Transcript GNSO Council Teleconference
21 January 2013 at 15:00 UTC

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on page :
http://gnso.icann.org/calendar/#jan
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-21jan13-en.pdf

List of attendees: NCA – Non Voting – Jennifer Wolfe
Contracted Parties House
Registrar Stakeholder Group: Mason Cole absent, proxy to Volker Greimann, Yoav Keren - absent, Volker Greimann
 gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao
Nominating Committee Appointee (NCA): Thomas Rickert
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Zahid Jamil absent, proxy to John Berard, John Berard, Osvaldo Novoa, Brian Winterfeldt, Petter Rindforth
Non Commercial Stakeholder Group (NCSG): Maria Farrell, Joy Liddicoat - absent, apologies, temporary alternate Norbert Klein, Magaly Pazello absent proxy to David Cake, Wendy Seltzer - absent, David Cake, Wolfgang Kleinwächter absent, proxy to Maria Farrell
Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers:
Alan Greenberg – ALAC Liaison - absent
Han Chuan Lee– ccNSO Observer

ICANN Staff
David Olive - VP Policy Development
Margie Milam - Senior policy Counsellor
Rob Hoggarth - Senior Policy Director
Barbara Roseman – Policy Director
Berry Cobb – Policy consultant
Carlos Reyes – Policy Analyst
Lars Hoffmann – Policy Analyst
Glen de Saint Géry - GNSO Secretariat
Eric Evrard & Cory Schruth – Systems Engineer
Julie Hedlund - Policy Director- absent apologies

Marika Konings - Senior Policy Director- absent apologies

Jonathan Robinson: Thanks very much, so can we begin the meeting please - we've got the recording, we've got the audio card and we've got quorum in both houses. This is Jonathan Robinson speaking for the record, Item 1 is the administrative matters but we'll proceed with a roll call right away please Glen.

Glen DeSaintgery: Thank you Jonathan, good morning, good afternoon, good evening everyone, on the call we have Jeff Neuman.

Jeff Neuman: Present.

Glen DeSaintgery: Ching Chiao.

Ching Chiao: Present.

Glen DeSaintgery: Jonathan Robinson.

Jonathan Robinson: Present.

Glen DeSaintgery: Mason Cole is absent and he has given his proxy to (Foca Graman) who is on the call - (Foca).

(Foca Graman): Present.

Glen DeSaintgery: Yoav Keren is not yet on the call, Thomas Rickert.

Thomas Rickert: Present.

Glen DeSaintgery: Zahid Jamil is absent and he's given his proxy to John Berard who's on the call I believe, John?

John Berard: Yes I'm here.

Glen DeSaintgery: Brian Winterfeldt.

Brian Winterfeldt: Present.

Glen DeSaintgery: (Heder Windfall).

(Heder Windfall):   Present.

Glen DeSaintgery: (Asvardi Nova).

(Asvardi Nova):   Present.

Glen DeSaintgery: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes present.

Glen DeSaintgery: Maria Farrell.

Maria Farrell: Present.

Glen DeSaintgery: Wendy Seltzer - I do not see her yet on the call, has anybody got a proxy for Wendy? David Cake.

David Cake: Present.

Glen DeSaintgery: And David Cake is holding a proxy for (Magalee Pazello) who is absent, (JoAnn Dakota) is absent and she has a temporary alternate, Norbert Klein in her place - Norbert Klein?

Norbert Klein: (Yes).

Glen DeSaintgery: Thank you, Wolfgang Klein...

Norbert Klein: (Unintelligible).

Glen DeSaintgery: Thank you Norbert, Wolfgang Kleinwachter is absent and he has given his proxy to Maria Farrell who is on the line. And we have Lanre Ajayi - Lanre you are on the line but I think you are perhaps on...

Lanre Ajayi: Yes present.

Glen DeSaintgery: Thank you Lanre, Jennifer Wolfe.

Jennifer Wolfe: Present.

Glen DeSaintgery: Thank you, Alan Greenberg - not yet on the call and Han Chuan Lee not yet on the call. First off we have David Olive, Rob Hoggarth, (Marty Mannings), Barbara Roseman, Berry Cobb, (Loz Hoffman), Carlos Reyes. And we have apologies from Marika Konings and Julie Hedlund, for our technical staff we have (Corey Shift) on the phone and lastly myself Glen DeSaintgery. Have I left anybody off the roll call? Thank you, Jonathan over to you.

Jonathan Robinson: Thank you Glen and thank you all the counselors for participating or (bringing) your proxies in short notice or at least relatively short notice for this meeting. Item - (well with) two calls for an update on statement of interests, so if I could have any updates since the last very recently passed Counsel call of this 17th of January, if I could call for any updates please.

