

**ICANN
Transcription
GNSO Council**

Thursday, 24 January 2019 at 22:00 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 (joined but proxy to Michele Neylon for audio quality issues)

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Tony Harris, Paul McGrady (apologies sent – proxy to Flip Petillion), 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 (apologies sent – proxy to Rafik Dammak)

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Adebiyi Oladipo – ccNSO observer (apologies sent)

Guests: James Bladel, Avri Doria (ICANN Board), Matthew Shears (ICANN Board), Becky Burr (ICANN Board), Herb Wayne (Ombudsman)

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apologies sent)

Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager (apologies sent)
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Moises Cirilo– Technical Support
Nathalie Peregrine – Manager, Operations
Terri Agnew - Operations Support - GNSO Lead Administrator

Coordinator: Recordings are started.

Nathalie Peregrine: Good morning, good afternoon and good evening everybody. Welcome to the GNSO Council meeting on the 24th of January, 2019. Would you please acknowledge your name when I call it? Thank you. Pam Little.

Pam Little: Here.

Nathalie Peregrine: Maxim Alzoba.

Maxim Alzoba: Here.

Nathalie Peregrine: Rubens Kuhl.

Rubens Kuhl: Here.

Nathalie Peregrine: Keith Drazek.

Keith Drazek: Here.

Nathalie Peregrine: Darcy Southwell.

Darcy Southwell: Here.

Nathalie Peregrine: Michele Neylon.

Michele Neylon: Here.

Nathalie Peregrine: Thank you. Michele is proxy for Carlos Gutiérrez who will be listening in only for today's meeting. Marie Pattullo.

Marie Pattullo: Here.

Nathalie Peregrine: Scott McCormick.

Scott McCormick: Here.

Nathalie Peregrine: Thank you. Paul McGrady is an apology for today's meeting; he's given his proxy to Flip Petillion. Flip. Philippe Fouquart.

Philippe Fouquart: Here.

Nathalie Peregrine: Rafik Dammak.

Rafik Dammak: Here.

Nathalie Peregrine: Elsa Saade.

Elsa Saade: Present.

Nathalie Peregrine: Arsene Tungali.

Arsene Tungali: Here, yes, thank you.

Nathalie Peregrine: Thank you. Tony Harris.

Tony Harris: Here.

Nathalie Peregrine: Tatiana Tropina.

Tatiana Tropina: Present.

Nathalie Peregrine: Martin Silva Valent.

Martin Silva Valent: Present.

Nathalie Peregrine: Ayden Férdeline.

Ayden Férdeline: Here. Thank you.

Nathalie Peregrine: Thank you. So Syed Ismail Shah has given his apologies for today's call and proxy to Rafik Dammak. Cheryl Langdon-Orr.

Cheryl Langdon-Orr: Present.

Nathalie Peregrine: Erika Mann.

Erika Mann: Present.

Nathalie Peregrine: Julf Helsingius.

Julf Helsingius: Here.

Nathalie Peregrine: Thank you. Adebisi Oladipo. I don't see Adebisi in the room at this time. We also have guests with us for the GNSO's strategic planning session, we have James Bladel and ICANN Board members Avri Doria and Matthew Shears. From staff we have Marika Konings, Julie Hedlund, Steve Chan, Caitlin Tubergen, participating remotely Berry Cobb, Ariel Liang, Terri Agnew and (Moses Sulo) for technical support, myself, Nathalie Peregrine.

I'd like to remind everyone to please remember to state your names before speaking for remote participants and transcription purposes. Thank you over to you, Keith.

Keith Drazek: Okay. Thank you, Nathalie. Hi, everybody. Keith Drazek for the transcript. And welcome to our January 2019 GNSO Council meeting, one of the four Council meetings a year where we actually get to meet face to face so lovely to see everybody in person and looking forward to a good meeting today.

So just want to note, we're going to use the Adobe chat for the queue, if that's all right with everybody? Obviously if you're having trouble with Adobe put your hand up or get my attention but I think for the ease of tracking order and making sure that everybody has the opportunity to speak in order we will use the Adobe chat for the queue.

So with that we will go through the updates to statements of interest so let me pause and ask if anyone here has an update to their statements of interest? Seeing none, next item on the agenda, 1.3, is a review and amend the agenda. So I will briefly run through the agenda today and to note that right off the bat at the end of our administrative matters I'm going to add a 1.5, we're here joined by our friendly neighborhood ombudsman and - who's asked for a few minutes to say hello, so Herb is going to be here so we'll add him to 1.5 at the end of our admin matters section.

So we will start today after we get through the administrative matters, which will come next with a status of the minutes for the previous Council meeting, we'll get to opening remarks, a review of the projects and actions list, and that'll take us potentially 15 minutes, hopefully we can get through that a little bit more quickly.

Item 3 on our agenda is the consent agenda. There is one item there which is the confirmation of Jonathan Frost as one of the GNSO appointees to the CCWG Auction Proceeds replacing Jon Nevett. Item 4 on the agenda is a

Council discussion covering the review of the public comment drafts. We've allocated 15 minutes for that. There are three specifically that we've called out; two related to the budget and strategic plan and I'll turn to Ayden Férdeline as the Chair of the SCBO to help us walk through that; and then discussion about the update on operating standards for specific reviews.

Item 5 on the agenda is Council discussion around the temp spec and the EPDP and we'll turn to Rafik as the Council liaison and vice chair of the EPDP (unintelligible) that discussion item. And if we could ask everybody to mute your lines if you're listening? Thank you.

Item Number 6 will be a Council discussion on the EPDP and the discussion about the possibility of an implementation gap and/or a backup plan. I think the discussion or the update from the EPDP liaison may actually help us accelerate the discussion around the implementation gap and backup plan so we may not need the full 20 minutes for that. But we wanted to carve out some time here during our face to face in Los Angeles to make sure that in the event there was a need to discuss a backup plan or a so-called Plan B that we had the ability and the timeframe to do that.

Item Number 7 is a Council discussion on the ongoing discussions and deliberations on the IGO INGO Access to Curative Rights Protection Mechanisms. We've carved out 15 minutes for that; may or may not be necessary for the full time but I'll provide an update there.

And then we'll get to any other business. Four items under any other business, update on the CSC effectiveness review, we'll turn to Philippe Fouquart for that; discussion on the IANA functions Review Team composition, specifically the ccNSO proposal about managing some of the challenges that they've experienced in being unable to identify a non-ccNSO ccTLD operator to participate in that; we'll talk about ICANN 64 planning; and then finally a discussion of proposed Council additional budget requests for FY'20.

So that is our currently proposed agenda. Let me pause now and ask if anybody would like to add anything to the agenda, make any suggestions or amendments. Okay seeing no hands in the room and no hands in Adobe, let's then turn back to our agenda.

So let me scroll back up, one moment. Okay, so the - I'm going to go back to agenda item 1.4 which is noting the status of the minutes for the previous Council meetings per our operating procedures. The minutes of the Council meeting from 29 November, 2018 were posted on the 13th of December and minutes of the Council meeting on the 20th of December, 2018 were posted on the 7th of January. Would anybody like to speak to the minutes as posted? Okay, seeing no hands, we'll move then to our new - item 1.5 and welcome, Herb.

Herb Wayne: Thank you, Keith. Apologize for the noise there as I approached the mic. You have a very quiet room; it's surprising. I'm sure things will get much more animated as the day rolls on. Keith and I had an opportunity to meet in - at the IGF in Paris recently so it was great for me to meet him and speak with him in his new role and congratulations on that.

I recognize most people in the room but I'm sure there are a few that don't - haven't had the opportunity to meet with me yet. My name is Herb Wayne; I'm the ombudsman for ICANN. And I always take the opportunity to drop in and say hello when there's a meeting going on because one of the critical things that I believe as far as my role as ombudsman is working closely and having good relationships with the leadership teams in the organization.

You are my eyes and you are my ears to your constituency groups, your stakeholder groups, your communities, and I rely on you as leaders in the organization and as colleagues to help me to do my work in a more productive and efficient manner. So I have, as I said, I recognize and know most of you in the room and I thank you for the help that you have given me

over the years. And for those of you that I haven't met and I don't know, I hope that we do get a chance to maybe speak briefly before the end of your meeting this week. And if not we'll see you all in Kobe.

So I wish you a very productive and pleasant GNSO meeting for the rest of the day and thank you, Keith, for the opportunity to drop in and say hello. And please do not hesitate, anybody, if there is something pops up in your groups, in your communities, or in the Council that you feel I may be able to assist with to please reach out to me and hopefully resolve any issues informally as possible. Thank you very much and good afternoon everybody. Are there any questions?

Keith Drazek: Thanks very much, Herb. I see a question from Julf. Go right ahead.

Julf Helsingius: Just as a curiosity, of course you can't mention any names, can you tell me how many complaints you got related to EPDP group?

Herb Waye: The EPDP is an ongoing function. It is new to the organization. As with probably most of the working groups there have been issues of civility and they have been raised to my attention and dealt with appropriately with both the leadership team or if not necessarily with the leadership team level for the EPDP, informally interpersonally with the people that are involved. So I'm monitoring to the best of my ability as a - sorry, as an observer - the calls.

And go in and review the chat and the - and I would say that probably most of the issues that have been brought to my attention have been comments that are being made in the chat and you can see that they're fueled by issues that are not necessarily specific to the EPDP but other issues that are more common to the general community that just happened to come out in some of the comments that are made. So I do my best to assist in any of the working groups that - and observe as an outsider and as an outside resource. So yes, does that answer your question?

