ICANN
Transcription
GNSO Council meeting
Thursday, 20 December 2018 at 21:00 UTC

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List of attendees:
Nominating Committee Appointee (NCA): **– Non-Voting** – Erika Mann
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez (audio only, due to connectivity – proxy to Michele Neylon)
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Tony Harris (apologies, proxy to Philippe Fouquart), Paul McGrady, Flip Petillion
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali
Nominating Committee Appointee (NCA): Syed Ismail Shah
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Adebiyi Oladipo – ccNSO observer

ICANN Staff
David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional
Marika Konings – Vice President, Policy Development Support – GNSO
Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement
Julie Hedlund – Policy Director (apologies)
Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Sara Caplis– Technical Support
Nathalie Peregrine – Manager, Operations
Terri Agnew - Operations Support - GNSO Lead Administrator

Coordinator: Recording has started.

Nathalie Peregrine: Thank you very much. Good morning, good afternoon and good evening everybody and welcome to the GNSO Council meeting on the 20th of December 2018. Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little.

Pam Little: Here.

Nathalie Peregrine: Thank you. Maxim Alzoba.

Maxim Alzoba: Here.

Nathalie Peregrine: Rubens Kuhl.

Keith Drazek: I noted in chat that he says he's still dialing so he's on his way.

Nathalie Peregrine: He's still dialing. Perfect. Thank you, Keith. So Keith Drazek.

Keith Drazek: Here.

Nathalie Peregrine: Thank you. Darcy Southwell. Darcy, I see you're muted.

Darcy Southwell: Here.

Nathalie Peregrine: Thank you. Michele Neylon.

Michele Neylon: Here.

Nathalie Peregrine: Carlos Gutiérrez is on the phone line I believe but he has given his proxy to Michele Neylon in case of connectivity issues. Marie Pattullo.

Marie Pattullo: Here.

Nathalie Peregrine: Scott McCormick.

((Crosstalk))

Nathalie Peregrine: Scott is dialing in. Perfect, thank you. Paul McGrady.

Paul McGrady: Here.

Nathalie Peregrine: Thank you, Paul. Philippe Fouquart.

Philippe Fouquart: Here.

Nathalie Peregrine: Rafik Dammak.

Rafik Dammak: Here.

Nathalie Peregrine: Elsa Saade.

Elsa Saade: Present.

Nathalie Peregrine: Thank you. Arsene Tungali.

Arsene Tungali: I'm here, Nathalie. Thank you.

Nathalie Peregrine: Thank you, Arsene. So Arsene will be on the audio bridge only for the duration of the call. Flip Petillion.

Flip Petillion: Here.

Nathalie Peregrine: Thank you. Tony Harris is absent, apologies, and has given his proxy to Philippe Fouquart. Tatiana Tropina.

Tatiana Tropina: Present. Thank you.

Nathalie Peregrine: Martin Silva Valent.

Martin Silva Valent: Here on audio bridge.

Nathalie Peregrine: Thank you, Martin. Ayden Férdeline.

Ayden Férdeline: Present, thank you.

Nathalie Peregrine: Thank you. Syed Ismail Shah.

Syed Ismail Shah: Here, thank you.

Nathalie Peregrine: Thank you. Cheryl Langdon-Orr.

Cheryl Langdon-Orr: Still here, thanks Nathalie.

Nathalie Peregrine: Thank you, Cheryl. Cheryl may experience connectivity issues during the call but we'll do our best to keep her on. Erika Mann.

Erika Mann: Here.

Nathalie Peregrine: Thank you. Julf Helsingius.

((Crosstalk))

Erika Mann: I'm here. Can you hear me? I'm here.

Nathalie Peregrine: Yes, Erika. Erika…

((Crosstalk))

Nathalie Peregrine: I can hear you loud and clear, thank you.

Erika Mann: Good.

Nathalie Peregrine: Thank you. And Julf, I think I heard you so thank you. And Adebiyi
Oladipo. I see Adebiyi in the Adobe Connect room. From staff we have David
Olive, Marika Konings, Mary Wong, Julie Hedlund has sent apologies, Steve
Chan, Caitlin Tubergen, Emily Barabas, Berry Cobb, Ariel Liang, Terri
Agnew, (Sara Kaplan) for technical support and myself, Nathalie peregrine.

I would like to remind all to please state your name before speaking for
recording purposes. Thank you ever so much, Keith, and it's over to you.

Keith Drazek: Okay thank you very much, Nathalie. And good morning, good afternoon and
good evening everyone, seeing where you are. Welcome to the final GNSO
Council meeting of the calendar year 2018, December 20. So let's do a quick
update to statements of interest, if anybody has an update to your statements
of interest please raise your hand or speak up. Okay, seeing none.

Let's go ahead and review the agenda, and if anybody has anything that they
would like to add or discuss on the agenda let's hear it now, but I will very
briefly run through our agenda for the day. So we have a review of the
projects and action list and I hope everybody had an opportunity to see the
email that I sent out yesterday giving some written updates that I hope will
help that part of the agenda go a little bit more quickly. So if you have not yet
reviewed that, now might be a good time to take a look at the email that I sent
yesterday with - that basically said updates for the GNSO Council meeting.
Okay.

Following the review of the projects and actions list, we will move to our
consent agenda where we have four items on the consent agenda, motion to
adopt the GNSO Council response to the GAC communiqué; motion to
approve the nomination of Andrew Mack to serve as the ICANN Fellowship

Program Mentor; confirmation of Heather Forrest to serve as the GNSO representative to the Fellowship Program Selection Committee; and confirmation of the leadership for our SSC.

Following the consent agenda we will move to Item Number 4 which is Council discussion of the IGO INGO Access to Curative Rights Protection Mechanisms. As I hope everybody has seen, I sent an email to the list earlier today with a proposed path forward on this topic but I want to underscore that this is not up for a decision at this meeting but we will have 15 minutes on our agenda today to have a conversation and then the hope and expectation is that at our January meeting and possibly our February meeting we'll have more opportunity to discuss this issue and to secure input from the stakeholder groups and constituencies on the path forward with the hope of having a vote sometime in February or March.

So Item Number 5 will be a Council update on the EPDP on the temporary specification and we will turn to Rafik for that. Item Number 6 will be a Council discussion on the ICANN reserve fund topic to the extent that anybody has something that they would like to raise. Item 7 is a Council discussion around our PDP 3.0 implementation plan which is something that has been sent to the list for everybody's review as we head into our strategic planning session at the end of January. Item 8 is a discussion on the strategic planning session.

And then we have any other business which will include a touch point on the call for volunteers for the drafting team for the Whois conflict procedure issue and then the FY'20 draft ICANN operating plan and budget is now posted and we have next steps for the standing committee on that topic. And then finally ICANN 64 planning. So that's our agenda for today. Thanks for your patience in me running through it. And would anybody like to suggest an amendment or an addition to the agenda for today?

Okay, seeing no hands, let's move on then. So we will have a review - basically…

Marika Konings: Keith?

Keith Drazek: This is - yes.

Marika Konings: Keith, this is Marika. Sorry to interrupt but there's a hand up if you scroll a little bit down, Adebiyi has his hand up.

Keith Drazek: Thank you very much. I missed that. Yes, please go ahead.

Adebiyi Oladipo: I'm so sorry, (unintelligible) with the system, I just put it back down.

Keith Drazek: Okay, no problem at all. It's always good to test the functionality, right? So and thanks, Marika, for letting me know that there was a hand. As I have said before, sometimes it's hard to keep everything in full view on the screen on the Adobe so thank you very much. So with no changes to the agenda let's move onto a review of the action items. And thank you, we're going to pause for a moment while it comes up on the screen.

Okay, so let's move right into the discussion of the action items. So first on the list is the Council liaisons and there is - there are still a couple of expressions of interest for the Council liaison positions. So I know that just his week Philippe has expressed an interest in becoming a co-chair along with Elsa on the subsequent procedures work which is the - one of the roles that I had previously jointly with Donna Austin but I'm stepping back from in light of the Council Chair duties. And I think there may be one or two others that are either open or still in process. Would anybody like to speak up on this one?

And that's right, thank you, Nathalie, that Darcy also volunteered yesterday to step up for the IGO INGO Curative Rights group to the extent that we need to continue engaging there, so thank you, Darcy and thank you. Would anybody

like to speak to these issues or anyone else who is interested in volunteering for either these or other liaison slots? I don't see any hands, so I think unless anybody would like to speak up I think I would welcome then the interest and the appointment of both Philippe and Darcy.