Maria Farrell: It's Maria here I have an update.

Jonathan Robinson: Thanks Maria, go ahead.

Maria Farrell: Yes and apologies, I meant to give this on last weak and missed, I am doing some consulting work for (Dotson) which is a company of the people that run (Doppler Lynn) gTLD application and several others and I'm doing some communications consulting for them. I have yet to update my written statement of interest but I will do so today.

Jonathan Robinson: Thanks Maria, anyone else - hearing none I'll move on to 1.3 we have a single agenda item that's to review and potentially add endorsements to the list of endorsed applicants to the ATRT so if I can have any comment or input on the agenda and I'll make some comments myself.

Hearing none and seeing no hands up in the room I'll proceed to provide a brief preamble on this item, essentially we have a process that we as a counsel inherited from the prior ATRT process and what it essentially requests or requires us to do in order to follow it is to take a set of endorsements provided to us by the stakeholder groups to review those for agenda and geographic diversity, if you've got any

questions about that it's covered in Bullet 3 on the screen you'll see up in front of you.

And to potentially add candidates to that slate of up to four depending on the number of endorsements we've received. We have asked for this meeting - or I have together staff convened this meeting today with a notice in order to attempt to complete the GNSO process for endorsing the candidates. However we're left with a problem in - which I'll describe as follows, we are required to produce the output from the GNSO by the 28th according to the request that we've had from - and the timetable that ICANN has produced.

An original letter went out asking for stakeholder groups to give to us their endorsed candidates by the 24th. That proved to be problematic given that we have a registries and registrars meeting in Amsterdam taking place next week which will significantly distract many from the contracted party house and it turns out that that's followed by non-contracted parties house or meeting in LA the week after.

In order to avoid clashing with that we've attempted to bring it forward to produce Council endorsement today on the 24th - on the 21st, but Glen as I understand it we have not received endorsements from anyone other than the registrars at this point.

Glen DeSaintgery: That is so to the best of my knowledge Jonathan and the endorsement that I have received was from the registrars for Tom Barrett which...

Jonathan Robinson: For this (next week)?

Glen DeSaintgery: (To the consulate).

Jonathan Robinson: To go ahead, thanks Glen, the process would permit us to go ahead and simply endorse one candidate and then back it up with an additional candidate or candidates to produce geographic and gender diversity. My difficulty with that is two-fold, it doesn't look - doesn't reflect particularly well on us to simply be forwarding to - I've only received it to be forwarding one endorsed candidate.

But more importantly there - it may be argued by the other stakeholder groups that they originally were working towards the deadline of the 24th. So in my view and I'll take any comments or input on this, we have no alternative but to wait until midnight UTC on the 24th which is the conventional end of day we work to and then to put this - to the extent that we need to add candidates to the slate, to produce either the required agenda or geographic diversity to vote for those candidates on list in order to see if we add to the slate to produce by the stakeholder groups.

So my - I see a couple of hands up in the chat room, but my suggested process I'll get to you and I'll take the feedback on that is to leave the process open for us to receive the stakeholder group endorsements until midnight on the 24th and then deal with both on lists. Seeing a couple of hands up in the chat room, I'll take first from John and then from Jeff Neuman - John Berard.

John Berard: Thank you Jonathan, this is a question for my IPC and ISTC colleagues Wolf, Brian - are we not agreed as to who our recommendation is? Wolf I mean are we not agreed?

Brian Winterfeldt: This is Brian Winterfeldt - yes my understanding is that the IPC endorses Mike Roberts as our preferred candidate.

John Berard: Right and I thought that the CSG had endorsed Mike - is that not true Wolf?

Wolfgang Kleinwachter: No not yet.

John Berard: Oh.

Wolf-Ulrich Knoben: No, but I have to admit there is still discussion going on so under which conditions and these things, so there is no decision on yet.

Jonathan Robinson: Before we go to Jeff, just by way of response to John on the procedural aspect of that as well John, we need to - the letter of code for those endorsements once complete to be sent to the GNSO Secretary. So to the extent that we do follow the process that I suggested, I would encourage you strongly to go back to your constituencies and obviously stakeholder groups and encourage them to submit those endorsements.

And one of the final points I would make on that is that we - while a single endorsement is highly desirable (albeit) necessary in the process although it's not ultimately necessary it would be also helpful to have any backup candidates in order to have a pool to select from for the diversity requirements.

So if you can make that very clear to your stakeholder groups and reflect on the process the GNSO has previously prepared, it seeks, A, an endorsed candidate and B, up to two supplementary candidates

that may be required for the Council to vote on to meet the GNSO diversity requirements. Thank you John, over to you Jeff.

