.

I think it's Jeff made some constructive work with his colleagues on a response. And Jeff I wonder if you might like to say a few words on that? And to kind of really less about the substance of your response, but I'm sure you'll tackle that, but as much about the thinking behind that.

And then I think we could have a little bit of discussion on this as well. But like I say, I think that there's some diplomacy to be done to be with the GAC, to be handled in this as well.

So let's hear Jeff from you on some of your rational for how - where you went down. Which route you went down with on this. And hear if there's any other input. And then take it from there, thanks.

Jeff Neuman: Sorry Jonathan. You know, we must have written a number of drafts of this internally at the (new star). And just trying to figure out how we could - and I want to thank (Becky Burr) who many of you know, and was very instrumental in drafting this letter.

You know, what we tried to do is tried to come up with a tone that wouldn't be adversarial, or be taken as adversarial to the GAC. But just trying to explain the GNSO's role and why we thought - we think this does - some of these things involve policy issues.

Even if, you know, at one point in the letter, even if the GAC is right and all of these are legally - legal determinations. And, you know, even if they're completely right that the law should govern it and really not relying on the GNSO to interpret the law.

There are still policy issues around the edges or that would need to be considered. So it's basically to say and to justify why we started the PDP. So in the first paragraph we went back and tried to come up with a definition of policy or policy development.

And really what we did is we went back, God this must have been I think eight or nine, probably about eight - seven or eight or nine years ago. When there was a dispute about the weightless service and whether that was a proper topic for the DNSO at the time and whether that was properly for the policy discussion.

And at the time the registry that I proposed said this is not appropriate to be discussed within the policy realm. And so we sought an opinion from the general council. At the time it was the previous general council.

And he came out with this kind of (factors) that he believes were issues of, you know, if you apply these four factors then, you know, it was policy. And so we went through those factors and put them in this letter as kind of just an explanation of what we thought might be a good test to continue.

And I think at one point it was actually reflected in the bylaws but then taken out in a subsequent amendment. So the rest of the letter basically goes, you know, says that while you don't have to use the validity of their advice. And we're not trying to tread on their (unintelligible).

We're basically saying that, you know, policy development is even needed or is needed to discuss things like exception. So even if it's a -

even if you accept the fact that the treaties of the world require registries and registrars to protect the Olympic marks or the Red Cross in accordance with the treaties. Even those treaties and national laws recognize that there are exceptions. So there should be a policy discussion on those exceptions (at a minimum).

And not - again, I didn't want to make the point that we necessarily agree with that outcome. But just playing kind of the devil's advocate of even if we accepted all fact to be true, there are still policy issues that would need to be discussed.

The same thing would be, you know, applying .int criteria to the - for the ITOs. Even that recognizes that there are exceptions to ITOs. So we need to deal with those exceptions. And that would be only through a policy process.

So, you know, it's really trying to be more of a non-adversarial response. But still yet firm in the - in communicating the message that the GNSO is responsible for policy. And trying to encourage dialogue. So that's really kind of the thinking of the response.

Jonathan Robinson: Thanks Jeff. Thanks for that - for all of your work in the background and for that comprehensive review of it for our benefit now. I mean I - it is my opinion that almost no matter how effectively, and I do think your first draft is a tremendous first draft and first effort. And it gets us a long way.

I wonder whether we, without some form of oral dialogue, you know, some sort of informal or other communication with the GAC, my sense is that we might be doomed to failure.

So that's the challenge that I feel I have in my hands. That's the hot potato that I would like to deal with. I'd like to reach out and try and do something more than just sending a letter back.

So I, like many of you, am very supportive of the draft. And feel very positive about it. But I would like to manage the subtleties of the relationship. And actually in some ways there's an appeal to US councilors if anyone has established relationships with GAC members to make them aware the seriousness with which we take the GAC's input.

The respect with which we hold them and our desire to do the right thing in this respect I think would do no harm. But I think it's incumbent on perhaps council leadership to try and reach out to the GAC and talk to them a little prior to sending a letter back.