I guess the question for staff, Nathalie or Marika, is there anything procedurally that we need to do here? Is this essentially an appointment by acclamation? And Marika is typing, typing to me, can confirm it in the minutes, so very good. Thank you.

Okay next item is the updated charter for the Cross Community Engagement Group on Internet Governance. This is an open item but a point that I referred to in my email that was sent this week. And so I laid out my views, my suggested approach and that would be to, at this time, for the GNSO to not charter or be a chartering organization for this group but rather that we allow it to proceed in a more ad hoc and informal manner which would essentially eliminate some of the reporting requirements and expectations and structure that drives some of the demand on resources.

And that was one of the reasons the ccNSO decided to not continue as a chartering member as I understand it because of concerns about having to contribute resources either, you know, directly or through staff. So let me pause there. Would anybody like to speak to this topic? Does anybody feel strongly that the GNSO should at this time become a chartering organization and work on a charter on approving a charter for this group or are we okay at this time allowing the group to be more informal? So I see Flip and Tatiana. Philippe, go ahead.

Philippe Fouquart: Thank you. Philippe Fouquart here. Yes, just to confirm the interpretation that you just gave of the ccNSO's approach, and I apologize for not following up with that, I should have done that. And I suppose the way forward I would support what you suggested Keith. Thank you.

Keith Drazek: Okay, thank you very much, Philippe. And I have a growing queue, I've got Rafik and Tatiana and Cheryl. Tatiana, you go next and then Rafik, to you, and then to Cheryl.

Tatiana Tropina: Thank you, Keith. Actually I think Rafik was before me. But I have to voice my concerns here. First of all, I never actually understood why the decision of the GNSO to support this group would depend on the decision of ccNSO. If anyone can explain me I would be more than grateful because - so this is the first point. I just don't get it.

Secondly, I do believe that in a way we have never actually fully considered the consequences, the message we are sending to the community especially to the GNSO community by not chartering this group especially because we are - our decision is based on what ccNSO is doing. Then again I'm back to my first question, why our decision depends on the ccNSO?

My third point, I honestly do not understand what kind of resources it's actually draining from us. This I would also like to discuss a bit more in length or in full. I do understand that this call and the agenda and the time and - does not allow us to really explore these questions because my impression from the GNSO Council meeting - I don't remember which session it was - in Barcelona was that we rather were quite supportive although we were going to (unintelligible). So I do believe that in a way we are coming to the kind of quick off the cuff solution just in case ccNSO doesn't want to charter, we don't want to charter it either. I'm struggling to understand why.

So if hear good arguments for not chartering as well I'm fine on this. It's not because I was the liaison to this group but I do believe that A, it did have value, and B, I'm not sure it's really draining resources. So I would like to voice my concern that this decision is just quickly baked and I do not understand the grounds behind it. Thank you.

Keith Drazek: Okay thank you, Tatiana. And so I'll respond and then we'll come to Rafik. So I should be clear that I don't - my recommendation at this time is not dependent upon the ccNSO's decision. In other words, we could certainly agree to become a chartering organization of this cross community engagement group along with ALAC, for example, assuming the ALAC would want to continue. But I think - so it's not a dependency. But I do think in this particular instance if we're having other groups, you know, sort of step away and say that they think it's not necessary then, you know, the cross community nature of the group is sort of, you know, put into question.

So I hear what you're saying; I've heard your points and I certainly agree that I think that the work, as I said n my email, I think the work of this group is actually very important but it's less clear to me now that it is no longer a CCWG that whether a charter is fully necessary. But I'm happy to hear further thoughts on that and that's one of the reasons I made a suggestion and that was to get reactions and to have a good conversation about it. So, Rafik then Cheryl then Michele.

Rafik Dammak: Okay thank you. So yes, I think we will have any way to discuss this as - and maybe an agenda of the next Council meeting. I don't have a position how maybe we should approach this but anyway we should have discussion, so I understand this is a proposal now. And we have to weigh in - is it really just the problem of chartering or not, so also even if it's maybe an ad hoc structure I'm just also struggling to see how it can really works because the whole chartering thing it was to ensure that there is maybe - that to get that visibility and also to be - to have something that can really talk with the staff, with the working group and so on.

So something that is not chartered, something that is ad hoc, I'm not sure how it can really work in a cross community way within ICANN. So we can discuss this maybe in the next meetings and to explore how the different stakeholder group and constituency within GNSO feel about this, so.

Keith Drazek: Okay thanks, Rafik. I'm happy to set this as an action item for the next call but I feel like we do need to make a decision in the near future. Cheryl and then Michele and then we need to move on.

Cheryl Langdon-Orr: Thank you, Keith. And I apologize for my dog assisting me on this call at this point in time. I won't say what I'm tempted to say. But what I was wanting to point out and I certainly look forward to whatever the GNSO resolves on this matter, perhaps after the next meeting early next year, but the ALAC of course did resolve formally to charter this different structure.

But it of course was expecting to be co-chartering this whether or not it then falls on the ALAC to continue to be a sole charter of something that will then function in a cross community with the efficiencies that - and desirability that Rafik just outlined, I guess we need to consider. But just to remind you, the ALAC wasn't expecting to be the sole convener and if it is that may indeed change it in some way. Thank you.

Keith Drazek: Thanks very much, Cheryl, for the data point about the fact that ALAC has in fact approved its chartering and so that's very helpful and I understand that if we're going to have a cross community engagement group, you know, it seems a bit odd to have a single chartering organization so thanks for that point. Okay, Michele, to you and then let's move on.

Michele Neylon: Thanks, Keith. Michele for the record. I'm just a bit surprised by some of the comments from some people on this topic. We've been discussing this for I would say at least a year. There was a lot of backwards and forwards around the entire thing. And at this juncture the fact that - as the GNSO Council, us not wanting to be a chartering organization should really be the end of it. I don't understand why we need to discuss this any further. Thanks.

Keith Drazek: Thanks, Michele. I guess the - Cheryl, is that a new hand or an old hand? I think it's an old hand. Thank you. So, yes, Michele, so I guess there's still some open questions about whether we - you know, we clearly did not

support the continuation of a CCWG because it didn't fit the framework requirements for a CCWG - CCWG I should say - in this case it's been changed to a cross community engagement group, which as Mary has noted in Adobe, doesn't have a requirement for a charter or structure; it's sort of a new thing. But there's still some open questions here I guess.

Michele, back to you.

Michele Neylon: Thanks, Keith. With all due respect I have to disagree. I don't think there are any open questions. We've discussed this to death. It's been on our agenda for as I say about a year at this stage. If the ALAC want to be the chartering organization, that's fine. As Council if people want to be engaged with them, let them. But I don't understand why we need to have any further conversations around this. I mean, it's - we've discussed this to death as far as - I mean, this - I think there's cruelty to animals and I think, you know, when the horse is dead and you've flogged it, I mean, that's when animal rights people get upset.

Keith Drazek: Thanks, Michele. All right let's move on. Next item on the action item list is the IFR team. And this is the IANA Functions Review Team. In my email to the list yesterday I noted that the Council will have an action item likely coming up as it relates to the appointment of a co-chair.

And that we don't have an action item at this time; probably won't have one until January or February, but that we should at least be aware that there's going to be, you know, a consolidation of the function - the IANA Functions Review Team and that from the group of membership and participants there will be the need for the GNSO to appoint a co-chair in cooperation with the ccNSO. So no action at this point, just a heads up to everybody, something we'll deal with later.

Next item is PDP 3.0, so just a note that this is something that we're going to talk about in our agenda later on in the meeting and that we'll be discussing at quite some length in the strategic planning session in January.

Next item is the Fellowship Program Selection Committee and let's see, so this is - let me just flip back to my email, sorry, switching between screens here. So as I noted, the - we have the FSC appointee, that is on our consent agenda today and that will be Heather, the Fellowship Selection Committee so I think that's covered elsewhere in the agenda. And if anybody has comments or would like to jump in put your hand up.

All right. Okay next item is the drafting team on the charter related to next steps for ICANN procedures of handling Whois conflicts with privacy law. This is one of the AOB items on our agenda today so we'll talk about that a little bit later.