Julf Helsingius: Yes, thank you and thanks - we appreciate you actually being there as I've seen you fairly often on the calls so thank you.

Keith Drazek: Okay thanks, Julf, and thanks Herb. Michele next in queue. Go right ahead.

Michele Neylon: Yes, thanks. Michele for the record. Just Herb, on the - your position and how that's - and how you've been interacting with both the EPDP and other working groups, I would just recommend you have a look at some of the outcomes from this meeting because we've been looking at how the liaisons and the leaders of working groups and the participants and the composition and all that kind of thing, how that can play out because I think that may hopefully improve things further down the line. In other words, empowering working group chairs to kick certain people from groups, for example, if that becomes necessary. Just being clear about what we're talking about.

Herb Waye: Thank you, Michele. That has been brought up to me in the past specifically to the role of chairs, co-chairs, vice chairs, in enforcing the expected standards of behavior. And I can assure you that I'm available to participate in any of those conversations you may have; please reach out to me and I will make myself available to participate and offer any advice or thoughts that I may have.

Keith Drazek: Okay thanks, Herb. I'll make a comment here and then I have Elsa next in queue. So, yes, just to provide a bit of context around Michele's comment, one of the things that the GNSO Council did in 2018, starting a year ago this time, was to try to identify ways that the Council itself as the manager of the PDP process could be more effective and efficient in helping the groups themselves to be more effective and efficient.

And one of the key roles that we identified that needed to be beefed up in terms of its responsibilities or at least the awareness and execution of those responsibilities was the role of the GNSO Council liaison to each of the PDP working groups. And what Michele referenced I think was in part focused on

the role of the liaisons, in part focused on the role of the leaders, in part focused on how we structure our working groups in the GNSO.

And so these are all open questions and this year in 2019 our plan is to essentially implement some of the key recommendations that came out of our so called PDP 3.0 process last year. And so I think it might make sense for as we advance our work perhaps to have some touch points with you as, you know, a possible input to our consideration. So I just want to note, thank you for being here, you're always welcome to come in and observe and say hello and have a few words with the GNSO Council when we meet in person. But let me now turn to Elsa.

Elsa Saade: Thanks, Keith. And thank you, Herb, for being amongst us. I just have a quick follow up question and it's after experience over the meetings, have you evaluated that your office has enough mechanisms to hold counterparts accountable after evaluation? And this question comes out of specific hardships or specific hampering of certain PDPs around us in the past six months. So I'm just wondering if after the experience that you've had, have you thought that you could eventually hold counter partners accountable based on the mechanisms that are already in place on the person's office?

Herb Wayne: That's an interesting question because the fundamentally the ICANN expected standards of behavior does not have an accountability component necessarily attached to it. So I can intervene and mediate or attempt to resolve interpersonal issues or even look at the process issues that may be dysfunctional. But when it comes to - if we're specifically talking about interpersonal behavior and inappropriate behavior, there needs to be a much more robust process at the policy level, for instance, GNSO policy should have something in it that allows them to for instance remove somebody specifically from a group meeting or working group or something.

But as an informal conflict resolution practitioner and an ombudsman for the organization, I unfortunately don't have the power; I can only recommend, for

instance, to GNSO Council saying that if you have something in your bylaws or in your rules of procedure that says that you can remove somebody or ban somebody or sanction somebody from participating, I can only recommend that you enforce that level or possibly stand by your decision to do that and as a kind of a justification element of it.

But unfortunately the expected standards of behavior is a guideline; it's not a rule with sanction or penalty attached to it. And unless we move into the harassment and the anti-harassment policies, you - where I do have the ability to sanction, I can only - you can only rely on a recommendation that I could possibly put to you. But that recommendation would have to be supported by something in your rules that say that you can do something then I can come back and say well you can do it.

Now I would even suggest that there would be an informal conversation prior to that because if an initial look at that said to me that, yes, that person shouldn't be there, then I would say go ahead and do your - take your action and I will support your action rather than me coming out and doing an investigation recommending to you that you take the action which could take, you know, weeks or month - or months - move with your action but bring me in right at the beginning as an observer, as a participant in the decision making process so that I can observe as an independent individual and say that yes, all of the process was followed and I support your decision to XYZ.

Keith Drazek: Thanks very much, Herb. And this is Keith Drazek for the transcript. And let me just take that moment to remind everybody to say your name when you're speaking for the transcript. I'm terrible at it myself. But thank you very much for those comments. And I think, Herb, that really is helpful for all of us on Council to understand sort of the roles, the different areas of responsibility, the perfectly reasonable limitations on what you can do.

But I think it also points to the need for the Council in our role as managing the PDP processes and our - the community around us and specifically the

policy development work to, you know, take responsibility and recognize that it's up to us to develop and ensure that our policies are enforced and if we can engage with you to better inform our deliberations then we look forward to doing that. So thanks for joining us.

Okay thanks, everybody, for that. Let's move on now to the next item on the agenda which is item 2, sort of opening remarks and a review of the projects and actions list. So I think we can just move right into the projects and action list.

Right and forgive me, everybody, I'm going to be reading off my screen which means I need to take my glasses off. Okay so I hope everybody's had an opportunity to review this prior to the meeting. It's something, you know, sort of a standard that we ought to set for ourselves is for - before every Council meeting once a month we should all be reviewing this and making sure that we're up to speed.

But I think we have specifically four working groups underway at this point, which is the EPDP on the Temp Spec, the Cross Community Working Group on New gTLD Auction Proceeds, the PDP review of the Rights Protection Mechanisms in all gTLDs, that's the RPM PDP Working Group, SubPro and those are essentially the sort of the key and active working groups that are underway at this point.

I know that we're going to be talking about the EPDP here shortly today. We don't currently have an update scheduled today on the CCWG on Auction Proceeds. The PDP on RPMs, there's no specific update today. And the SubPro PDP, no specific update today. But we do, I'll note, have some leadership calls scheduled with the various leaders of the PDP working groups that are active at this point over the coming months.

And we'll be sure to report out on those conversations as we move forward, just to basically - it's a touch point prior to the Kobe ICANN meeting to make

sure that we've had an opportunity to have the leadership pre-conversations with the leaders of the PDPs and again, following on some of the conversations we had earlier this morning, with the hope of trying to make the conversation in the face to face meeting as effective as possible around the PDP updates.

Next on the action list is the - or the project list is Council deliberations. We have the Curative Rights on IGO INGO work and we're going to talk about that later this afternoon. And then we have several items listed under, you know, pending Board vote or having been voted already. So I'm not going to go through each one of those line items. Would anybody like to raise any questions or comments around the projects list?

Okay, thanks, Michele. Feel free to...

Michele Neylon: Yes, thanks Keith. Michele for the record. I suppose a couple of these items while technically yes, they are in implementation realistically, we should be cognizant that they're actually paused. So for example, proxy privacy is essentially paused, thick Whois is essentially paused. Thanks.

Keith Drazek: Thanks, Michele, that's an interesting point. While they are technically in the implementation phase, it's a good question as to whether it warrants calling out things that are, you know, hiatus or has a paused status. I certainly wouldn't be opposed to that. It means we'd probably have to add another circle up to the key at the top but not necessarily a bad suggestion from my perspective. But Marika's going to tell me why I'm wrong.

Marika Konings: This is Marika. I wouldn't dare. No, just to note that of course when you actually scroll down in the status of those items, you know, we've noted there what the status is. You know, of course we can maybe add an additional marker here but hopefully from the descriptions it should be clear that the status that these items are in and of course even though they're paused, they're still from a project plan perspective still in the implementation phase.

Keith Drazek: Yes, thanks, Marika. And of course that's an important note for those that haven't, you know, taken a full view of this project list. This is just the first page and there's a lot of substance and detail down below. So I think that's a good point, Marika. And maybe it's not a separate category that we create but in this initial slide or in this initial page we could, you know, highlight where something might be in a paused status just to draw it out. But good point about the significant detail and substance down below. Okay, any other comments? Michele, is that a new hand?

Michele Neylon: Yes it is. No, just thanks. I mean, Marika's 100% correct as always and I would never dare to contradict Marika because that would just be painful. But I think the reason why I raise it is more to do with setting expectations for other parts of the broader community so it's clear to people that, you know, certain items are linked to other items and due to uncertainties or whatever that they're currently not moving forward. Thanks.

Keith Drazek: This is Keith. Thanks, Michele. Okay unless there's any other comments on the projects list let's move to the action items. Great. Thank you very much. Okay so we're going to run through this fairly quickly. We've got some open items but several of which will be discussed during the meeting today. So I'm looking at the screen now so I'm going to look to staff to help scroll as we go.

So the item Number 1 is the updated charter for Cross Community Engagement Group on Internet Governance. We had a conversation about this during our last call where I had proposed that we allow our members in the GNSO to continue participating in the cross community engagement group that's been chartered by ALAC. And that at this time we essentially go with the less formal approach and not go through a full-blown chartering process where one is not necessary.

And I know there was some discussion on the list and actually, I'm sorry, on our last call, about that approach. And I had an action item to circulate a

proposed communication to the other chartering organizations outlining that approach. And I have not yet done that despite multiple reminders from Marika and Nathalie. So I'll take responsibility for that. And I will do that following this meeting prior to our next meeting.

But the proposal on the table is to allow our community to participate in the CCEG on Internet Governance but not go through the full blown process of coming up with a charter and creating a whole lot of structure and formality where one probably is not necessary. So let me pause there and - Cheryl, I see your hand up in Adobe. Welcome, Cheryl.