So that's my thinking on both the tactics and the substance. Jeff I think your hand has come up again.

Jeff Neuman: Yes, you know, I understand your point about talking to them. But I think we really owe them a response in writing fairly quickly. That letter that they drafted, it didn't take them very long after the Toronto meeting to come back with it.

And we seem to be kind of - we seem to be taking a much longer time to respond. And I think if the governance in the (role) can agree on a response, you know, we should be able to agree on something to send back.

And, you know, I would encourage, you know, I understand that there's people that don't necessarily agree with there's a legal statement in there about the liability of intermediary liability.

I understand if you don't agree with that, that's fine because I've seen stuff from people. But come up with a way to restate that recognizing that there may be an issue that some people feel need to be explored.

You know, but I do think we should set a timeframe to respond by, you know, no later than - I mean if we respond later than January 15 or I think it's just pretty poor.

I think we need to show that we are a body that can hack, at least with some things. And if we can't respond by mid January to a request we got in, I don't remember the date - in November. That's pretty bad.

So I strongly encourage people to make constructive comments. Suggest edits. Recognizing that there's two sides of every story. So if we can make sure that that's in there. Then that would be great.

Jonathan Robinson: (Unintelligible) and that's a very good point. I mean we do it with a timely response. And frankly it came on November 28, which was after our last council meeting.

So it's reasonable that we should have one meeting in between times to discuss our response. We are of course doing that now. So I would like feedback. I see (Thomas) has put a plus one in the comment.

I would like - recognizing what I have said about the fact that it may be in our interest to discuss elements of our response. I would like very

much, as we're seeing in the chat now and on list comments about the speed with which we reply. Bearing in mind there is some risk with replying at speeds at our rich and response isn't properly contextualized.

They may not be irreconcilable. It may be possible to talk with the GAC before sending a written response. But that would be useful to focus on that because there seems to be a relatively good support in and around the content of what was clearly a well thought out measure in the first place.

There will be some tweakss. Personally I have a couple of tweaks. But - and I'm sure others do. So we can tidy up the draft. The question is the mechanics of when we get. Is the 31st of December our deadline? Is mid-January or deadline? Is it prior to our next meeting?

And I think we should focus on that and whether or not there's, if necessary to have a conversation with the GAC leadership and/or the members of the GAC who were substantially responsible for this letter.

So if we could direct comments in that respect. But I think we've - I've got a pretty good feel there's a sense of getting this letter off in a timely fashion. And we should prioritize that, if we are able to discuss the contents before sending it, great.

So it sounds to me like our end stop date is our next council meeting, which happens to be the 17th of January, which makes the end stop deadline for this around mid-January, which is what Jeff said.

So let's work with that in mind. And we may do it sooner. But realistically with the holiday period now, we've had our meeting. Our meeting runs pretty close to the holiday period depending on where you are. And what circumstances you're in.

So it sounds to me like our working deadline, the end stop deadline is mid-January. So we'll take that as a takeaway. And the letter to be send up prior to our next council face-to-face meeting.

Unless there are any other important remarks to be made, I know that there's some comments going on in the chat that I think we'll then keep things moving on to the next topic.

So thanks again to Jeff and the people at (new star) and the councilors who have contributed both on the chat and on the audio.

Jeff Neuman: Yes, Jonathan, this is Jeff. Alan had a good comment on the chat. I think you should, if you can, communicate with the GAC or (Heather) and just let her know that - to expect a response by mid-January. Just so that they don't think we've forgotten them or are ignoring them.

Jonathan Robinson: Yes good - that's a very good point Alan. Thank you and thanks Jeff for highlighting that. I mean I think actually it strikes me that that's a relevant response in both cases of both of this item and the letter to (Fadi), which is in essence what I was saying about the letter to (Fadi).

It may be slightly more complicated what we're trying to get across to (Fadi) in the case of a timely response. But I agree with you. I think, you know, we had our meeting.