And - sorry, ICANN reserve fund on our list of topics for today. GNSO response to the GAC communiqué is on our consent agenda today. Strategic planning session we're going to talk about later on today. And then we have a 15-minute discussion point on IGO INGO Access. And I think that covers most of what we have today for the action items. Is there anything that anybody would like to highlight, point out before we go onto the rest of our agenda? Not seeing any hands.

All right, let's move on. So I should note I missed when we went to the review of projects and action items list the note in 1.4 of our agenda that the status of the minutes for the previous Council meetings were posted per the Operating Procedures, the minutes for October 24 were posted on the 12th of November and minutes for the November meeting were posted on the 13th of December, so that's done. I apologize I missed that.

Okay, anybody like to jump in at this point? Okay, let's move then to the consent agenda. As I read through the four items earlier so let me just pause

to see if there's anything on today's consent agenda that anyone would like to discuss or remove from the consent agenda? Okay, I am not seeing any hands, not hearing any objection so let's move forward with the consent agenda.

Nathalie, can I hand this over to you?

Nathalie Peregrine: Yes, of course. Thank you, Keith. Would you like a voice vote or a roll call vote?

Keith Drazek: I see that Ayden in the Adobe chat has requested a roll call vote and that's fine by me.

Nathalie Peregrine: All right perfect, thank you. Michele Neylon for Carlos Gutiérrez.

Michele Neylon: Yes.

Nathalie Peregrine: Michele Neylon for yourself.

Michele Neylon: Yes.

Nathalie Peregrine: Marie Pattullo.

Marie Pattullo: Yes.

Nathalie Peregrine: Paul McGrady.

Paul McGrady: Yes.

Nathalie Peregrine: Tatiana Tropina.

Tatiana Tropina: Sorry?

Nathalie Peregrine: We're doing a roll call vote for the consent agenda.

Tatiana Tropina: Yes, yes, sorry.

Nathalie Peregrine: Okay perfect. Ayden Férdeline.

Ayden Férdeline: Thanks. I wish to abstain.

Nathalie Peregrine: Thank you, Ayden. Would you like to comment as to your abstention?

Ayden Férdeline: Yes I would, thank you. I have reviewed the Standing Selection Committee's mailing list to understand how they formed their recommendation in relation to Motion 2. And I think it's a stretch to say that the names they have put forward was a consensus decision with even one comment on their mailing list stating, "I'm slightly amused at declaring a four-five (result) a consensus decision." The comments that they have provided in justifying their decision strike me as insufficient. They have noted that both candidates were extremely qualified and both would be excellent candidates. And the only differing comment was one from the Business Constituency that noted that the chosen candidate brings a real world business (unintelligible) policy discussion.

The role of the Fellowship Program Mentor is to represent the entire GNSO, not just one constituency. And so if this is the only differentiator between the two candidates, it's not a justification that I find overly compelling. And I think it's also inaccurate if you look at the (CD) of the other candidate. I realize it is not feasible - it's probably not feasible for one person to represent the entire GNSO as a Fellowship Program Mentor and the decision to allocate the GNSO just one seat is well outside of the control of the Standing Selection Committee.

But what is within the control of the Standing Selection Committee is to evaluate all the candidates for the one seat and to provide a valid justification

for their decision and I don't think that happened on this occasion. There were votes that were cast in support of the named candidate with no published justification for how or why their decision was reached. We have just (three) comments for five votes and the other candidate who received the remaining four votes received nearly identical comments in support of their application.

And so it's for these reasons that the Standing Selection Committee's justification for the candidate they had recommended is lacking and that is why I'm abstaining. Thank you.

Nathalie Peregrine: Thank you, Ayden. We'll now resume the vote. Rafik Dammak.

Rafik Dammak: Yes.

Nathalie Peregrine: Thank you. Maxim Alzoba.

Maxim Alzoba: Yes.

Nathalie Peregrine: Thank you. Syed Ismail Shah.

Syed Ismail Shah: Yes.

Nathalie Peregrine: Flip Petillion.

Flip Petillion: Yes.

Nathalie Peregrine: Martin Silva Valent.

Martin Silva Valent: Hi. I would also like to abstain for the same reasons that Ayden did.

Nathalie Peregrine: Thank you very much, Martin. This is noted. Arsene Tungali.

Arsene Tungali: Yes.

Nathalie Peregrine: Philippe Fouquart for Anthony Harris.

Philippe Fouquart: Yes.

Nathalie Peregrine: Philippe Fouquart for yourself please.

Philippe Fouquart: Yes.

Nathalie Peregrine: Rubens Kuhl.

Rubens Kuhl: Yes.

Nathalie Peregrine: Darcy Southwell.

Darcy Southwell: Yes.

Nathalie Peregrine: Pam Little.

Pam Little: Yes.

Nathalie Peregrine: Scott McCormick.

Scott McCormick: Yes.

Nathalie Peregrine: Elsa Saade.

Elsa Saade: Thanks, Nathalie. I also abstain for the voting for the same reasons that Ayden has mentioned.

Nathalie Peregrine: Thank you, Elsa. And Keith Drazek.

Keith Drazek: Yes.

Nathalie Peregrine: Thank you. So with seven votes in favor for the Contracted Party House and 10 votes in favor, three abstentions for the Non Contracted Party House, the motion passes with 100% of the Contracted Party House and 76.92% in the Non Contracted Party House. Thank you ever so much, Keith, and back to you.

Keith Drazek: Thank you very much, Nathalie, and thanks everybody for your votes and/or abstentions and for the reasoning laid out, Ayden. I would suggest that in the future if we have multiple items on a consent agenda that if there's one of the motions that's of a concern and where somebody intends to abstain or vote no or want to have a discussion about it that it would be perfectly reasonable and legitimate to ask for it to be removed from the consent agenda and to be a standalone discussion and separate vote. So just procedurally I think that's something that we could, you know, we could look forward and that way it just keeps the consent agenda a little bit cleaner, so but thank you.

Okay, so thank you very much, we've completed Item Number 3. And so let's now move to the Item Number 4, Council discussion of IGO INGO Access to Curative Rights Protection Mechanisms. This is the subject of the letter - sorry, the email that I sent earlier today.

And again just to reiterate, because of, you know, obviously the late delivery of that, this is not a subject for any decision today; this is basically an opportunity for us to compare notes and to, you know, have a discussion about how this - how the GNSO Council can move forward on resolving this particular issue, the final report, and I hope everybody has had a chance to review the note that I sent.

And I'm going to lean - in this conversation also on Pam and Rafik as the proposal that we have before us was the result of fairly extensive discussions of the leadership team along with staff and we'll also rely on Mary as the -

Mary Wong - as the staff lead on this particular group over many years to provide us some additional context. So if we could put up on the screen the email that I sent? Just give it a moment.

So while the document is coming up before us, I think just to refresh everybody's memory we received the final report from this PDP working group, a working group that had been, you know, in progress since 2014 if I have my dates right so it's basically four years running. It hit a pause at one time while the group went out and got additional information. And so this group has been, you know, at work for quite a long time.

The report is also the subject of some GAC Advice and a letter that we received from Manal, the GAC Chair, in Barcelona. And so there are quite a few moving parts here. And so I just wanted to essentially note that what the leadership team would like to propose for consideration and for further discussion is that we essentially take four actions.

One, is that the Council sends a letter back to the GAC, to Manal, acknowledging the GAC's letter from Barcelona and welcoming further dialogue and any additional information relevant to our deliberations. I think we as the GNSO while we don't want to suggest that we are eager to enter into any sort of forma consultation process or anything sort of managed by the Board, that we do value open lines of communication and that we want to make sure that we are engaging with the GAC on issues of public policy where the members of the GAC have concerns. So Action Number 1 would be to send a letter to the GAC.

The next item would be for the Council to send a letter to the IGO INGO CRP Working Group essentially informing the working group of our proposed approach to the five recommendations included in the final report. And then the recommendation is for Action Number 3 is in February or March, after a substantial, you know, opportunity for discussion and deliberation and getting input from the stakeholder groups and constituencies, that the Council

approve Recommendations 1-4 forwarding them to the Board. These recommendations received consensus support of the PDP Working Group and while they do conflict with GAC Advice, they don't set new or change existing GNSO consensus policy or make changes to the URS or UDRP.