Cheryl Langdon-Orr: Thank you, Keith. Cheryl Langdon-Orr for the record. Just to update you to let you know that ALAC is discussing where they stand on now being the sole charterer of what is supposedly at one stage going to be a cross community activity. So whilst ALAC obviously is going to welcome you reaching out with clarification of the GNSO's views on all of this, obviously I have briefed them.

They are also considering their own response to that and I know certainly in Kobe if not before, they will be discussing this with the appropriate parts of the ICANN Board because it does confound them as to why they should run a cross community group if it's a sole charter - a sole entity chartering it. So we will see. Thank you.

Keith Drazek: Thanks very much, Cheryl. This is Keith. Yes, I hear what you're saying and is a bit perhaps confusing about, you know, the idea of a cross community group chartered by one organization. But let me be clear in that I think most if not all, certainly most of us at the, you know, in the GNSO Council level view, based on our previous conversations over the many months and years now, view this engagement among the community, ICANN Org and ICANN Board as extremely valuable.

When we moved away from the CCWG approach, the cross community working group, because it no longer fit the model approved by the community

about CCWGs, we again reiterated at that time how valuable this engagement is and how it's important for the Board, the ICANN Org and the community to have these conversations and have the ability to compare notes and strategize and develop positions for the broader Internet governance discussions.

But as we moved away from the cross community working group, necessarily, because it was no longer actually a CCWG, under the terms outlined by the community for CCWGs, it became clear that it actually - an engagement group was not something that was previously defined and a charter was not required. And so we, I think the sense of the group or at least some in the group is that there - this work can continue; the engagement can continue and it should continue but that we don't need to necessarily go through the process of a formal chartering.

And that we can actually achieve exactly what we've been doing for the last several years procedurally and substantively without a charter. And of course if it becomes clear down the road that a charter is needed or that there's something not happening without a charter, we can revisit this as a community but I think the sense is let's let the group continue working in an ad hoc manner and, you know, and continue keeping an eye on it so just wanted to be clear that from a GNSO perspective there's still value in the engagement. So let me pause there and see if anybody else would like to jump in on that one before we move. Okay, seeing no hands let's move to the next item.

And this is still Keith. Okay, next item is a drafting team on the charter related to next steps for the handling of Whois conflicts with privacy law. We made a decision as a Council that we would revisit this question essentially the call for volunteers for a drafting team, once the EPDP files its final report. And so this has basically been pushed off and is in a pending status subject to the delivery of the final report from the EPDP. Questions or comments?

Next item. Okay, on this one we have a point on the ICANN reserve fund. You'll probably recall that on the last couple of Council meetings there was ongoing discussion about whether the Council should send a letter or send a note or put down some sort of a marker as it relates to the ICANN Board's resolution related to the replenishment of the reserve fund from the auction proceeds.

And we have seen no further communication of discussion of that on the email list. I again had an action item to send a note seeking any further thoughts. I did not do that. My apologies. But this is an open item that we'll pick up following this Council meeting and we really need to draw this to a close just as we need to some of the other items. So if somebody feels super strong about this or strongly about this, it's sort of on you as a counselor or you stakeholder groups or constituencies to step up and hold the pen. Comments or questions? Yes, Erika. Thank you. Sorry, I was looking at the Adobe list.

Erika Mann: Oh, sorry I always forget.

Keith Drazek: No problem.

Erika Mann: I think the only thing which is really needed is for future intervention or request from the Board to receive some clarification about the legal and fiduciary duties they do have. I think we do understand it but so to keep it totally open without framing it in what can potentially mean that further requests may come might be challenging. So I wonder - and this is a discussion we had in some of our exchanges; one that it's not helpful to request further clarification. Not concerning the past request but future requests.

Keith Drazek: Okay thanks, Erika. This is Keith. Yes, I think that's a helpful distinction so as I follow up this meeting and take that next step I think that'll be an important

clarification in terms of what we're considering, so thank you. Other comments or questions?

Okay next item is the IANA Functions Review Team. And so this one, if I recall correctly, has a couple of components. We are still waiting for finalization of the composition of the IANA Functions Review Team. But in this particular case it's something that we'll need to coordinate with the ccNSO. Is this - let me just pause for a moment and ask Marika, is this one of the topics we have in our any other business that Philippe was going to speak to? Yes, go ahead.

Marika Konings: Yes this is Marika. This is slightly separate item, is kind of a hold item because, you know, we know this is coming but we're waiting for the announcement. The AOB item is linked to this and kind of I guess a precursor before they finalize membership so they're linked but not the same.

Keith Drazek: Yes, thanks Marika. And for the clarification, this is Keith, for everybody, the question is once we finalize the slate of membership for the IANA Functions Review Team, there will be - will need to be a process for identifying co-chairs. But we're in a situation now also related to the point earlier discussed is the ccNSO has raised some concerns about its ability to identify the right slate of ccTLDs. So we've got some work left to do on this one. We'll talk about that in a little bit more detail.

But right now we have - the action item for us is to discuss our reaction or response or considerations about the ccNSO communication. There's no decision at this time about the co-chair selection. Okay.

Next item. The updated operating standards for specific reviews. This is on our AOB agenda so we'll move on from there.

IGO INGO Access to Curative Rights on our agenda for later this afternoon so let's move on from there.

PDP 3.0 is listed as completed, and obviously we talked quite a bit about our implementation of PDP 3.0 today. Let's move on. Yes, Marika, go ahead.

Marika Konings: Yes this is Marika. Just to note that of course the PDP 3.0 itself is not completed but the action items here are completed and there was also one to move this now to the project list so you can actually follow the status from here on in the project list.

Keith Drazek: Yes. Thanks, Marika. This is Keith. Perfect clarification. Okay next item, the strategic planning session, obviously we're in the midst of that so that is currently completed. There will need to be - there will be a report coming out of the strategic planning session that basically outlines what we've discussed, not in specific detail in light of our Chatham House Rule, but that we do have, you know, an obligation to report out how we've done, what we've done, the value that we found and essentially to go on record as to say that we as a Council achieved a lot and found it helpful and set the stage for wanting to continue doing this if that's the feelings of the group.

Next item is the EPDP that's on our agenda. So I think that's mostly it for the action items list. Any comments, any questions before we move on to the rest of our agenda? Can't see my Adobe chat; are there any hands up? Sorry. Computer locked up. Okay, no hands in Adobe so let's move on. Back to the agenda please.

Okay. Okay, next item on the agenda is item 3, our consent agenda. We have one item, as I noted earlier, confirmation of Jonathan Frost as one of the GNSO appointees in the - sorry to the CCWG Auction Proceeds replacing Jon Nevett. So Nathalie, if I can hand this over to you?

Nathalie Peregrine: Thank you, Keith. Would anyone abstaining from this motion please raise your hand? Seeing no one. If anyone would like to object to this motion please raise your hand? Would all those in favor of the motion please raise

your hand? Thank you very much. Would Michele Neylon, Flip Petillion and Rafik Dammak, who hold proxies, please also raise your hands? Thank you very much. No abstention, no objection, the motion passes.

Keith Drazek: Great. Thank you very much, Nathalie, and thanks to everybody. So let's then - this is Keith - let's move on to item - I'm sorry. Let's move on to item Number 4, Council discussion on the review of the public comment drafts. So we have, as I noted earlier, there are three public comments that we're going to discuss today. The first is ICANN draft FY'20 operating plan and budget and five-year operating plan update. And I will shortly turn to Ayden for a update on that as chair of the SCBO.

Then second, a discussion of the ICANN strategic plan for fiscal years 2021-2025, also something that's been assigned or delegated to the SCBO. And then third, an update on the operating standards for specific reviews. So with that, Ayden, if I could turn to you?

Ayden Férdeline: Thanks very much, Keith. Hi, everyone. This is Ayden Férdeline. So I'll take the first two together. So the Council Standing Committee on Budget and Operations has met four times this month and we have been preparing comments on the budget. We have not as of yet started to prepare our comment on the strategic plan but we are having an extended meeting next Monday where the primary agenda item is to review the strategic plan and to formulate our comments there.

But so far we have been commenting on the budget and in particular evaluating what impact it may or may not have on the GNSO. We have been reviewing the budget with an understanding that GNSO policy development and coordination is a key activity that we believe should be prioritized within the budget. So the deadline for comments is the 8th of February and our intention is to share on the Council's mailing list today a first draft of the comment that we have prepared.

In short, there are five requests that we are making to ICANN. One of them is for ICANN to look inward at its own overall spending patterns. We noticed when we evaluated the comments that we prepared last year on the current budget, we were not certain that all of our requests were taken forward. And so we're trying to be a bit more specific this time about what we would actually like to see. So we've tried to get rid of some of the more ambiguous language and to have much clearer recommendations as to changes that we would like to see. So there is some duplication from what we requested last year but perhaps that was because we did not make it - make ourselves explicit enough.

Secondly, we are saying that we would like the community to be provided an appropriate level of support commensurate with our responsibilities under the bylaws. And we go into - and we do request some further information around what resources are being allocated to the GNSO and to other supporting organizations and advisory committees. And we do frame it in such a way as to say if we can't be provided this information today, what can we be provided with? And we are happy to enter into a dialogue to be able to obtain this information in the future as well if the level of granularity that we're after cannot be accommodated.

We also asked that the - at the moment there is just a single figure provided for the contingency, and so we're asking that that can be broken down so that we have a bit more detail as to what the contingency is meant to actually accommodate because that could entail the implementation of the outcomes from some of our working groups. And finally, we also asked that ICANN reevaluate the spend on its capacity development programs, so we do support the proposed right-sizing of the Fellowship Program, but some of the other changes we think that there's the potential for some other changes to be made there.