We've discussed both of these items. And at the very least the form of holding response would be useful. So I'm happy to take that onboard as an action. And ask Glen to record that as an action on me to at least send a letter to (Heather) indicating the progress we're making. And possibly to (Fadi) as well. So we'll do that.

All right, I'll consider that item now closed. And move on to the next item which is Item 9 on our agenda. And this is - this should be a brief update on where we're heading with ATRT 2 before we move on to the Item 10, which is (unintelligible) with us to get to. So let's go to ATRT 2.

Man: Yes and that's me I understand, (unintelligible) speaking. Thank you very much. Just briefly, well as you have seen there was an extension of a deadline for applications for membership in the ATRT 2.

And that gives us and the community some more time to think about and to decide for the nominees from the GNSO to the ATRT 2. And what we should have a look to that deadline. And the application is now deadline is 14th of January.

And the 20 - 14 days, two weeks after that on 28th of January the selectors, meaning (Steve Koka) and Heather Dryden are expecting a nomination (of see), the declaration of the nominations from the various supporting organizations.

So the GNSO has then two weeks now to decide on that. Now looking how to do with that since calling to the GNSO process. The council has, at the end well to look over what the various stakeholder groups are putting forward in names.

And whether it fits to the - to our process and the rules we have set out for that. So we have only the council meeting on 17th of January. This is three days after the application deadline.

And so even almost two weeks before we have to forward that. So we have to consider that and have to think about whether the - our stakeholder groups could forward to the council during that time or until which time the candidates could be put forward to the council.

And then may have a - to think about this special call. Some of the calls are just dealing with this matter, short call. You may - some of you may recall who have been already council members at the time. And the first ATRT has been created that we did the same at that time.

Just another point so far, I have seen from the application list that we have so far for applicants from the GNSO. If that stays as it is as time being that - then that decision may be easy because we may get four slots to put forward candidates too. And that would be - facilitate our process.

So far to the situation, I see on the list in between sometimes questions from some members or some people which may - which seems to be that they are not very familiar with the process of the GNSO.

If that is the case, please refer to me. And I'm thinking about where to send out to the SG leaders also another letter referring to that process. And so that's within the constituencies and the stakeholder groups, or people could be made familiar with that.

So, so far that is the situation that we have. The question is for me that timeline. Thank you Jonathan.

Jonathan Robinson: Thanks Wolf. So the outcomes of that I think are three-fold. One is, as far as I understand it that there is an opportunity to send a letter out to the stakeholder group leadership indicating and reminding of that the GNSO process. Is it still in your mind to send a letter to Heather and (Steve) to request the four GNSO slots? I believe it is and also to highlight the timing issue for endorsement.

Man: Yes well definitely the first one to the (SG)s reminding them about this process. I think that is necessary. The second one to (Steve) and Heather was intended only to cover the, what I would say the GNSO interests.

That means in getting at least four slots on the ATRT because if you read the application, the publication of the application and the call for applicants - applications. That is a little bit nebulous.

So it's not definitely saying the - about - telling something about the numbers of members of the ATRT 2. It's just saying that Heather and (Steve) will be the one who will decide how many and who is going to get a member.

So what I would suggest is well sending them a letter. Referring to what happened in the past. And that the GNSO relies on that initial requesting and asking for the same treatment, just like last time in getting four slots.

Jonathan Robinson: Yes and highlighting any timing issues as well.

Man: Yes.

Jonathan Robinson: Yes. All right great, well thank you very much. I think that that sounds good. And we need to get cracking on that so that those letters go out either before the end of the year or very early in the New Year. But I think preferably before the end of this year.

I'm conscious we've had Jean-Francois and members of staff and in fact all of you councilors very patiently holding on. We've had some substantial topics to cover. But I need to keep it moving now.

If we are to complete by no later than the top of the hour, we've got around ten minutes each for the next two items and then a five-minute wrap up on any other business. So let's move on to Item 10, which is on the Whois board resolution and the next steps.