And then at the same time, the GNSO Council would accept Recommendation Number 5, which is different from approving it, accept Recommendation Number 5 from the final report and refer it to the RPM PDP Working Group for further consideration as part of its Phase 2 work on UDRP, which is scheduled to begin at the earliest Q4 of 2019.

So those are the - that is essentially the recommendation. In the notes in the email that I sent there's some additional thought, context and essentially the thought process behind taking this approach and recommending this approach and happy to discuss that further but I just want to, you know, pause there and see if anybody else would like to jump in at this point. And Pam and Rafik, I certainly welcome your input and your thoughts on this as co-members of the leadership team and - but I'd like to certainly hear from others as well. So let me pause there and see if anybody would like to jump in. Okay, Pam, go ahead and then Rafik thank you.

Pam Little: Thank you. Pam Little speaking. Thank you, Keith. Hi, everyone. As you all know, we as the Council have been looking at this topic on and off and the subject of GAC Advice as in our Council review of GAC Barcelona communiqué. The leadership - and I would really have to give credit to Keith, since he's taken the leadership role the GNSO Chair role and the Council Chair role he obviously has spent an awful lot of time talking to various people including former Chair of GNSO Council and former councilor, Susan Kawaguchi, who was the liaison to this working group and staff and various people involved in this conversation.

So and then obviously the leadership and staff also had multiple conversations. And it is our view that as happens in a working group they are

always, you know, complex or sometimes complex dynamics. And in our Council as a whole we also have different - we represent different stakeholder groups and constituencies and maybe have different perspectives or positions on this.

We really feel that the - the success of a PDP is the willingness to compromise. And we feel this proposed approach also really reflects that spirit of compromise and also respect the PDP process. There are many other members of this working group, except that some people - individuals that might be having particular position on certain issues - we feel that the working group did have members from various stakeholder groups and constituency and we need respect there's participation in this effort over the last four years as well.

So we hope this is a balanced approach. It's not going to be perfect or ideal, it's not going to be something that would make everyone happy but we feel it's probably the most balanced approach at this point in time. So with that I welcome any thoughts from the councilors. I hope you all had time to take a look at that email Keith just sent before our meeting, and apologies for the short notice as well. But I think this - given that this has been on our agenda for such a long time. I hope you all have some time to think about those previous options that staff, Mary and Steve have kindly prepared. I think there were six options as potential path forward; we're now trying to narrow down to what we are proposing to do here, basically that's just narrow down to one of those six options.

So with that I will open - oh sorry, I'll hand it over to Rafik.

Rafik Dammak: Okay, thanks, Pam. This is Rafik speaking. Yes first I want to say that the thinking behind this is really to get - or to keep the Council - GNSO Council in control of the process as the policy manager and so to show to all, I mean, within the community that we are - we paid attention to this issue and we thought enough in how to approach it and to make decision. So it took, I

think, enough time and so we will have to make a decision as I think it was suggested by February or before.

So I think there is no perfect approach or option, and so this is kind of to some extent something - it's acceptable as it try to (mash) all the concerns but to really respect the process and that's what matter from our standpoint is really to check that the process was followed in this case. And so we - I think this give an opportunity to continue the work and to respond to the concerns with regard to specific recommendation to acknowledge the work that was done by the working group. So I say it's not perfect, but I think it's something balanced. I hope that we hear from other - from the rest of the Council and to see if this is something that we can move forward.

With regard to the first point about having the dialogue and discussion with the GAC, also I want to highlight that - and emphasize that should be really managed by the Council and the way that we acknowledge that we need to hear and listen to the concern from the GAC and try to understand them. But I don't think we should expect that any other party to be involved or help for facilitating it; it's - I think it's just dialogue between two groups within ICANN and something that we did before, so I just want to kind of maybe to add something about that first point, so thanks.

Keith Drazek: Okay thank you, Rafik and so let's just keep moving through the queue. I have Paul McGrady and Marie Pattullo. Paul.

Paul McGrady: Thank you. Paul McGrady here. And first of all, I'd like to say thank you to the leadership team for taking a look at this and coming back to the Council with something concrete for us to discuss; I think that's super helpful and, you know, a way for, you know, for Council to sort of get its arms around what the problem is instead of just having a big problem, we've got the big problem with a proposed solution and I think that's better.

All that said, of course I just don't know what the solution does because it doesn't advance the ball as far as I can see in any way on the issues that the GAC was concerned about initially. And I'm a little concerned that it doesn't really, you know, all it will be viewed as is us dodging the issue, essentially having done a PDP that didn't address the concerns. We don't have any other plans for a, you know, a new PDP to actually address the concerns as part of this.

We have referral of a fairly controversial amendment to the UDRP that would go to a different PDP and I'm afraid that even if we accept that proposal - Recommendation 5 - that that will give it more credence than it deserves. We also have a fairly dysfunctional PDP working group, it's, you know, we can dig back through the record but I don't think anybody's particularly fond of how this particular PDP turned out, the personal dynamics, the narrowness of the working group.

I don't, you know, I sort of feel like a (unintelligible), I'm tempted to double down and just go along because, you know, even though we keep making mistakes we like to stick with it. But this particular PDP, this didn't do its job and the recommendations really aren't fit for purpose. So I would prefer that we acknowledge that, go back, take a look at the charter, figure out what went wrong and try again. At least that way we can tell the GAC, you know, it didn't work and we're trying again.

Right now I don't know what the message is to the GAC other than we did a PDP, we came up with four recommendations that don't help you, we've got a fifth one that's really kooky and we forward that onto a different PDP from - if I were a member of the GAC and I was waiting for some sort of outcome here I wouldn't view this as anything helpful at all. So, anyway, that's a two cents worth and I know we're not voting today so it's a day to talk and I'm happy to, you know, answer any questions if people have those and just, you know, see where the conversation leads. Thanks.

Keith Drazek: Thanks very much, Paul. This is Keith for the transcript. And very much appreciate your views and your feedback and your input on the proposal that we've put forward. I think you know, as I think both Pam and Rafik mentioned, you know, there is no perfect solution to this one and what we've tried to do is to come up with, you know, something that, you know, that addresses as much of the concerns as possible. I mean, I think what you've suggested is essentially to say, you know, let's just reject all the recommendations and go back and re-charter the group or start over with a new group.

And - but I think there are some - I think there are some concerns about doing that for, you know, if we look back at process, if we look back at the GNSO's Operating Procedures for PDPs, you know, the webinar that we held as a Council several months ago where we sent out certain questions and, you know, used those questions to determine whether process had been followed. I mean, there's - I think there's a real challenge with simply at this time saying no, the group failed because frankly it's probably more likely that it was, you know, that the group was failed for lack of, you know, I guess I'm just going to be blunt about it, and this is not in any way personal, but for lack of sort of management and leadership from the Council.

And I think our PDP 3.0 work is very instructive and that this, you know, this PDP working group may have been a case study in where we could have and should have applied some of the things that we're working on in PDP 3.0. But that all said, the group worked, you know, it worked on it, you know, on the substance and by all accounts it followed its process and procedure. Yes, it was a very narrow group in terms of participation, not fully representative of all of the stakeholder groups and constituencies but I think as we look at the, you know, the possibility of just saying no, we've got some procedural concerns there. At least that's the conversation that we had at the leadership level and also with staff.

So let's go to Marie and then I'm going to turn to Mary Wong for her views and input or anything that she'd like to add as the long-time staff sufferer in support of this group. So, Marie, over to you.

Marie Pattullo: Thanks, Keith. This is Marie Pattullo and I'm conscious of time so I will keep it as short as I can. In essence I agree with Paul. I'm concerned that the PDP - the IGO PDP didn't actually deliver on what we asked them to deliver in that nobody ever asked them to look at reducing protections of IGO INGOs. Recommendation 5 is clearly the most of concern and batting it over to the RPM Working Group, a lot of the same people and those that have concerns or had concerns in the IGO INGO PDP are going to be the same - are the same people in the RPM PDP.

I'm not sure what practical result that's going to have if we are looking to protect charities and people that donate to charities from being scammed which when we come right down to it, is what this PDP is about - was supposed to be about. So while I really do support the idea of compromise, I agree with you Pam, completely that we have - we had - I don't think we have - but we had people in that PDP from all of the communities, and yes we should thank them for their work. We do need to be moving forward to something that works for the community as a whole including the charities and the people who donate to the charities.