So we will share that comment on the mailing list today. We would be very open of course to feedback, questions, or suggested edits. We have another

meeting on Monday so if there's any comments that come in ahead of time we can discuss it on our next call, otherwise I'm happy to take your comments forward to the standing committee's mailing list. We will also endeavor to get a draft of the comment on the strategic plan to you by this time next week. Thanks.

Keith Drazek: Okay. Thanks very much, Ayden. This is Keith. So I was able to join two of your four January calls and I thought that they were - I thought they were very effective in terms of identifying some of the issues and I think noting that the Council may have a view as it relates to our role and the GNSO more broadly but at the end of the day it's also up to SGs and Cs themselves to make any comments about the budget and operating plan that those groups see fit. So thanks for that work.

Let me pause and see if anybody else here who's on the SCBO or if anybody has any questions or comments. Okay, Michele, go ahead.

Michele Neylon: Thanks, Keith. Just a couple of comments. One I think we've managed to pull in a couple of new faces into that group so for example on the Registrar side I'm no longer flying solo, which is great. There's also some interesting discussions going on on the SCBO around transparency and disclosures specifically in relation to travel support, which I think is something that we need to keep a close eye on.

At the moment previously you could see very, very easily how much was being spent and how it was being spent and, you know, that was great in terms of transparency and now we're being told that that can be done anymore and the right reasons, the rationale behind it are a little bit - how would I put it - tenuous maybe, I'll go with tenuous. So I think this is something we will need to look at more closely.

Another matter I think that we also need to be cautious with is that certain projects are being lumped into the policy team's - the policy team's overall

budget when it might actually be work that's being conducted by the policy team. And that is kind of disturbing. I'm not sure exactly how we can address that because it gives a skewed view of how money is being spent. Thanks.

Keith Drazek: So Michele this is Keith. Thanks. Can you just explain that last point, did I hear you right that said that there's line item - or there's money in the budget assigned to the policy team for work that they are doing or are not doing?

Michele Neylon: There's - okay so there's money being allocated - okay let me - how do I phrase this? Expenditure is being assigned to the policy cost center even though the work involved has nothing to do with the GNSO policy team's work, if that makes sense? So a particular event is being held and it's outside the GNSO but my understanding is that the way it's being reported within the financial reports is that it's being assigned to the policy team's cost center. So it looks like the expenditure and policy is either similar to previous years or potentially increased whereas in reality it isn't because they've assigned something which has got nothing to do with policy to that cost center. Does that make sense?

Keith Drazek: Thanks, Michele. That's helpful clarification. I misheard you earlier.

Michele Neylon: Okay so...

((Crosstalk))

Michele Neylon: Erika, are you saying no or are you saying yes or - sorry...

((Crosstalk))

Michele Neylon: I mean, if you want me to explain it more explicitly I can but I was trying to be vague. Okay, well okay I'll be more specific if you want me to be. No? Some people are saying yes. Okay, well I'll shut up then.

Keith Drazek: All right. Thanks, Michele and Erika. I think, look, if there are concerns about those types of things then we should appropriately raise those and that's something that the SCBO should be, you know, basically incorporating into its comments and that we as a Council should consider those. And certainly if we need to have a discussion about something that's of concern then we have the ability to do that now or we can do it offline or on the email list but let's make sure that if there's a real concern there that it's captured.

Okay, any other comments or questions on the two public comment periods that Ayden covered relating to the budget, operating plan and strategic plan? Okay, seeing no hands let's move on then to the next item which is an update on the public comment update on the operating standards for specific reviews. And I'll turn to Rafik on this one.

Rafik Dammak: Okay. Thanks, Keith. This is Rafik speaking. Just, I mean, we don't have that much to share but so we are, I mean, three people and that (unintelligible) to work on this comment for the draft. So we started to go through the - I mean, the paper and so what we are trying to do is to review that against the submission by the Council last year since there were several changes and to try to see if our comments last time were reflected.

But also we will pay attention to see if we - there are other area that we should cover. So and in term of draft we are trying to get something done by next week, hopefully middle next week that we can share it on time for the Council consideration I think by the usual process of non-objection. But taking the opportunity if other one, I mean, anyone want to join us or if there's any comment that you have in mind and you want to share we can add that to the draft. So I'm sorry that we don't have that much to present but we just, I mean, maybe the timing was not good around the (SBS).

So, yes, so our focus will be to really check if previous comment were included or not and to see if there are also other changes in what is proposed in term of the specific review operating standards.

Keith Drazek: Okay thank you, Rafik. This is Keith. Anybody want to respond or make comments regarding the operating standards for specific reviews? Okay, I see no hands. So I'll just note for everybody as councilors, these are three public comment periods, one of which the deadline is February 8 and the other two are 11 February. So over the next couple of weeks we're going to have some action items as councilors to review these and to provide timely feedback so I'm just putting that out there, watch the list, when you see the call for feedback come out, please focus on it and get the feedback in a timely fashion. Thank you.

Okay, let's move on to the next item on the agenda which is Item Number 5, a Council discussion on the temporary specification and the EPDP. This is the recurring update that we as Council receive from Rafik, our GNSO Council liaison to the EPDP.

And so of course we receive weekly updates, written updates from Rafik, and I sincerely hope everybody is taking advantage of reading those and absorbing those and this is our monthly sort of verbal or oral update to give us an opportunity to also ask any questions or clarification, so, Rafik, thank you very much for all the time and effort that you've been putting into the EPDP and to providing the weekly updates. And we look forward to hearing this update. Then of course coming out of this conversation we'll talk next about our earlier Council discussions and the exchange of letters with the Board on the possibility or potential need for a so-called Plan B. So Rafik, over to you. Thank you.

Rafik Dammak: Okay. Thanks, Keith. This is Rafik speaking again. So the last Council meeting it was around the time of the end of the public comment and since then we first with the, I mean, the leadership team with the support staff with the help from leadership team, to prepare for the public comment review and then the team, after the whole, I mean, the holidays, we went through the comment review, I mean, through the - several - our usual call but the

important milestone was to have the face to face meeting in Toronto last week.

So our goal was really to go through all the input we received since we asked the community to give us guidance and we are, I mean, regarding the recommendation, the purposes and also several questions, we are asking for input. So what we are trying in term of approach is kind of, how to say, we tried to aggregate or consolidate the comment by concern so and to give attention to all of them. And we try to use different approach like having two teams so we can try to work on parallel as much as possible but we left also a lot of those tasks for the comment review for the face to face meeting.

And my feeling I think or observations probably shared by many of those who attended, the meeting last week that we made a lot of progress. However, still there are still a lot of tasks to be done so we need to finish the review of the public comments because there are still some items and I think I shared this week a kind of document, we are - we were using to show the level of progress in term of by recommendation or even general comment so how much we are covered and what's still done in term of actions.

We also have to review the data element workbooks since - if we are making any kind of a change we need to ensure that those data elements workbooks are still consistent and to maybe there is possibility to make some change in the in term of format and we have for example again using small team to do that in parallel.

We also have the draft final report that was shared that was prepared by the staff in adding the new elements. Just I mean, kind of maybe more administrative but we are expecting the team members to add their suggestion and edits.

There are also still some outstanding items we are trying to cover. I'm not going to going through all of them; I can share them later on the mailing list.

So I can say we have several things in parallel to do and we are pushing the EPDP team members really to focus on the deadline we have. We know that's a lot of work, even we extended this week the calls to three hours, and we know that's challenging. But I think this is kind of the last mile so we have to do all what we can in term to make a progress. And also via the discussion and deliberation we know that several items should be kind of deferred for more deliberation and work in Phase 2.

So I think that's my reading here is that there is kind of fully understanding from the EPDP team members that we have to do what is possible for now and try to cover other things in Phase 2. It was challenging in the beginning but I think we reached that common understanding. So we still have to aim for the first of February, but I can say that I think we can aim by - to have - to deliver the final report for the Council deliberation by next month so to be in time as they envisioned in the timeline.

So that I can say for now. I mean, there is always risk that we may, you know, kind of maybe we move a little bit backward, but we keep pushing and something we need to remind everyone is that we know that a lot of task to - that will have to be covered in parallel so just to remind them to do, I mean, I'm not going to say the homework but just to do that. So I want really to thank the EPDP team members for what they are doing and also the support staff because we tend to forget that since the public comment, which just ended around the holidays, everyone kept working because of the timeline, so.

Keith Drazek: Thanks very much, Rafik. This is Keith. Thanks very much for the update. And yes, just to second your acknowledgement of the hard work of the EPDP members, the leadership, the support staff, our fellow councilors who are very much engaged in the process either as primary or alternate or support for those contributing.

My sense, based on what I've heard coming out of the Toronto face to face meeting is that it made substantial progress and that some of the concerns about delays or not being able to - being able to deliver a consensus policy recommendation to the Council are reduced, in other words, that there's a - I think an enhanced or increased expectation that the EPDP will deliver a consensus recommendation in a timely manner.

And frankly, I think if we're talking now about the possibility of a week's delay or a couple of week's delay, then that's great success at this stage and that really the most important thing that can come out of this work is a solid consensus policy recommendation that will replace the temporary specification and then allow the community through the EPDP to continue working on the outstanding items and eventually or in short order getting to discussions around a uniform access model.