Jeff Neuman: Yes I mean I'll submit this in writing but the registries voted last week, we actually support three candidates but will officially endorse one. The three candidates that we support are Brian Cute, Scott Blake-Harris and Sarah Falvey but the registries have voted and the one that we're endorsing is Brian Cute, so I just wanted that on the record and I guess we'll submit that in writing as well, thanks Jonathan.

Jonathan Robinson: Thanks Jeff, I was going by what had been submitted in writing but that's helpful to have that input, so in effect provided that's backed up in writing we will have an endorsed candidate from the registries group plus an endorsed candidate from the registrars group.

It sounds like the commercial stakeholder group is getting nearer. NCSG has yet to hear from - although they have had some discussion in the background with them indicating that they are working hard to produce an endorsed candidate. So I'd like to before moving forward call for any comments or any support for the process I've outlined which is just to reiterate will be to leave the slate open for endorsements - written endorsements to be sent to the GNSO Secretary as per my letter up until midnight on the 24th.

And then to look to supplement that slate up to four candidates via and an online - a list-based vote during the subsequent 48 hours such that I can then forward or communicate it to the selectors that we have that output in time for the deadline of the 28th. So if there are any comments in support of or against that I'll hear them and otherwise I suggest we will probably bring the meeting to a close.

Man: Yes Jonathan.

Jonathan Robinson: Thanks Maria - I've got Maria and Mark in the I've got John Berard's hand up and Wolf-Ulrich your hand up - so John and then Wolf - John your hand is up?

John Berard: Thanks Jonathan, I - it was up from earlier.

Jonathan Robinson: Thank you and then Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes thank you Jonathan, well I fully agree I mean I'm in agreement with that process now. My only question is what is going to happen if one of the outstanding stakeholder groups CSG and NCSG is not in the position now to provide a candidate until 24th.

So to my knowledge so if I read, you know, if you read the application - the call for application then it is written then the stakeholder group endorsement should be provided by the 28th of January, so I would like to make that clear that they shouldn't have a discussion after that and maybe somebody could the idea okay we have time because the 28th of January.

I understand, you know, we have this - and I also try to convince people within my stakeholder group that we have this concept here that the concept has evolved in this, but formally it may be and somebody from staff could maybe check that that at the end a stakeholder group could have time until the 28th to provide the names, so that's my question and my comment.

Jonathan Robinson: My recollection of that and I wouldn't mind that being confirmed, my recollection of that is that it's not the stakeholder group endorsements but the supporting organizations - the ACs and SOs have to produce their outfit by the 28th. And given the - in our case the GNSO has to do that we require and have required and request that the stakeholder groups provide their endorsements to the Counsel no later than the 24th in order to meet that deadline.

Wolf-Ulrich Knoben: Okay yes, all right.

Jonathan Robinson: So I don't think those are inconsistent, that's my understanding. We have a supporting organization endorsement to be presented by the 28th, we have requested previously and set a deadline of the 24th in order to give the Council the opportunity to endorse and pass through those stakeholder groups endorsements and/or supplement them as required. So I think it - there are not inconsistencies in that - David Cake I see your hand is up, David?

David Cake: Yes, I'm just looking at the list of applications, there are eight is that correct?

Man: Yes.

Jonathan Robinson: Seven from (my recollection).

Man: No eight.

David Cake: And we need - it looks like we're going to be very hard put to meet the diversity criteria. My understanding is I don't actually think we can meet the geographical diversity criteria on - from those eight candidates.

Jonathan Robinson: So David my understanding is we need to do two things and if I'm reading this incorrectly or you read it differently please let me know, we have to our diversity are quite simple, not more than half of the nominees should come from the same geographic region. So let's assume we had - and don't forget the nominees - the stakeholder endorsed...

David Cake: All right so if the CSG - and I'm giving only (80% of) candidates.

Jonathan Robinson: Yes.

David Cake: If the CSG is going to endorse Michael Roberts...

Jonathan Robinson: Correct.

David Cake ...that would mean the only one candidate not from North America left in the list would be (Mary Laura Lemonaire) from NCSG.

Jonathan Robinson: Let me explain how I think it works David.

David Cake: Yes.

Jonathan Robinson: If we've got those three - we've got the registries, the registrars and the CSG all for North America, the NCSG candidates could - endorsed candidates could come either from North America or from Latin America.

And then our job as a council is to review that list, recognize that in fact it turns out that there are not - less than half has come from North

America and to the extent that the candidate pool permits to supplement that list with candidates outside of North America and on- we can only do that by 60% affirmative vote from both houses.

So it's a kind of - from my reading of it it's a best effort attempt to ensure diversity...

David Cake: Yes.

Jonathan Robinson: ...along that route.

David Cake: Yes, I - just looking at the reality here is that these are going to be very hard pressed to meet those diversity targets.

Man: (Unintelligible) yes.