And I'm just not completely convinced that batting Recommendation 5 to the RPM Working Group is going to be that successful. But I do thank all of you for all the work you put into this. Thanks.

Keith Drazek: Thanks very much, Marie. So let's turn to Mary now and then we probably need - in the interest of time start to look to move on. But this is - as I said at the outset, this is an important topic, something that we need to resolve in terms of a decision in the coming months but this is just the beginning of the conversation about this proposal or potential alternatives. So, Mary, over to you.

Mary Wong: Thanks, Keith. Hi, everybody. This is Mary from staff. From the staff side we don't have much to add. It seems to us that Keith's note and the explanation that he, Pam and Rafik gave today pretty much encapsulate what the discussions or the most recent discussion has been, and we are just very happy that we were able to offer them assistance in reaching this proposal.

So I'll just add two things. One is that the backdrop or the background to this issue that Recommendation 5 tries to deal with is a long background. There have been multilateral discussions dating back to the early 2000s or before where this particular question arose in a multilateral context, i.e. outside ICANN-land.

A lot of that material was considered during the issue report and the initial phases of this PDP so I'll just say that no matter which group you use to discuss this issue to try and come up with a workable policy, they will have to grapple with some very difficult long-standing historical context and a legally complex issue.

The other thing that I'll note here for the record just is that while for this PDP they were chartered to deal with an issue of curative rights, and here I'll note some comments in the chat by a few councilors, there was the previous PDP run in the GNSO where there's still some outstanding recommendations the Board has yet to act on. So in respect of today's discussion I think the relevant point there is that unless and until the IGO issue is settled then the interim protections that the Board approved for second level protections, IGO acronyms, will remain in place.

So while that should not necessarily put undue pressure on you, it simply is another point of information in terms of background as you decide which is the best way forward. Thank you, Keith.

Keith Drazek: Great. Thanks very much, Mary. And I appreciate your words of wisdom here and your input. Paul, I see - that a new hand? Go right ahead.

Paul McGrady: Thanks, Keith. Yes, Paul McGrady here, a new hand. So a follow up question for Mary, so what happens if we accept - if we approve four and accept one and do what's been proposed here? Those go to the Board. If the Board approves the four, do the interim protections then go away? Because that's sort of worse than doing nothing, if, you know, the protections that are currently in place on a temporary basis fail because we moved this forward. Thanks.

Keith Drazek: Mary, I think that was a question back to you. Go ahead.

Mary Wong: Yes it was. I just wasn't sure if it should start speaking. Thank you, Keith, and thank you, Paul, for the question. So the answer to your question is that staff cannot answer that question right now because that is a decision for the Board. As you know and perhaps one of the reasons for your question, Paul, is that the Board has indicated previously that they would like to make a final decision based on everything being passed up to them including resolution of this curative rights PDP.

So my sense is, and please be sure that I have not discussed this with, you know, Board support or my colleagues that do this work on the Board side, it will depend on whether the Board feels comfortable acting on the outstanding recommendations and thereby, you know, removing the interim protections when they receive a package from the GNSO Council, along the lines of this proposal.

As Keith said, the current Recs 4, 3, 2 and 1 do not change existing policy; they do not set new policy, but in some respects they are in conflict with GAC Advice. To staff the one I guess substantive point where the conflict is evident is that the GAC had recommended, you know, the nominal cost to use these procedures for IGOs and the Recommendation 4 in this group had basically

said this is outside our (unintelligible) is something that for the Board and ICANN Org to discuss.

So like I say, I think the answer to your question, Paul, depends on how comfortable the Board feels not waiting for a resolution on what is admittedly probably the most complex and difficult issue on immunity.

Keith Drazek: Thanks very much, Mary. Very helpful. Paul, do you want to come back in or is that good enough for now?

Paul McGrady: Good enough for now.

Keith Drazek: All right, very good. Okay, before we move on, any other final thoughts on this particular point? And again, just to reiterate, no decisions now, no decisions necessarily at our next meeting but this is something that we really do need to drive forward on and at some point it might make sense to, you know, to create a, you know, a small group or a small team or something like that to help shepherd this through, you know, in coordination with the leadership team, you know, happy to consider any options.

Okay, I don't see any other hands so then let us move on now to Item Number 5, which is the Council update on the EPDP on the temp spec so Rafik, at this time I will hand it over to you. Thank you.

Rafik Dammak: Okay, thanks, Keith. This is Rafik speaking. So in term of update since the last GNSO Council meeting in November, so we had a few, as the EPDP team is waiting for the end of the public comment period to review the input from the community. And just as a reminder, the deadline is this Friday and I think just an hour left maybe over 24 hours before the deadline.

So in meantime the EPDP team continued discussing some items, in fact to go through some outstanding items, try to make some progress while we - it's acknowledged that it has to wait for more guidance and input from the

community to help to finalize the recommendation in - if they are related to those items.

But on other hand, there was discussion about sending the letter to the European Data Protection Board and I mean, after several points made by the different representatives to the EPDP team, it was decided to put on hold this letter because it was not deemed that it will be useful for now but maybe to send it later when we can work out our questions and having the final report. On that letter from Kurt and myself will be sent the coming hours to the GNSO Council list to explain the reason behind putting it on hold this letter. And this is also taking into consideration the comment that was made in the last Council meeting.

On the other hand, we also had discussion about getting legal counsel support and we made progress on that regard is that we started the process by having what we call a legal team or legal committee which is following the approach or the process that was made in the CCWG Work Stream 2. And this is - it's kind of learning from that experience in a way to try to control the cost and spending in relation to getting the legal counsel but also in a way how we can ask the question is to refine them and to - I mean, the EPDP team as a whole will work on the question and just small team with the representative across the different groups within the team to refine the question to make them kind of understandable for the legal counsel.

So we started already that and now we have - that team will have weekly call and we hope that we will make progress in term of agreeing and finding a legal firm and also to - that also count and procurement process within ICANN to get that done quickly.

So also in term of planning we have - we would have the face to face meeting in Toronto, I think that will be, if I'm not mistaken, the third week of January. And we have a lot of expectation for that face to face meeting where we will also have the facilitator, CBI people that we got - or we used the service in

Barcelona meeting and the face to face meeting in LA. So the EPDP team had now - has now few weeks left until our deadline of the 1st February.

And the support team and leadership team will work on preparing for the kind of the, I mean, the compilation of all the comment received I mean, submitted by the community and to prepare what we call I think the - comments tool and so on. So we are still - work will be ongoing at least for some part in the coming days so we can continue the work - to work the final report. So I acknowledge that we have short time left and there are still some items that we are not reaching yet an agreement, but there is hope that input received in the public comment can help us. So that's the situation for now and happy to answer any question or comment from the Council so thanks.

Keith Drazek: Okay thank you very much, Rafik. Thanks for the good update. And would anybody like to get in the queue and ask any questions or anything - any further discussion on the EPDP? So I guess then, Rafik, I think this is a question that I posed on our last call and it's looking ahead as we end up finalizing our planning for ICANN 64 is I'm sort of curious in terms of timing where the EPDP group will be once we get to Kobe.

And I know the hope and the expectation in terms of timing is that the final report - the first final report will be complete and that ideally conversations will be taking place around the access model and the other work of the EPDP. But I am just sort of curious if you think that, you know, the group is on track and likely to hit those milestones or do we need to be thinking about allocating time in Kobe for the EPDP to focus on this first phase of the temp spec?

Rafik Dammak: Okay thanks, Keith. So first in term maybe let's say in term of logistics, I think we have now several placeholder meeting for Kobe for the EPDP so that's kind of decision we made as the leadership team, because we are expecting and we should work at that time on the access - on Phase 2. In term of work plan that's something that need to be done.

It's an hour to-do list and to acknowledge that it should be done as soon as possible so hope that we will work with the support staff to get that done and to share it with the GNSO Council to show - but also to the EPDP team what we are expecting not, I mean, just after the final report, so it's an hour later. I don't have something tangible to share yet but this - I think the expectation is that by the time of Kobe meeting we will be ready - we already started working on Phase 2. I hope that answer your question if I'm not missing any - maybe if you wanted to clarify about other part?

Keith Drazek: Thanks, Rafik, that's helpful. And I think that responded to the question. So I guess at this point I don't see any other hands, just two other sort of bits of information or action items, just a reminder to everybody that the public comment period is closing, as Rafik noted, you know, in the next 24 hours so obviously it's crunch time for the comments on the EPDP initial report.