So I want to just note procedurally for Council and for anybody that might be listening, that the GNSO Council currently has two meetings scheduled for the month of February. The first being February 14, that was a special or an extraordinary meeting that we put on the calendar as a placeholder to be able to work on questions surrounding the EPDP and the final report; and the we have our regularly scheduled GNSO Council meeting towards the end of February I believe on the 21st if I'm not mistaken. And I'll look to staff to confirm that I've got that right, 21st of February, thank you.

So we have two opportunities in February for the Council to take up discussion, consideration of the final report from the EPDP Working Group. And I should just say that we, as a group, look forward to doing so and encourage you as the EPDP Working Group to continue your excellent deliberations as challenging and painful as they may be at times, with a target towards reaching one of those dates so the Council has the ability to, you know, with all of the document deadlines needed, to be able to consider and ideally approve in short order the consensus recommendations coming from the EPDP forwarding them to the Board.

So let me pause there, see if anybody else would like to weigh in on this issue in reaction to Rafik's comments, my comments, sort of the current state of affairs with the EPDP? And then I'd like to give Marika an opportunity if she'd like to take it from a staff perspective to say anything about the progress of the group as one of the key staffers. So let me just open the floor up first and then we'll come to Marika. No hands on this one? This thing on? So oh, Michele, of course, thank you.

Michele Neylon: Oh Keith. Oh Keith. You're so sweet. No, I was just going to say because - Michele for the record - as this is Item Number 5 I don't have anything to say. I think but myself and several other people will have quite a bit to say on Item Number 6. But Item Number 5 and Item Number 6 in many respects are actually one item.

Keith Drazek: Yes. Thanks, Michele. So let's move on then in the interest of time. And we'll just do a time check here, is...

((Crosstalk))

Keith Drazek: Okay sorry. Thanks. I did see another hand. We have Ayden and then I'll come to Marika and - I was just going to do a time check, we're at the top of the hour so we're halfway through our meeting, just so let's keep that in mind as we have our conversations. Ayden.

Ayden Férdeline: Thanks for that, Keith. Hi, this is Ayden. And I'll keep this comment very brief. One - just to bring to Council's attention something that happened in late December which was that ICANN Org established a technical study group on access to nonpublic registration data. And that is something that at least members of the EPDP team have not yet been briefed on, so we are not entirely sure on what its remit is, what is going to be doing, if it is engaging in some parallel process that could potentially impact the work of the EPDP.

So that might be something that we as the Council want to keep monitoring as well just to understand what it is actually doing because from what some members of the EPDP team have gathered and have expressed on the mailing list, it does appear to have substantial resources allocated to it. Thanks.

Keith Drazek: Thanks, Ayden. This is Keith. That's a really good point and I'm glad that you raised that. And I think the - I'm guessing that the technical study group also has concerns about whatever it's working on and how the policy recommendations coming from the EPDP might impact their work. So I think it's probably a good idea for the two groups to, you know, at least be informed of each other's mandate and scope and work and so I think we absolutely should take an action item to better understand sort of how the groups relate in their work. So thanks for bringing that up.

Okay, Marika, over to you.

Marika Konings: Thanks, Keith. This is Marika. Not really a whole lot to add, maybe just to echo what, you know, Rafik says, you know, we are I think in the last miles on the Phase 1 so it would be really helpful if everyone can encourage and, you know, applaud their members to keep on going and it will require, you know, some additional efforts in these last few weeks because there's a lot of information that's going on the mailing list and with the aim of finalizing recommendations and finalizing language for the final report. So anything you can do to help your groups and support them I think that's, yes, at least from my point, the most important takeaway at this stage.

Keith Drazek: Okay thanks, Marika. This is Keith. Yes and again just to reiterate what Rafik said is that everybody should understand that the leadership team and particularly ICANN staff spent a lot of time over the holiday season, if not all of their time over the holiday season, working on the public comments and, you know, coming up with the next version of the report for consideration and essentially setting up what we I think see as a substantial step forward in

Toronto. So, you know, kudos and acknowledgement for the staff work that took place to get us to where we are, so thanks for that.

So let's move to Item Number 6. And I'm going to sort of try to set the scene here as to sort of how we came to this discussion about a Plan B, the exchanges that we've had and where we are today. So in - as briefly as I can do it, I think approaching the end of the year there were significant concerns about - around the entire community - about whether the EPDP Working Group was going to be able to deliver a consensus final report in a timely manner in light of the May 25 expiration of the temp spec.

And as you've heard me say before, an EPDP is a PDP without an issues report. And it was never intended or designed to be concluded in a period of 12 months. The temporary specification imposed by the Board, is what created the 12-month deadline. And so we have, our GNSO Expedited Policy Development Process, and our members and community members have been working extremely hard under very, very difficult circumstances on a very, very complex topic.

At the end of the year last year there were some pretty serious concerns that the group would not be able to meet the deadline. And so discussions began around the potential need, sorry, potential need for a stopgap plan, a Plan B, whatever you want to call it.

And we received - the Council received a letter from the ICANN Board on November 14 basically asking us for A, an update on the initial report, which was published a week later; and then, more specifically, the Council - seeking the Council's thoughts on a possible Plan B and actually recommending that the Council consider a possible Plan B in the event the EPDP was unable to deliver in a timely fashion related to the May 25 expiration of the temp spec.

The Council, in our conversations towards the end of the year, made a conscious decision that we were aware of the concerns but we did not want

to telegraph that there was some, you know, magic silver bullet backup plan that could be relied upon by the EPDP or the community and that we wanted to support the work and encourage the work of the group.

We sent a letter back to the ICANN Board on January 10 acknowledging the work of the group, acknowledging the concerns that had been raised but pointing to the face to face meeting in Toronto as sort of a key assessment point or potential turning point in relation to the possible need for a backup plan.

And we said that we were going to be watching very closely as a Council, as the manager of the EPDP, to make sure that we were on top of it and that if it appeared necessary to start having a backup plan discussion, that we were prepared to do so, I'm paraphrasing but that's essentially the message.

And so we are now in a situation coming out of Toronto where I think we and most observers and participants feel much better about where we were relative to December and November when we received the initial letter from the Board, and that conversations around a backup plan or a Plan B are probably more appropriately focused now on what happens if there's an implementation gap or a gap between the finalization of the final report and the recommendations, approval by the Council, approval by the Board and the expiration of the temp spec on May 25?

In other words, if contracted parties need more time to be able to implement the recommendations in the final report, once approved by the Council and Board, how are we going to handle that? And so I think as we discuss Plan B, a backup plan, stopgap, whatever we want to term it, I think right now the appropriate discussion is how is the EPDP, and this is important, how is the EPDP Working Group going to recommend to the Council and eventually to the Board, how we will deal with an implementation gap and we will propose an implementation bridge?

In other words, how will we ensure that if the new policies recommended aren't implemented on May 25, what happens during that interim period between May 25 and when the policies are actually implemented? And so my view is that this is in the hands of the EPDP Working Group.

It is not the role of the Council in any way to dictate how that ought to come out but that we as Council stand ready to receive the recommendations from the EPDP Working Group and to consider them and that we're certainly available for consultation as necessary but at this stage of the game, the ball is still very squarely in the community's court in the EPDP Working Group to determine how they want to recommend that we as Council and the Board consider that and move forward.

So with that, let me pause. I know there were some folks, including Michele and Erika, who said that they had some comments or questions about this. But that's my setting the scene and setting the stage for I think where we ought to focus this conversation. So Erika, you want to go first?

Erika Mann: Maybe you take Michele first because I have - I would derail a little bit from your question, so maybe you want to focus first precisely on the way you framed the question and then you allow me to follow with an additional comment related to it but a little bit framed in a different way.

Keith Drazek: Certainly, Erika. Thank you, but you're assuming that Michele's not also going to derail the conversation.

Erika Mann: Yes, then you give it back to me.

Keith Drazek: I'm joking. Michele, over to you please.

Michele Neylon: Maybe you just give it to Erika now because I probably derail it. Okay, thanks. Michele for the record. I appreciate the way that Keith has tried to very

diplomatically lay out the current state of play but I think he's being very diplomatic, possibly too diplomatic.

And the reality is that unless we change the way the time works, it being linear and moving forward, and kind of move into one of these kind of sci-fi things where it's all slows down and, you know, and hour is the equivalent of a year and all that kind of thing, there is absolutely no way that we are going to get output from the EPDP that will translate into actionable policy by the 25 of May. There is going to be a gap. That is the reality. I cannot see a reality in which there is no gap.

Now, how the gap is handled is key and - but here I'm not 100% convinced, and this is me speaking personally, partially on behalf of the Registrars but not entirely, and I'm going to be kicked under the table - I'm not sure that the Council is really able to fix part of this because it's more contractual than policy. So I'm not 100% clear on where we go with part of this, but there is definitely going to be a gap because even if the output of the EPDP's work was to confirm the temp spec, it could not confirm the temp spec in its current form; that cannot happen.

And the reason that cannot happen is I would just ask you to look to Germany. And if you don't know what I'm talking about just ask, but, you know, come on. So I just see that it's that gap and how do we bridge that? And how can we bridge that gap in a fashion that makes sense? You know, what is the instrument for doing that? I've heard some discussions about the Council producing some kind of time limited policy. And I'm not sure exactly what the hell that is. And I'm not sure it's a precedent that we want to set.
Thanks.

Keith Drazek: Thanks, Michele. This is Keith again. And so let me just react to a couple of things in terms of clarifying what I said and making sure that we're all very clear. I don't - A, I don't see there's - well there is no opportunity to extend the

temporary specification, right, just not happening; it's not on the table, it's not provided for in the contracts. It cannot be extended at this point by the Board.