And I think we're going to expect some input from Margie and Jean-Francois on this.

Margie Milam: Hi Jonathan. Yes it's Margie. Actually we also have Denise Michel who will give you the update on the board resolution and introduce Jean-Francois Baril to you. So I'm going to hand it off to Denise.

Jonathan Robinson: Hi Denise. Thanks for your patience and thanks Jean-Francois. I will say nothing more but to let you have the floor.

Margie Milam: Denise? I think you're on mute Denise.

Denise Michel: I am. I was very eloquent though. The - last month the board approved resolution of part of their action on the affirmation of commitment to its policy review team report.

That resolution essentially takes a two-track approach to addressing what we refer to as Whois. The first track is that it directs the CEO to continue to fully enforce that contractual condition that relates to the current, you know, collection access and accuracy of the gTLD registration data.

And also to increase efforts to both communicate and conduct outreach. And ensuring the compliance with existing Whois policy and conditions is robustly followed. That was the first tract.

And the second tract to this approach is that the board pass the CEO to go beyond the existing Whois protocol and policy. And start a new initiative that's focused more broadly on directory services.

And this specifically, the CEO is creating an expert working group to define the purpose of - so to answer the (fun mill) questions, the kind of purpose of collecting and maintaining gTLD registration data, consider having to guard to that data.

And again, provide a proposed model for managing gTLD directory services. But address, you know, the full gamut of the issues that the GNSO has been struggling with for the last decade or so.

Including data accuracy, access issues. And of course taking into account the safeguards for protecting data. This expert working group is - the output of this will be provided to the board and is intended to be

the base of sort of a starting point for GNSO policy development process. A board-initiated GNSO PDP.

It's important to keep in mind that this - the output of this group and the purpose of this group is really to hopefully provide a productive starting point for a bottom up multi stakeholder policy development process. It is in no way a substitute for any of that. But rather is intended to help augment it.

(Fadi) tapped a distinguished executive to service a neutral lead facilitator for this expert working group that is being formed. On ICANN's home page we have announcements providing more information on Jean-Francois's background. And inviting any interested parties to indicate their interest by handing in their CV or resume.

We expect the group to be convened in January. And have, at a minimum, an update for the community to discuss at the Beijing meeting. I'm going to turn it over to Jean-Francois Baril now.

Jean-Francois is, as I indicated, a very experience executive with a long and distinguished career in the telecommunications and high tech (unintelligible). And he also has extensive experience in creating international standards previously through an organization called RosettaNet.

Jean-Francois is based in Geneva and I think on airlines around the world. He does quite a bit of traveling. So I'll turn this over to Jean-Francois to talk to you some more about the expert working group. And after he is done, we're happy to answer any questions.

Jean-Francois Baril: Thank you very much Denise. I hope everyone can understand me behind my very strong (Spanish) accent. But first of all, I would say very much for this opportunity to introduce myself.

But pretty much in the context of this project, which is quite exciting. I'm sure I met most of you on the line. But I'm not probably yet capable to put a face behind the name. But I'm sure in the next weeks I will be able to do so.

So it's also for me a big honor that was given to me by (Fadi) and then (Steve Parker) to nominate me to facilitate this project. And hopefully I will set - I will be able to get your confidence as well as hopefully as soon as possible facilitating this, as I said, great initiative.

But at the same time, I measure the very, very (much) a challenging task that has been given to me to facilitate this task force or this expert working group.

So I'm not totally naive and I got a lot of feedback from many people that it's perfectly quite impossible. But that's also an (extreme) condition for me because when it's said to be impossible that maybe some possibility to demonstrate that with a lot of passion and trust. Which is my motto, by the way, is we are able to do something great for the community, for the Internet and for the world.

That's how I see this one. In order to put like a circle into a square or whatever. But as Denise was mentioning during my time as an executive in the IT industry, high tech industry and telecom industry.