And then the next action item is just a reminder that we received a letter from the ICANN Board from Cherine asking us as the Council you know, essentially for an update on the initial report which is now obviously posted and out for public comment. And the secondarily, or second, asking us for our view on a backup plan or a Plan B in the event the EPDP Working Group is unable to complete and make consensus recommendations in a final report within the timeframe required for the expiration or dictated by the expiration of the temporary specification in May.

And I think the follow up to that is not just if it's unable to deliver a final report but what if there are implementation requirements that might take longer than the May - sorry, than the May 2019 deadline gives us, in other words, you know, what is the backup if we don't have a consensus policy in place to replace the temporary specification, you know, is there a stop gap? So the Council leadership working with staff is working on a draft response to that that we will share on the list but I just wanted to make sure that everybody

understood that that's an action item that we have as a Council and that we need to address.

So any further conversation or discussion around the EPDP? Checking Adobe. I don't see any hands so let us move on then. Thank you. Thank you, Rafik.

So next item is Item Number 6, Council discussion on the ICANN reserve fund. Let me just sort of the set the table on this one, just a reminder that when we were in Barcelona the ICANN Board passed a resolution both basically taking funds out of the operating fund and also out of the auction proceeds fund to replenish the reserve fund. And so the - you know, around the same time we're discussing the possibility of comments on the initial report of the CCWG Auction Proceeds but that's a separate issue.

And so essentially in Barcelona it was agreed in our wrap up session that the stakeholder groups and constituencies basically had the lead if they wanted to make any statements or, you know, take any positions as it relates to the Board's resolution and that we as a Council would, you know, have an opportunity to touch base on it to see if there was any desire or consensus among the various stakeholder groups and constituencies to do anything, whether it was write a letter or, you know, whatever the range of options might be.

We didn't get to this in our last call because we ran out of time so I wanted to make sure that we as a Council didn't just let it go, that we have the opportunity to compare notes, to report out on what our respective groups are doing or thinking about this. And if there's nothing that anybody wants to do or say or if the stakeholder groups and constituencies are essentially quiet on the matter we'll just move on and take this off of our action item list. So let me pause there and, Erika, thank you very much, over to you.

Erika Mann: Thank you, Keith. I just want to make few points because we discussed the topic various times in the Auction Proceeds group. It's not our role actually to take a decision about this insofar it came up because auction proceed budget was targeted by the Board action. And so I want to raise few points which I believe, and I'm not talking - it's not my role again to talk for any constituency group, but I just want to make few comments.

So I believe it's important to notice that the Board in all the comments, in the various comment the Board made about this topic, clearly stated that it's the guardian of the fiduciary duties of the organization. And insofar it, I believe, the Board will very likely keep this role and will not make any commitment which would practically totally separate any kind of (burden) out of the control of the Board. So that's something I believe that the GNSO constituencies need to consider. And I don't have an answer to this but I believe it's an important point to look at.

The second one I believe it's not relevant any longer to talk about what happens concerning the auction proceeds, and again it's not my role as the co-chair to make a comment about this neither. My third point is that I still believe it would be helpful from the GNSO to send some kind of guidance, some kind of principles, maybe these two words are not the right one, but something to the Board which reflects upon the GNSO opinion concerning the replenishment of reserve funds.

And I think it can be very factual just stating the most obvious point which (unintelligible) like for example that any kind of replenishment from the - any kind of money outside of the operational budget shall not be used for operational purposes. It's a very simple one but I believe it would have a strong impact and it would tighten control on the operational budget and on the other side it would not allow or - I want to be careful here - it still would allow based on the principles the Board established in overseeing the - all of t the budget - separate budget lines.

So the Board would still have, in principle, access to any kind of separate budget line which are separated from the operational budget, but it would still give some guidance what the GNSO would not like to see happening. And I believe this would be something good. So these are a little bit long, Keith, but these are my thoughts and I'm happy to provide some help and some guidance how to set up such kind of principles.

Keith Drazek: Thanks very much, Erika, very helpful. And I'd like to get, you know, reaction from other councilors about, you know, Erika's comments and recommendations, you know, and really I'd like to get a sense as to, you know, where the stakeholder groups and constituencies are on this generally. So Paul, go right ahead. Thank you.

Paul McGrady: Thanks. Paul McGrady here. So we had a chance to discuss this on the list - IPC list - and, you know, the bottom line is there's a couple of things that we think really are not great about this thing that the Board did. You know, the first one is that there was assurances both in the Guidebook and repeatedly I believe by Steve Crocker, and I think we can go find those in the various records, where the Board consistently said that this money wasn't meant to go to ICANN operations, that it really was to be set aside for other things.

And so to do a 180 especially without notice is not great for the Board's reputation. We don't think it's great for, you know, being able to rely on future Guidebooks for - about anything. This was a bad idea.

The second concern that we had is that it really undermines the cross community working group's efforts here. Why have one if the Board can just grab the money and do what they want with it? Why is everybody wasting their time? And I think that's a really important question to ask.

And then lastly we think it's a bad idea because all it does is prove unfortunately that all the efforts to develop all these additional mechanisms to hold the Board in check so that it doesn't do things like this, grabbing $36

million on a surprise basis out of a fund that was supposed to be set aside, just really haven't worked.

The accountability mechanisms were designed to at least give the Board pause and, you know, when the US government announced that it would not be renewing its contract with ICANN the first thing the community did - and I believe it was London - was come together and demand more accountability mechanisms and ironically it sounds like the Board is saying that this $36 million, which it grabbed, was money that was spent on attempting to develop accountability mechanisms that obviously did not go far enough.

So I just think - I don't think we should just sit quietly by and let the Board get away with it. At a minimum I would like to see the Council write a letter to the Board setting forth our concerns about them doing this, encouraging them to return the money and encouraging them to commit not to do it again. And I don't think that that's unreasonable given the particular facts here. And as Erika said, you know, they probably won't do it but at least we didn't sit in quiet, you know, submission while they did it. So if there's any appetite for such a letter, I would be happy to be on the drafting team and even to take the pen on the first draft. Thanks.

Keith Drazek: Thanks, Paul. If anybody else would like to get in the queue and share your thoughts and views, please do. I do want to point out though that while, you know, the resolution that the Board passed wasn't, you know, published well in advance or much in advance or in advance, but they did go through, you know, ICANN did go through a process as I recall, and I'll look to staff to correct me if I get any of this wrong, they did go through a process of seeking public input and comment on the reserve fund issue, okay, so basically the topic of replenishing the reserve fund was, you know, the subject of outreach to the community and the community provided feedback.

And some of the community, I don't know what the percentage was or majority or not, did actually recommend that the auction process funds could

be a source for the replenishment of the reserve fund. So it's like in my view, and in my understanding, this was simply done out of the blue; but it, you know, I can understand some of the concerns that have been raised. I just think we need to keep this in the context of the work that actually was done through process and procedure to seek public comment and to, you know, assess what the options are for, you know, for the action that the Board took.

So let me pause there and, Michele, you're next in the queue, go right ahead.

Michele Neylon: Thanks, Keith. I don't know if you can hear me properly or not? It's Michele for the record. I generally don't agree with Paul McGrady on many things but in this instance I find myself having to agree with him. I mean, the - there are concerns that some of us have around how this played out. And I would also be very cautious about us fixating too much on the kind quote unquote process and side of things. I mean, the reality is auction proceeds for many people involved be they applicants, existing registrars, registries, or other parties, nobody imagined or thought that the auction proceeds were going to be used to refill ICANN's coffers.

There are - there's been a lot of discussion about ways that those auction proceeds could be used, there's been discussions about potentially giving money to applicants. There's a whole range of different conversations there. It just - it does set a quite troubling precedent. And while ICANN may be within its right to do so, that doesn't mean it's the right thing to do. And that's just my own personal view, not speaking on behalf of the Registrar Stakeholder Group, that actually hasn't taken a firm stance on this topic. Thank you.

Keith Drazek: Okay thanks very much, Michele. And there's been some active conversation in the Adobe chat on this one as well, so refer people there. Feel free to put up your hand if you'd like to speak to this topic. But, you know, so again this is - I think this is a conversation we need to continue to have and get a sense or a temperature of the room about whether this is something the Council

needs to weigh in or whether this is something better handle at the individual stakeholder group and constituency level in terms of a communication. And, you know, ultimately I think we just need to make sure that whatever we put forward is of course factual and includes, you know, the various dynamics that led to this decision.