I also don't think that this is a Council responsibility at this time, right? So Michele, just to clarify, this is not a decision that the Council can make at this time; this is not something that the Council necessarily can or should propose. This is something that the EPDP Working Group has to recommend as it relates to any consensus policy recommendations replacing, confirming or, you know, amending the temporary specification. Go ahead, Michele.

Michele Neylon: Yes, sorry, just, Keith, just reacting very, very quickly. I was not suggesting that you were suggesting that we as Council would somehow extend the temp spec or to renew it; that was not what I was suggesting because I was in the room when we were - when we discussed that at ad nauseum several months ago, so no I wasn't. But my only criticism is that you are being far more diplomatic about this than I would feel it warrants. I think we need to be a lot clearer that there is going to be a crisis.

Keith Drazek: Thanks, Michele. And I think if I'm being diplomatic it's not maybe acknowledging that there is very likely to be an implementation bridge needed or an implementation gap but I think again, my point on terms of procedure and where this responsibility lies at this time is still with the EPDP Working Group as it relates to potential consensus policy recommendations that would, you know, do something with regard to replacing the temporary specification.

You know, there are other possible avenues, contractual negotiations between the contracted parties and ICANN, there's been some discussion about the possibility of a compliance framework. But I think at this stage the ball is still squarely in the court of the EPDP Working Group to come up with a recommendation that the Council can approve and that the Board can approve before the May 25 deadline. And that would absolutely, I think necessarily include any recommendations around dealing with this gap

between implementation and the expiration of the temp spec and whenever the policies can be implemented.

So I've heard people say, oh this is a GNSO Council issue, not yet, right? I've heard people say clearly that we don't want the ICANN Board going down the path of another temporary specification or trying to extend the current one, which they can't contractually. I agree with that. This is something that I think squarely belongs in the hands of the community in the EPDP and that we as Council need to be prepared to consider what recommendations are. And so let me pause there. Erika - oh sorry, we'll come to Erika next unless Erika's ready now?

Erika Mann: Whenever.

Keith Drazek: Erika, go ahead, you've been patient. Thanks.

Darcy Southwell: This is Darcy Southwell. Sorry. Now I lost my train of thought. Oh, do we feel certain that the EPDP understands that we have this expectation that they need to recommend a solution to the gap?

Keith Drazek: Thanks, Darcy. That's a great question. I believe the answer is strongly yes but I would defer to our councilors who are involved directly in the EPDP or Rafik as our liaison. We have others in the room who could certainly weigh in as guests if they'd like to on this topic of discussion. So Rafik, please go ahead.

Rafik Dammak: So yes, there was a recommendation on that matter but that's still under discussion. So it's hard to say how it will end with but I think Michele maybe you kind of mentioned what the spirit of that recommendation and how to handle the implementation go ahead with regard to adopt the requirement of temporary specification on interim basis so. So, I mean, it's still under discussion and it's something that should be - we'll have to, I mean, finalize it within the EPDP.

Keith Drazek: Okay thanks, Rafik. So I just want to take this moment - I've got a queue so I've got Erika, Tatiana and Rubens in the queue and Flip in the queue. But I want to just turn briefly and invite James as our facilitator for the strategic planning session and who's here in the room with us to also comment on that particular question, that specific question of does the EPDP Working Group recognize the need to address an implementation gap and/or implementation bridge?

James Bladel: Yes thanks, Keith. James Bladel speaking, Registrar representative to the EPDP. And I think the answer is yes, the EPDP does recognize that coming out of Toronto. It's something that several members, particularly from the contracted parties, flagged as a loose end that was not being addressed and that needed to be looked at with some urgency. I think the concern is is that it's kind of - continues to be sort of back-burnered by some of the more, you know, substantive discussions but we need to understand it.

I think there is perhaps maybe a - I'm going to say some folks are maybe underestimating the concerns of why there will be hesitation and particularly in contracted parties about either extending the temporary spec, which can't be done, or wrapping it up in something else and calling it and giving it a different name. I don't think they realize that perhaps if one registry or one registrar were to challenge that it would probably fail and then we'd be in some very dangerous waters. So but as far as awareness, yes, absolutely, we flagged that on the last day of our meeting in Toronto.

Keith Drazek: Thanks very much, James. This is Keith. So let me get back to the queue, I've got Erika, Tatiana, Rubens and Flip. Erika.

Erika Mann: Thank you so much, Keith. This is Erika. I'd just like to highlight maybe few points. So I haven't joined the call because of different reasons. But I like to point out to few things. So first I believe even when the gap is identified and there are recommendations prepared, the - then the final recommendation

will still have to be tested against legal advice. I know and I'm happy that you do have now a legal counsel, which I think it's a big progress on the calls. Nonetheless, European law is - and if you really want to comply with is super complicated and complex and you want to avoid problematic situation for operators.

I just give you, if you haven't followed the case, just read the case, and I can send it to you, a quite detailed analysis from Google where France fined Google about - exactly about the apparently what they believe misuse on data protection policy based under GDPR, and here you see how complex it is.

You would imagine that there would be - they don't have a headquarter in France, keep this in mind, so you would imagine that the data protection authority based where they have a headquarter would issue the fine, but no, any national state in Europe can do this because the law - the enforcement side of the law is still national law. So it's a super complex matter. And I believe sometimes when I read some of the summaries from the - thank you so much, Rafik, for sending this always around - I still believed there's a gap in understanding what the law actually means in practical legal terms. So this is my one issue.

The second one I understood that you haven't touched yet on the access question to the databases. But this topic will be handled very soon. So I wonder if somebody can explain a little bit the time table, if this is something which is going to happen after this deadline or is it happening actually before the deadline? So what - yes.

Keith Drazek: So, Erika, thanks. Just so I'm clear. This is Keith. You're asking about when the EPDP starts the discussions on the access model? So great question and I'm glad you raised that. So because there's an expectation of some engagement with the Council level before that happens. So the - sorry, in our charter for the EPDP we laid out that once the initial report was finalized, and

submitted, the initial report - that the conversations could begin on the access model.

But it was clear at the time of the initial report that it was not far enough along and not near conclusion to the point where the gating questions hadn't been answered and some of, you know, the precursor work had not been completed, therefore it was premature of the access model Phase 2 discussions to begin.

I think the expectation now is once the final report is concluded in the coming weeks, and a consensus policy recommendation is forwarded to the Council, at that time the EPDP can start to have discussions on the access model Phase 2 work, but there is an expectation of Council that we will basically not object to that, in other words so the EPDP will be able to start moving forward provided the Council doesn't raise an objection to the - to that process. So - or to that transition, if you will. So thanks for that question, very important.

Erika Mann: Can I have another second? Related to this, to the second phase, so the access model, defining the access model, that's in legal term maybe the most critical point because it touches not just how one can access databases, which is already complicated, but the second one what kind of data retention laws are in place in different countries and certain law enforcement-related issues, super complicated.

I just want to let you know if you come closer to the end of the year and you're not very - I would assume most of you not very familiar with European political processes, keep in mind that in 2020 the review of the current GDPR kicks in. So in the midst of 2019, the preparation will start. I'm already, on behalf of others, working - not related to our environment - already working on this - on these questions. So keeping in mid '19, end '19 the review - the informal review in the European Commission starts preparing. And then in 2020 it will kick in formally.

So if there are access - complicated complex questions one want to raise, I think the second half of the year is probably a good time to do so. And if there then is a need for the Commission to make recommendation to the Parliament and to member states to change certain aspects, they could do so. So just keep this in mind. I'm saying this here because I'm not on the call and I'm not planning to join the calls. So if you want to have - I'm happy to prepare a quick note for this for those who would love to have the timetable for this.

Keith Drazek: Thanks very much, Erika. This is Keith. Extremely valuable expertise and context so thanks for that offer. In light of time, I know we have two more people in queue - oh sorry, three - that's Tatiana, Rubens and Flip, and then I think we need to draw a line under this discussion and move on so we complete our agenda on time. So Tatiana, Rubens and Flip.

Tatiana Tropina: Thank you very much. Actually I would like to start with the access issue. First of all, I do believe that we have to change terminology. From legal point of view it's not access anymore, it's a disclosure. And maybe for the second phase of this work we as GNSO better fix this. Secondly, I like how we are painting here, not discussing access. Access has been discussed on every, every bloody call. And they are discussing access even during the review of public comments because the public comments were flooded with different attitudes towards access. It was all, all about access.

So the discussion is already going and this is when I see the delays. And now I'm going to specific things. So about conveying the GNSO message about the need to fill this gap, I guess from the conversation from what James said, what Rafik said, there is awareness, but I'm just wondering can we as GNSO send something to make two things crystal clear? First of all, keep in mind that this should be a priority, not only substantive issue but a priority that there might be and probably will be a gap. And secondly, the GNSO doesn't think that fixing this gap belongs to GNSO because I've heard different opinions.

So just to be crystal clear on this, that we decided that you in EPDP, have to fix this. I mean, if we decide to do so. I don't know because I agree with you, it should be EPDP. And I do not believe - I do understand Michele wants to hear first that there might be contractual solution because it is at the end contractual.

But I think that it would set even more dangerous precedent than GNSO fixing this because at least GNSO is formed in this multi-stakeholder manner contractual solution would be minor, contractual solution will be something completely different. So instead of just saying that contracted parties flag this and whatever we might as GNSO just, you know, step forward and send something. Thank you.

Keith Drazek: Thanks, Tatiana, very helpful. And that is something that we ought to consider so maybe we can continue having some conversations about that over the next, you know, day and whatever's left of today, during our strategic planning session. So with that, Rubens and then Flip and then we'll move on.