David Cake: Just raising it as potential it looks quite likely we'll need to kick in the - we might all need to kick in the potential (plus two) rule.

Jonathan Robinson: Yes I'm anticipating that we almost certainly will do David if there are - we've gotten to a point now where I think that that limitation - well given especially that we've given - we haven't got a formal indication that Michael Roberts will be the chosen candidate, but if indeed he...

David Cake: Yes absolutely.

Jonathan Robinson: ...is we will almost certainly have to and so I am anticipating that. So what I'm expecting is we will be circulating a slate from the remaining candidates that says here are the three remaining

candidates, this is what's required to meet diversity, please vote for these candidates in a 48-hour email ballot.

David Cake: I thank you for clarifying that process.

Man: Thanks David.

Jonathan Robinson: John Berard do you have another question?

John Berard: Yes I do Jonathan, I'm a little - I realize it's early here and I'm - I've already expressed some puzzlement over the CSG not officially endorsing Mike Roberts, but diversity on the ATRT Review Team is not our responsibility.

Jonathan Robinson: (So John)...

John Berard: Diversity - the ultimately diversity of the ATRT Review Team is the responsibility of the Board is it not? I mean we are not the only groups offering nominees to the ATRT Review Team.

Jonathan Robinson: (Unintelligible)...

John Berard: And if you wanted to endorse 60-year-old white guys from London, that would be fine as long as the ultimate decision makers who were able to fashion the kind of geographic and gender diversity that they're looking for.

                So I don't think that we need to get so totally hung up, I mean yes I think we could offer alternatives for additional nominees as per the

rules if we wanted to be helpful, but I don't think it falls to us as the GNSO Council to ensure diversity on the ATRT Review Team.

Jonathan Robinson: John let me respond to that with two points, first of all any applicant of which we are looking at a slate of eight over the overall universe of applicants can be appointed to the ATRT Review Team by the selectors. If it's not in our (gift) to appoint them to the Review Team that is the selectors job, so it can be any candidate regardless of GNSO endorsement or not.

Separate to that the GNSO has an endorsement process that was previously designed and agreed to which we are working which simply looks for four candidates, one from each stakeholder group - up to four candidates to be endorsed by the GNSO, one from each stakeholder group. And in addition should those four candidates not meet our GNSO specified diversity requirements we will add up to two providing we can produce a vote of more than 60% of both houses.

So all of this - none of this - these endorsements by the GNSO are simply our attempt to offer to the selectors a reasonable slate of GNSO endorsed candidates. The selectors may choose to appoint none of our candidates or all of them to the Review Team and indeed may supplement them from any other applicants - does that help?

John Berard: Yes Jonathan it does, and so I guess where I am right now is - what's our plan right now? I mean there's at least one wrench that has been thrown into the works by the CSG, are we now intending to do this on the list voting asynchronously before the end of the day on the 24th or are - have we adopted some other plan - if I could just get some sense of that.

Jonathan Robinson: John let me reiterate what my stroke our plan is, it is to leave the situation open until midnight UTC for stakeholder group endorsements to be provided to the Council, so that's Step 1 - midnight 24th, that's Wednesday next week - Wednesday this week. Having closed that opportunity for endorsement we may or may not have endorsements from all four stakeholder groups, I'm - my indications are that we will and should have.

Regardless, we will then proceed to review those endorsements and that's simply a technical review to see whether they - how they compare to the diversity requirements and as - and when we have done that we will see that there is a requirement to potentially supplement with one or a maximum of two additional candidates.

And the only base on which we can do that is, A, to meet the diversity requirements and, B, by ensuring that they have a - the support of 60% of both houses and yes I think we'll need to vote for that asynchronously on list by simply declaring our vote on list.

John Berard: Thank you Jonathan.

Jonathan Robinson: David is your hand up from previously or is it...

David Cake: My apologies I forgot to take it down.

Jonathan Robinson: So thanks everyone this is for me and for you a little tedious to have to have gone through this process, it is important to get the - clearly for the selectors to get the review team together.

I very much appreciate you coming onto this call, I should hope that the stakeholder groups would be able to produce their endorsements in time, but that clearly not everyone has been able to and I feel it's incumbent on me and us to provide up to that original 24 deadline in order to do that - (it's better than) having attempted to get it done by the 21st so we are left with this process to do the votes online. Unless - I'll give a moment for any other comments, questions or input after which point I suggest we call the meeting closed.

Thank you again everyone, we will take this on list and please go back to your stakeholder groups and ensure that the endorsements to the extent that they are made are provided to the GNSO Secretary and they'll circulated to the Council in short order. Thanks again, the meeting is now closed.

Man: Thanks Jonathan, bye.

Man: Thanks Jonathan.

Man: Thanks.

END