I take Erika's point to heart though that I think that looking forward it might make sense to establish some guardrails or principles, I think is what I - the word I heard Erika use, I certainly would, you know, wouldn't be opposed to putting some markers down. But let's - in the interest of time let's draw a line under this conversation and suggest that we continue it. But I really do want to make sure that before we, you know, start going through a drafting process and getting expectations up that we have, you know, sort of input and feedback from all the various, you know, councilors, as to whether that's something that they would like to support or not.

So with that, let us move on. I don't see any other hands. And so the next item is the Item Number 7, Council discussion on the PDP 3.0 implementation plan. And I will take this opportunity to warn staff that I may turn to them for some help as we go through this. We don't have a tremendous amount of time allocated and it's a fairly detailed document. But I think what I want to call out here is that this implementation plan is now before us, it is basically the product of the leadership team and ICANN staff working over the last you know, probably month, month and a half to try to develop what would be a path forward in terms of implementing the excellent work that took place in 2018 on PDP 3.0.

So this has been shared with Council on the list. And it will be a topic of significant discussion and substantial discussion in Los Angeles at our face to face meeting. So I really do want to call your attention to this and ask you to spend some time going through it and reading it and providing feedback to us so we can sort of tighten this up and make sure that we're all on the same page going into January and beyond. So let me pause there, see if anybody

has any comments or questions. And I've got some background noise, I apologize. So let me pause there. And anybody, you know, Marika or Nathalie or anybody from staff want to jump in on this feel free to comment at this point too.

Marika Konings: Yes, thanks Keith. This is Marika. I put my hand up and jump…

((Crosstalk))

Keith Drazek: Yes, okay.

Marika Konings: To provide a little bit of additional input and maybe ask from the Council here, because it's of course closely tied to the next item on the agenda which is the strategic planning session. And so as you know there are a couple of items that are proposed to be further discussed in January during the strategic planning session and as such, you know, specific next steps have been identified a couple of which are staff action items to prepare materials to help inform that conversation.

So we would like to ask you as a priority to review those items and if you have any concerns about what is being proposed to flag that as soon as possible as obviously staff will need some time to pull that all together before the January session. For a number of the other items, you know, we have put in, you know, proposed timing as well, you know, suggestions for who may be responsible for kind of driving the item, you know, of course the timing of which is dependent on both you know, staff and community, Council, Council leadership availability to move those items forward.

So you may see adjustments to this plan, you know, over time. As noted, you know, the way that the implementation plan is set up, you know, the first column refers to the actual improvement and of course this needs to be reviewed in the context of the final report that has further details in relation to, you know, what is time to be achieved with these different improvements,

then covers the objective and description from that report itself. The final report also included possible implementation steps and those have been used as a kind of basis and further fleshed out in the proposed next steps column.

So again, you know, you're really encouraged to review those and make sure that those proposed next steps align with the conversations the Council has had to date. You know, there may be other ideas or suggestions that may need to be further explored but again, you know, this is a first draft that's on the table and we look very much forward to receiving your feedback on it.

Keith Drazek: Excellent. Thank you, Marika and thank you so much for all your work on this as well. And so would anybody like to get in the queue at this time to talk about this document, the PDP 3.0 implementation plan, any questions that you might have? Okay, I don't see any hands going up so we might be picking up some time. So let me then draw a line under this, and again, this is just a call for action, find some time in the next, you know, week or so - I know we're approaching holiday season for many, but the sooner you can provide feedback to us and to Marika the better off we'll be heading into the January meeting, so please, please, please review this and provide some feedback if you have any.

So I'll draw a line under that, and then I want to - I saw in chat, I missed it earlier, apologies, Paul, and plus one by Michele, which we can never ignore, that Paul has asked if we could get a sense of the room now as it relates to a letter from the Council on the previous topic which was the auction proceeds money having been used for the replenishment of the reserve fund. So Michele, I see a hand, go right ahead.

Michele Neylon: Maybe just put on the mailing list, might be more useful than trying to litigate it here.

Keith Drazek: Yes that's fine, and I think my sense coming out of the last conversation was that, you know, I was asking people to get back with their stakeholder groups and constituencies and, you know, come back to us with an indication so I will do that, take an action item to put it out on the list. So thanks, Michele.

Okay, so then let's jump forward again to Item Number - sorry, Item Number 8, which is the Council discussion for the strategic planning session which as we know will be taking place the third week in January in Los Angeles at ICANN's offices. And while we're getting the documentation on the screen, this is a reminder, a stern reminder for everybody who has not yet completed their travel arrangements to do so. We need to wrap that up so if you have anything outstanding as it relates to ICANN travel support please get it done. Thank you.

Okay, so what we have before us is the draft agenda for the strategic planning session that will take place over the course of essentially three days that includes the January Council meeting. And this has also been shared with the list so this has been circulated and I'm just going to pause and, you know, basically - well I'm not going to pause, I'm just going to note that I think we - those of us who were fortunate enough to have participated in the strategic planning session in 2018 got a lot of value out of it and thought that it was pretty well structured and so we didn't make a whole lot of changes in terms of the, you know, the order of events.

There were some things that we had to adjust but we, you know, we basically wanted to replicate or emulate what we did a year ago at that time and to adjust it clearly for substance as it relates to, you know, issues that we have before us going into 2019 and clearly the implementation of the PDP 3.0 work from 2018 is going to be, you know, the evolution of that topic, so I think that's all very positive.

So let me pause here and ask if anybody has any initial feedback, any initial thoughts. I see Darcy has asked a question about the possible gap on Day 3

for an hour's time, so there may be some things that we need to edit, but let me just pause there and see if anybody would like to speak up and have any, you know, feedback or questions for leadership team and staff as we've tried to pull it together, this agenda. Okay and if anybody from staff would like to jump in and make any comments you're more than welcome as well. Okay, I don't see any hands at this time.

So I think we have enough time to actually sort of walk through this very briefly. So Marie's asking a good question, and the - are we going to have a facilitator? And the answer is it may not be exactly as we had and used Jonathan, but James Bladel is going to join us for the strategic planning session as a past Council chair, so I think that he's looking forward to it, we're looking forward to having him back amongst us, for those of us who had the chance to work with him on Council, and so we will.

And at this time we expect that we're going to have at a minimum participation from the GNSO appointed Board members, so Becky and Matthew will be with us for - should be the entire time unless they have a conflict with some Board obligations, but the expectation is that they will be with us at a minimum. And then we will have some other interaction with the ICANN Board as a whole, I believe over lunch, there you have it on - at 12 o'clock on day 1 - or sorry, day 3. And that we'll have some other opportunities for interaction with ICANN staff and, you know, some of the folks that we don't always get to deal with on a regular basis.

So let me pause there, any questions or comments? Okay, I heard a microphone open. Would anybody like to jump in?

Pam Little: Hi, Keith, it's me. It's Pam Little.

Keith Drazek: Hi, Pam. Yes, Pam, go right ahead. Thanks so much.

Pam Little: Okay, I just want to add to what you already said that really this very important event of the year sort of set us up for the success of our 2019 work, if you like. So the leadership team has worked with staff to come up with this draft proposed agenda, so we also welcome your input. Really this is our event and we should own it collectively. So if you feel you as a new councilor or liaison or whatever role you have within the Council there's any particular need or topic you would like to propose or add or change, please feel free to do so.

And we can do that through the mailing list. I personally feel we don't as a Council seem to fully utilize our mailing list as a communication or progress of work a lot, but I will encourage everyone to do that. And also we are thinking about making this sort of more interactive and maybe some of our councilors could sort of be the facilitator of a particular session. If you are interested in or you think you have the expertise to lead a particular session I think would be really good to have a volunteer - to have volunteers for those as well. That's all from me, Keith, thank you.

Keith Drazek: Thanks very much, Pam, that's very helpful and agree completely. So yes, this is an opportunity - the strategic planning session is - sort of accomplishes a multiple - multiple things. One is it gives us the opportunity to interact in a, you know, sort of a concentrated way with one another to get to know each other better individually and to work together as a group outside of the pressures that exist in a typical ICANN meeting, and of course with our monthly calls typically on the phone or on the - or over the Internet so it's great in that regard.