Rubens Kuhl: Rubens Kuhl, Registry Stakeholder Group. While I appreciate having abridge instead of falling to the abyss, there is one thing about the temp spec that I liked, which is it came with a sense of urgency. So I just hope we don't miss that because having a sense of urgency, having something that's uncomfortable for everyone makes things happen or makes things happen faster. So we might want to consider how to keep that spirit moving along so we can end either in months or something like that, something that we failed to do in the last two decades. Thanks.

Keith Drazek: Thanks, Rubens. This is Keith. I agree with you and I think the sense of urgency and deadlines actually was, as you noted, very painful; it was also very helpful in this process to get us to where we at least are right now. I think the concept of an implementation bridge, if we can use that term, would be in the context of a consensus policy recommendation that replaces the

temporary specification and that essentially is on the books and that the implementation bridge, as discussed or described, would be simply, you know, a framework that would allow certainty and predictability to everybody while those policies are being implemented.

But I take your point about the benefit of the timelines and the urgency and that we don't want to just kick the can down the road interminably which then would undermine that sense of urgency. So completely agree with you there. Flip, over to you.

Flip Petillion: Thank you. My point is covered.

Keith Drazek: Okay. All right thank you. Anyone else before we move on? All right thanks, everybody, for that excellent conversation and again, you know, kudos to everybody that's been working on the EPDP and you know, good luck in the next few weeks. All right. Thanks. Let's move on.

Okay, so we move now to agenda Item Number 7, which is a Council discussion on the IGO INGO Access to Curative Rights Protection Mechanisms, again, I will set the stage for this and we can probably move through this fairly quickly as a delicate as an issue it continues to be for us but I will set the stage. And time check, we have just under 30 minutes left in our call.

So the current state of affairs on the IGO INGO Access for Curative Rights situation is that as we all know, going back many months, we received the final report recommendations from the CRP PDP and we've been discussing them ever since. We recognize that there are some challenges that took place with this PDP working group and that there are some challenges with the recommendations that were issued by this PDP working group.

The current state of affairs is that we have on the table from Council leadership a proposal to approve the first four recommendations, which would

not change or create new consensus policies, and then refer Recommendation Number 5 to the RPM PDP Working Group for their consideration in Phase 2. That is the current proposal on the table from the GNSO Council leadership. And in, you know, working with ICANN staff, you know, over the course of December, if I'm getting my months and weeks right, that's essentially the conversation that we had going back to our December Council meeting.

In the interim, we sent a letter to the - to Manal Ismail, Chair of the GAC, in response to her letter to the GNSO Council back in Barcelona which basically, you know, called on - and I'm paraphrasing - you know, called on the Council to engage in further discussion or consultation with the GAC. And then there was further GAC Advice to the Board in its communiqué or in the GAC communiqué there was recommendations to have a more formal process initiated around a consultation process between the GNSO and the GAC.

So we sent a letter back to the GAC basically indicating that we would welcome further dialogue and if there was any additional information that the GAC would like to provide or members of the GAC would like to provide to the Council, that we would be certainly welcome - open and welcome that further input.

We indicated in that letter that we are continuing to deliberate this issue; it's clearly not a topic for our decision today, but for further discussion and deliberation. I know that on our last Council call in December there were a couple of folks who raised concerns about the possibility of taking some recommendations and splitting them and referring one to the RPM PDP Working Group, I think in concern of what that might do to the progress of the RPM PDP Working Group itself, in Phase 2, again not impacting Phase 1. But this is still an ongoing topic of discussion for us. Nothing's been decided.

I think at this stage in terms of timing we have not yet, to my knowledge, heard back from the GAC in response to - or from the GAC chair in response to our latest letter. But I expect there could be a request or an agreement to have further discussions face to face in Kobe. So as much as I think we would all like to conclude this and to move this forward and to basically make a decision as the Council is expected to do, we're in a situation right now where we are essentially continuing our deliberations internally at Council and within the GNSO community.

We've extended the opportunity for the GAC to provide us more input and share their further views and that my expectation is we would have further discussion face to face in Kobe and then following Kobe make a final decision on this. That's essentially my - setting the scene, setting the stage and I just want to, you know, provide an opportunity here with us face to face to have a conversation about this.

And particularly I want people to focus on the recommendation from the GNSO Council leadership, myself, Pam and Rafik, in working with staff that we consider approving the four recommendations, the first four that don't change consensus policy or create new consensus policy and then refer the fifth recommendation to the RPM PDP Working Group because, as we discussed earlier, the recommendation Number 5 proposes changes to the UDRP and the RPM PDP Working Group is going to be, in fairly short order, be handling and addressing and reviewing the UDRP.

And so the rationale is that it would make little sense from a timing perspective, to approve a recommendation that would change the UDRP while there's another parallel group that's getting ready to do that within GNSO Operating Procedures. So let me pause there and I see Flip, you have your hand up, feel free to jump in. And if anybody else would like to get into queue please do. Flip.

Flip Petillion: Flip Petillion. Thank you, Keith. I have personally not followed this but I was asked to reconfirm the position of the IPC, which was already shared at our previous meeting by Paul. If you want me to restate what that position was I'm happy to do that; if that is not necessary then I won't do it.

Keith Drazek: Okay. Thanks, Flip. This is Keith. So I think it would actually be helpful if you would, you know, restate it; I would welcome that. I think it's important for all of us as we continue these deliberations to again hear sort of the rationale and the concerns with the proposed approach that we've put forward. So I certainly welcome all views on this.

Flip Petillion: Here is the summary. Thank you. Flip Petillion. Here is a summary Keith. So Paul has at the previous meeting, he has put forward the IPC position and that the IPC actually suggests to decline all five recommendations, not just Recommendation 5 but all recommendations suffer from apparent structural issues. And they have not resulted in consensus outcomes in a manner required by the GNSO Operating Procedures and the Working Group Guidelines.

And it's the view of the IPC that they lack support from both the GAC and the IGOs and INGOs themselves. The IPC finds that the Council should therefore consider to recharter a new PDP in accordance with the PDP 3.0 standards, or rearticulate the charter language for the second round of the RPM PDP.
Thank you.

Keith Drazek: Okay. Thank you, Flip. And thanks to Paul in absentia for, you know, the - for sharing those views. And I think that's certainly on the table for further discussion. Would anybody else - oh Rafik, I see your hand, go right ahead.

Rafik Dammak: Thanks, Keith. This is Rafik speaking. So just, I mean, hearing the comment and what was suggested was it - you are proposing here is that we have to vote on the recommendation but the IPC position will be to vote against?

Flip Petillion: Flip Petillion. Yes.

Rafik Dammak: Okay, no just, I mean, to clarify here because at the end it's just we'll move and vote but it will depend to how the different group position here. I think the - what we are trying to find an approach to respond to the concern but we also we discussed several times about our - how we are assessing what happened in the working group and so on. And so I think there may difference and perspective between the different group here.

Flip Petillion: Flip Petillion. I think it would be wise that we actually have that discussion as was announced by Keith at the next Council meeting in Kobe or at the next one over the phone. Maybe we will have some reaction to the latest letter as well. And I think it would be good if we could have that next live discussion. Thank you.

Keith Drazek: Thank you, Flip. Thank you, Rafik. Yes and again just to reiterate, this is an ongoing discussion and deliberation as much as many of us if not all of us would like to conclude this issue and no longer have it on our agendas, this is still one that we need to discuss and deliberate and we need to make sure that everybody's fully up to speed so we can all make a, you know, a highly informed decision.

Just one note is that if - in consideration of voting, since that was raised, Recommendation 1-4, to approve them would need a majority vote of the Council because they do not change or create new consensus policy. Approval of Number 5 would require a super majority. So as we - because it would essentially change an existing consensus policy in UDRP. So I think we need to keep that in mind as we consider our paths forward and you know, whether we have sufficient support to accomplish that - that threshold.

So with that, would anybody like to get in the queue on IGO IGO - sorry, INGO CRP? Yes, Pam, thank you.

Pam Little: Thank you, Keith. Pam Little speaking. For the purpose of our next discussion on this topic, may I suggest we all perhaps revisit the webinar that was held by the Council, chaired by Heather, is it October or September, I can't remember. We had a webinar talking about this final report of this working group specifically for one hour. And the previous leadership actually laid out what the criteria the Council would use to evaluate whether the charter questions have been answered, whether the working group had followed process, I can't remember the third one.

Anyway, my point is there was this webinar and I think it would be really helpful for our IPC colleagues as well as other councilors if you haven't really kept up to date that is something one hour and also you can read the transcript. And I think you might form a different view if you do so. Thank you.

Keith Drazek: Okay thanks, Pam. Marie.

Marie Pattullo: Thanks, Keith. Marie Pattullo from the BC. One conversation I had with Susan Kawaguchi - and I bring her up because for those of you who may not be aware she used to be the liaison to this group so obviously has a lot of insight - a discussion I had with her over the last couple of weeks and also discussions I've been having with other people. Regardless of what happens to the first four, I'm not sure that putting Rec 5 to Recommendation 5 to the RPM Working Group is actually the best way forward.

There are other issues in that working group which are not for discussion in this part now, but given the discussions that we had at the last ICANN meeting about the process, procedure, where we got to where we are with these five recommendations, also some of the other issues that are happening within the RPM PDP, if Recommendation 5 is to be hived off I would like us to at least consider whether it should be an independent group that looks at that. Thanks.