Then I've been exposed to many of these elements which we're said to be impossible. And also when we started to - when I started to work with (Fadi), in fact 10 of 12 years ago, (creating) the (most) Internet, I think it was probably more simple because it was one dimension versus this multi, multi dimension with the stakeholders that we are representing.

But I think at the beginning it was also (not at all). So obvious - so I will definitely - we are right now in the process with Denise and a few people from ICANN including (Fadi) and (Steve) to recruit some volunteers to help us in this quite impressive task that is in front of us.

So it's basically a mix of expertise that we are looking for, but also not totally all expertise. So we want some expertise to make sure that we capture all the knowledge in different domain of that collection, access, accuracy, whatever, privacy.

But also very much capable to understand the diversity of you, the community. And also on understanding that there is no probably perfect solution. But really work together understanding the fundamental of what we want to do for the benefit of the community.

For the benefit of, as I said, Internet and for the benefit of the world. Most likely we are able to move people in the right direction. So as it is mentioned on the slide that you have on your screen.

Ideal candidates will be as I said many times in my (culture) it's a mix of a good brain, good heart, good hands and good guts. Which means also that to (unintelligible) to these hard skills or expertise, we need a lot of sub-skills to make the impossible possible.

So to be very open to new ideas, we need to force consensus. And not to camp into a situation that we have been for quite long. So thinking out of the box. Thinking strategically. Not be afraid of solving and managing conflict and truly avoiding the status quo.

And really have it in mind that we have to deliver results. So as we said, I think the first proposal or the (unintelligible) or whatever we can quote it is to be reviewed by the community when we are (begging), so in April.

So that's a very short period of time. If we think about all the different aspects that is behind the difficulty of what we are trying to do with this new directory basically for Internet.

I think it's probably larger, as Denise was also saying. It's definitely larger than just the (unintelligible), one part of it, but probably much more. So we are truly looking for people capable to create this new model for directory service.

And as I said, we start basically almost at the end of this year when we have probably created the team. The first face-to-face meeting hopefully will be mid-January. And I'm sure we'll need another one before we - in March most likely before we get together to present our proposal in Beijing in April.

So that's basically what I wanted to say today. I think this is so important that we are very pleased that (Steve Parker) and (Chris Dispen) have accepted to be really part of this working group basically

in the function to (unintelligible) between the board and the expert group.

So we have received already a lot, a lot of (unintelligible), so which is quite nice to start with. And I think the time now will be to have a right variety of people working in different geographic, different skills, different expertise and different capability to bring the people together.

So hopefully it's in between 10 to 15 will be a team, which will be - our group will be I believe manageable to bring some completion. So that's basically the - what we have in mind at the moment.

And we are actively running with a very strong (ship of companies and margin).

Jonathan Robinson: Thank you very much Jean-Francois. Thank you for being patient with us during the course of our call. Thank you for your input on what is going to be indeed a very likely a challenging issue to manage and navigate.

I would like to offer councilors the opportunity to give input and questions on this. I would like to also highlight to councilors that we have, or I have chosen to, with (Rob)'s kind agreement to reschedule again Item 11 to our next meeting.

And I promised (Rob) it will be high on the agenda rather than at the end of the agenda and vulnerable to being bumped again next time. So we have a few minutes to - I kind of know some of you are having to drop off.

But thank you (Rob) and thank you Jean-Francois. So please, the floor is open to Brian Winterfeldt first of all and any others for comment or questions on this. And thanks to those of you who do have to drop off now for your patients and bearing with us on this extra long meeting. All right, so Brian.

Brian Winterfeldt: Thanks so much Jonathan. I want to thank Margie and Jean-Francois for these presentations. They're very helpful. I agree that they have a daunting task ahead of them that are very important. And we appreciate them outlining where they're at.

I wanted, just on behalf of the IPC stress the importance from our perspective of including the (U to us) data to help protect intellectual property rights in the work that's being done moving forward.