It also gives us as councilors the opportunity to sort of - to level set in terms of our understanding of the history of the Council, sort of the roles and responsibilities, the operating procedures, you know, expectations for us, you know, of us and, you know, some of the roles that we have. I thought one of the things that came out of last year's SPS was you know, a real good

discussion about the role of liaisons and that was one of the things that was obviously incorporated into the PDP 3.0 work.

And so it gives us the opportunity to get more in depth as we talk about things related to the Council's role and responsibility of managing policy development. And of course it also is our face to face Council meeting where we'll have, you know, our typical agenda but also some - that day also some opportunities you know, to really talk a little bit more about some substantive issues if needed, to interact with Board members, to interact with staff in a slightly more relaxed setting than what we have at the typical ICANN meetings.

So that's sort of a - for the newcomers and folks who weren't able to participate last year, that's sort of my take on that. And so thank you, Pam. Would anybody else like to jump in at this point? Just check Adobe. No hands. Okay. So please everybody, action item, review the agenda, let us know if you have any comments or questions.

Let's move on. We are at Item Number 9, any other business and we have three items there. Okay the first is an update just briefly on the ICANN procedure for the handling Whois conflicts with privacy law. This is the implementation advisory group where we had previously indicated that we would consider a call for volunteers at the posting - or publishing of the initial report from the EPDP. We're not deciding that that's going to take place at the posting of the final report.

So hold on one sec, excuse me. All right, just had to cough. So essentially the - we need to be able to as a Council assess whether the final report and any consensus policy recommendations from the EPDP will or will not have an impact on this particular project and the implementation advisory group that we are basically required to call volunteers for a drafting team. So that's the update on that one.

We're basically pushing the date for a decision or consideration from the publication of the initial report of the EPDP to the publication of the final report. So any comments or questions on this one? Okay, I don't see any hands, just scrolling up, scrolling down. All right let's move on then.

Any other business Item Number 2 is just a note that the FY'20 draft ICANN operating plan and budget has been posted and we have some next steps for the Standing Selection Committee or sorry, the Standing Committee on ICANN's Budget and Operations. So Ayden, I don't know if this is something that you'd like to speak to or if anybody from staff would like to jump in?

Ayden Férdeline: Hi, Keith. This is Ayden. I'm happy to comment briefly. So earlier this week on Monday I believe the various budget documents were published. And in advance of this, the Standing Committee on Budget and Operations scheduled our next call which will be on Monday January 7. During this time we will be clarifying and agreeing on a timeline for the development of our comment that we will be recommending that the Council adopt.

We'll be reviewing the key activities and projects document as published to understand any potential implications to the GNSO and we'll also be hoping to (focus) preliminary identifications of line items within the budget that could have some implications for the GNSO that need to be discussed further and where we might need to seek some clarification from the Finance team. We have also scheduled future calls for the 14th and the 21st of January.

And so our hope is that we will have a draft comment for the Council to review by January 21st at the latest and that would be, from memory I think it is, February 4 or it might be one week later which is the final deadline for the submissions of comments on the proposed fiscal year 2020 operating plan and budget. And so the intent of the SCBO is to give the Council at least two weeks to be able to view the comments that we have prepared and to allow for final word-smithing and clarifications.

So our next call is the 7th of January and on that call we will be clarifying and agreeing on a timeline if there is any changes to what I said, I will be sure to send email to the Council mailing list to keep you updated there. Sorry, I'm just reviewing the chat now, I see Berry has clarified that the comment closes on February 8, sorry Paul, if I'm difficult to hear. Thanks.

Keith Drazek: Thanks very much, Ayden, much appreciated and thanks again for your, you know, helping to guide this group. Rafik, I see your hand, go ahead.

Rafik Dammak: Okay, thanks and thanks, Ayden, for the update. I just notice a few minute ago that in fact there is another public comment that maybe the SCBO need to cover which is the ICANN strategic plan for fiscal year 2021-2025. So I'm not sure how much it's maybe relevant to the SCBO but is something that we need to cover or not as a Council, so something just to put on the radar and since we are in any other business so maybe we can give guidance to the SCBO quickly. Yes.

Keith Drazek: Okay thank you, Rafik. Would anybody else like to jump in on this one? I don't see any hands. So it sounds like we have a plan in place there. Let's go ahead and move on then, final item on our agenda under any other business is ICANN 64 planning. So yes, it is just around the corner, I think as we all know, and that we need to, you know, basically work towards finalizing our planning for the Council sessions and the various PDP work that needs to go on.

The Council leadership and staff met a couple of weeks ago I believe it was to sort of review and finalize the agenda. Nathalie helped us sort of get through that with the - it was Council leadership, staff and the PDP chairs to go through and make sure that the schedule, you know, sort of was logical and didn't have any unavoidable overlaps and conflicts. It's always a challenge as we know. So Nathalie, can I turn to you at this time and help just walk through this one and flag anything that you think would be helpful for Council at this point?

Nathalie Peregrine: Thank you very much, Keith. Happy to do so. So for those of you paying close attention to schedules one ICANN weekend to another, you'll notice there's a PDP slot so in red are really very similar to the ones we had in Barcelona. They seemed to be a good fit and the PDP chairs were very happy to carry this across. The only thing missing here really is the confirmation of high interest topic and cross community topic - well topics. The decision will be made early January regarding this so obviously in terms of potential clashes or on the contrary slots which become available because of maybe lack of interest from one group in cross community or high interest topic, the schedule may change just a tiny bit. Other than that it should pretty much stay put.

The one thing that is different, and this is not necessarily regarding the schedule in Kobe, it's regarding the general organization, and I really need more people to be aware of that is that there is no flexibility whatsoever with this venue, so it's a pretty good venue from Meetings Team have told us, they're very happy with it, but regarding catering decisions, regarding room changes, additional meetings scheduled, additional equipment etcetera, there will be no leeway whatsoever.

So it's very important that if you do have questions and I will make sure we circulate or have this scheduled posted on the GNSO website on the draft page, if you do want to have a look at it, it's very, very important that come early January, the first or second week of January very latest, if you do have questions about the sessions you're hosting or taking part it, you need to make sure we know about it as soon as possible.

Otherwise regarding this, I'd say that regarding the Council social event Rafik has kindly offered to sponsor it, and I know he's working pretty hard with a lot of options unknown to me so I'm unfortunately of very little help on that matter, so thank you very much, Rafik, for taking this on. Any questions, any comments regarding ICANN 64?

Keith Drazek: Okay. Thanks very much, Nathalie. Any questions or comments, anybody have any thoughts about Kobe that they'd like to share at this point? I don't see any hands. It looks to me like people would like 10 minutes back of their morning, afternoon or evening because we've reached the end of our agenda so let me pause and ask then if there's any other business that anybody would like to raise? Anything else to discuss today? You know, staff, feel free to jump in. Marika, I see your hand, go right ahead.

Marika Konings: Yes thanks, Keith. This is Marika. I just wanted to flag - someone just noted public comment periods open, another one opened just earlier this week on operating standards for reviews. This is basically a continuation of a discussion that started a while back I think October 2017, in view of having a standard set of operating procedures for reviews. The Council provided input on that initial public comment so it may be worth considering whether the Council would want to review this latest version to determine if how its input has been considered in this updated draft as well as any other input it may want to provide.

                  The deadline for the public comment period is 11th of February, so if there are people interested in working on that it may be helpful to identify those now that - so that a draft comment or proposed comment can maybe be developed over the course of January and hopefully finalized by the end of January's Council meeting. So I just wanted to flag that for you.

Keith Drazek: Excellent, thank you very much, Marika. So yes, I think that's one that we'll definitely want to pull together a group to start focusing on. So any other business? Okay, Marika I think that's an old hand; let me know if it's not. And so all right well let me take this opportunity to thank all of you for the work that we've done over the last couple of months as the incoming 2018-2019 GNSO Council. I look forward to working with all of you in the new year and so have a very happy holiday season, a safe and happy New Year and we will

reconvene on the list of course and then in Los Angeles after the new year. So thanks to all and let's go ahead and conclude the call.

Nathalie Peregrine: Thank you very much, everybody. Operator, you may stop the recordings…

((Crosstalk))

Nathalie Peregrine: …this adjourns today's call.

Rubens Kuhl: Bye-bye.

Adebiyi Oladipo: Bye.

Arsene Tungali: Bye-bye.

END