Also I think some, you know, additional timeline information that was just shared by Jean-Francois was very helpful. And I just want to encourage, you know, access to and distribution of any presentation materials provided by ICANN staff regarding next steps or time tables. Since these were not really clearly spelled out in the board's resolution or accompanying materials.

So we look forward to having what was presented today distributed. And would love to see more timelines and information shared as it flushed out.

Jean-Francois Baril: Absolutely. And we have to decide very quickly on the best and appropriate communication (unintelligible) that we put in place for everyone to understand what we are doing and the direction we have taken.

Jonathan Robinson: Right thank you. I've got Joy next followed by Ching.

Joy Liddicoat: Thanks Jonathan and thank you also for your presentation on this important issue. Just a follow up really is to emphasize that we'd also, in the non-commercial stakeholder group, really pleased to see this extra work. And would want to encourage a focus on registrants rights and in particular the specific human rights issues that arise in relation to Whois staff around freedom association, particularly for human right defenders.

And free expression. These are issues which I'm referring to are not new issues. And that have been raised on numerous occasion before. But I guess I really just wanted to emphasize that frequently in discussion in this course around rights simulation to Whois, we focus on or assume that we're talking about rights protection mechanisms for intellectual property rights.

And of course there are a much wider range of rights which registrants have and which apply. And which need to be taken into account in decision-making and policy.

And we'll be looking forward to bringing those issues forward and looking for volunteers who will be able to participate and bring those issues forward into this work. Thank you.

Jean-Francois Baril: Absolutely. In fact the good news is we don't start from scratch. In fact, we get - we start from a lot of materials which have been developed over the past time. In particular, this expert - this security and stability advisory committee and this (ASAC 055) which has been

mentioned in the announcement, but also many, many community who have expressed different views.

So the task would be to bring the lower common denominator in view for starting from a platform on this one. And then build on - build up for a much more aggressive and (great condition) that we have on this one.

Jonathan Robinson: I'm - given that we are - thank you Jean-Francois. Given that we are losing - I must make Ching's question, comment the final one because we do need to wrap up the meeting now before it runs too much into the overtime. So Ching if you could make your comment or question, that would be great.

Ching Chiao: Sure thank you Jonathan and thank you Jean-Francois and Denise and Margie. I would just like to raise a flag here. And I have brought this up in the beginning of this meeting.

And Margie and I, we have briefly spoke about this Whois work. Some part of it is actually overlapping with the current ongoing IRD, the Internationalization Registration Data, the issues report for it.

So I would encourage that the staff really to allocate the - I mean the resource to, just to avoid the redundancy of the work. And potentially to try to prioritize the IDN part of this as we have learned that the, I mean the IBN application has been given a priority in this round. So thank you.

Denise Michel: Thank you.

Jonathan Robinson: Thanks Ching. I'm very conscious of the time. We've lost a few councilors already. So I think I'm going to have to wrap this one up. I mean we have all thanks for Jean-Francois and Denise for their presentation.

It looks like a challenging piece of work and something that's going to keep you guys very busy over the period driving up to Beijing, no doubt.

Thank you...

((Crosstalk))

Jonathan Robinson: All of the councilors who have contributed to this meeting and the kind of spirits. I know there's been plenty of things to disagree about. But the tone and spirit has been good. So I very much appreciate you responding to the call for that or doing it off your own (velician).

We'll take - any other business was the final item, under Item 12, was approving John Berard as liaison to the CCNSO. We're given that a couple, if not more councilors have dropped off, I will refer that to the list and we'll approve it on list.

So I think I will give it a last opportunity for anyone else to raise anything under any other business before we aim to bring this meeting to a close. Seeing no hands in the chat and hearing nothing on the audio, I will suggest that we close this meeting.

And it remains to me to wish everyone all the best over the holiday season coming up. And thank you all again for your participation in the

extended meeting and in the spirit in which you have participating.
Good bye and talk to you in January everyone, if no one lists in
between. Thanks again.

Man: Thank you Jonathan and everyone, good bye.

Man: Thank you everyone.

END