Keith Drazek: Okay. Thanks, Marie, another good option or a potential option at least. I think again this raises the question of if there's an existing PDP - and this is a question for Council as we look at the PDP 3.0 implementation and sort of, you know, making ourselves and the whole process more efficient and effective is would it make sense to create you know, a separate PDP on Number 5 when there's a parallel PDP looking at UDRP more broadly? And maybe the answer is yes. So let's consider that as an option.

What I'm going to suggest here, I don't see any other hands up, nobody else wants to get in queue on this one, is that if it turns out that we don't need our special Council meeting on February 14 for the purposes of the EPDP, and discussions around the EPDP, perhaps we repurpose that special meeting for a dedicated session on this, on the IGO INGO Curative Rights final report and the discussions, because to Pam's point, we did have a webinar last summer I think it was, don't quote me on the date, but it was last summer, last fall, where the Council came together, you know, with an effort to try to advance the ball on this one to move this forward, to, you know, bring some clarity to those of us who had not been following this very closely. And I think that's most of us.

And so I'm just going to suggest that as a possibility let's keep open the potential that we repurpose that February 14 meeting for a dedicated session on this topic to bring all of us up to, you know, sort of again a common understanding of where we are and what the challenges in front of us - what the range of options might be. So Elsa, go right ahead, thank you.

Elsa Saade: Thanks, Keith. And I would love to focus on this topic further but I just thought I'd just put a very basic question on the table and I think it's very important for us to understand why exactly a consensus within the WG has not been taken forward within the GNSO Council, if there are specific reasons it would be good for us to have them clear in front of us because I feel like it's not 100% clear to everyone in this room why exactly this is not being pushed forward properly or as it should since there has been consensus and that's exactly

what we want out of our PDP working groups as a GNSO Council. I hope that makes sense and gets the message through.

Keith Drazek: Yes, thanks, Elsa. This is Keith. It certainly does. It's a great point and I think that would be the desired outcome of - or, you know, going into the conversation - the next conversation that we have dedicated to this is to bring up and level set everybody as to what the various issues are, were and concerns might be. I think there are a range of things; there are some who view - and again let me just say, if there was a clear answer or a clear view on one side or the other on a range of these concerns it would be a lot easier to deal with this problem, but there are differing views.

There are some who view that the composition and participation in the group was not fully legitimate because it appeared to have been dominated by a special interest or the possibility that, you know, over time the group, through attrition, lost a lot of members and that the community broadly wasn't fully represented. But there are others, if you go and look at the numbers and the process and, you know, the assessment of various participants in the group that maybe there's an argument that it wasn't captured. And then, you know, so I think that's one concern.

On a substantive issue, the group was chartered to look at whether IGOs and INGOs should have a separate process or special consideration as it relates to curative rights, and instead of giving them, you know, something new Recommendation 5 actually makes things worse for them, right? So and worse in a - the sense around a consensus policy that exists and that is going to be under review by this RPM PDP Working Group.

That's just a couple of examples of how there's, you know, different ways to look at this and that's sort of what we need to get to a common understanding on, maybe not agreement but an understanding of what the range of concerns is. So Elsa, back to you.

Elsa Saade: Thank you, Keith. Elsa again. I just - I completely understand this point of view and thank you for actually elaborating, but I just don't want this issue to set a precedent within the GNSO Council that we might not be able to get back after it happens. So I think this is a very critical moment whereby the GNSO either would - yes just takes it forward or sets a precedent basically. So that's why I think it's important that this - whatever was just mentioned would be put down on a clear slate on a clear table and be discussed openly so that if a precedent is set it's set on very clear standards, if that makes sense?

Keith Drazek: Thanks, Elsa. It certainly does and that's exactly why we've been wrestling with this is concerns about precedence. And this gets back to some of the PDP discussions - the PDP 3.0 discussions we've been having is does - is the Council simply essentially saying, yes, by the letter process was followed and therefore we're going to, you know, so-called rubber stamp the recommendations and move them forward? Or, you know, if there were serious concerns raised along the way and, you know, if there are implications you know, beyond what was perhaps expected or understood by people who didn't participate so closely, should those be considered?

And so completely agree about precedent, but at the end of the day, you know, so we have a possibility of simply approving what was given to us and kicking it to the Board, which would, you know, I won't speak for the Board in this instance but I think there are concerns there. And does it come back to us at that point and do we start over? Are we back at square one? Or do we reject everything as has been suggested and recharter and start over?

Or do we come up with something that's a bit more creative as it relates to the recommendations from the group but recognizing that Recommendation 5 actually has an impact on an ongoing - sorry, an existing consensus policy and an ongoing separate PDP? So a range of concerns and problems but I think your points are very well made and very well taken, Elsa. So thank you.

Okay, anybody else want to get in queue on this one? Okay, we have 10 minutes left in the meeting so we should move on. Thanks, everybody. All right, next item is any other business. Okay, so 8.1, update on the CSC Effectiveness Review. Philippe, can I turn to you please?

Philippe Fouquart: Thank you. SO the purpose of this AOB item is to keep Council up to date with the progress of the Effectiveness Review of the Customer Standing Committee, and to draw your attention to the initial report of the review team. I sent a link to the list. You can have that on the public comments list. I believe it's still open for about a month. So we should brace ourselves for approving a (revisory) Board by Kobe or at Kobe, for that matter.

Maybe a word on the content, the conclusion in a nutshell is that the Customer Standing Committee is effective and efficient. The team came up with four recommendations I believe. So what we did essentially was to - is twofold, first to do a source of functional evaluation of how the CSC works and that was charter-based. We had a number of - probably 14 criteria and determined they were met.

And the other thing that we did was to sort of assess the human factor of having a small team of experienced people and the issue of renewing part of that staff. And some of the recommendations that we came up with are relative to handing over that knowledge when there's a turnover of members. So that's in a nutshell the summary of what the team came up with.

It was - on a personal - it was a good team, very fun to work with, I should mention that for the record. It's not always the case. So I'm happy to take questions, certainly encourage people to have a look at that and that will - so I forgot that it will serve as an input to the broader IANA naming function review moving forward. Thank you.

Keith Drazek: Excellent. Thank you very much, Philippe. And thanks for your service and contributions to that group, very much appreciated and I think it's a perfect

example of how we as the GNSO Council and councilors have an opportunity, shall I say, to volunteer to contribute to things that are outside our direct GNSO Council duties but are very important as it relates to our role in the empowered community and sort of the new construct following the IANA transition. And there's quite a few of those so thanks for your contributions there. Would anybody have any questions or comments or feedback for Philippe? Okay, seeing none, thank you.

Let's move on then. Next item under any other business is the discussion of the IANA function review team composition. This is the specific topic related to the letter that we received from the ccNSO related to the challenge that they are experiencing in identifying as required under the bylaws, a non-ccNSO ccTLD manager to participate in this group. And I think as we all know, the ccNSO is the supporting organization for ccTLDs but not all ccTLD managers participate in the ccNSO. And that was acknowledged during the deliberations in the IANA transition and the creation of the new structures that we have following the transition.

But what we heard from the ccNSO in their recent letter is that they have not been able to find anybody - any ccTLD operator, not a member of the ccNSO who's interested or willing to participate in this role at this time on the IANA Functions Review Team. So what they have proposed is an interim step, until such time a non-ccNSO ccTLD manager steps up, is that they appoint an interim ccNSO member to take on that role on the IANA function review team.

And essentially what the letter says and what we've heard is that if there's no objection from the various appointing groups then that would be deemed acceptable as an interim step by ICANN. But that essentially this is a call for, you know, any concerns or expressions of concern around that interim step. So that's open for discussion at this point. We don't have a lot of time left, five minutes left on our agenda, but this is something where we as the - or I should say not the GNSO Council because we're not an appointing member

for the members of the IANA Functions Review Team, but for those who are, to raise concerns.

So I have Rafik and - Rafik, is that a new hand or an old hand? Okay, Rafik and then Michele.

Rafik Dammak: Okay thanks, Keith. It's Rafik speaking. So I think you - that time you asked the question that we need to get feedback from our stakeholder group and constituency and so from the NCSG we got quite strong response from our members that we have to take (unintelligible) to that the bylaws must be implemented as written. And so we need really to avoid the situation trying to kind of move away every time we have an issue.

I think we understand the challenges for the ccNSO but we need really to do this every time after the time spent on the bylaws and so on. So this is kind of the NCSG position. Maybe I think one question we raised - we can raise here if it's just up to the different SG and C to respond and maybe not having kind of Council position on this.

Keith Drazek: Thanks, Rafik. Michele, you're next.

Michele Neylon: Thanks. Michele for the record. Just speaking in my capacity as a member of the Policy Advisory Committee for the dotIE ccTLD, who is not a member of the ccNSO, and does not qualify for membership of the ccNSO, and will probably never qualify for membership of the ccNSO, I'll take this to them and see if I can encourage them to participate. Thanks.

Keith Drazek: Thanks, Michele. That would be fantastic if successful. So I think, sorry, if anybody else would like to get into queue feel free, please do. Just checking to see if we have anybody right now. No, nobody else yet. So I think on this one, you know, we have - I think what I need to do is better understand who the appointing members of the group are to understand who the potential candidates for, you know, sort of speaking out or opposing or supporting

would be. So I think I've got an action item to sort of better understand this so we can share with the group.

But, you know, I think we have a situation where there's a couple of outcomes here. If we or a group or there was a rejection of this proposal for an interim ccNSO member to take that slot, until such time a non-ccNSO member stepped forward, then respectively the IANA Functions Review Team is down a participant. We would have a vacant seat. Right? And potentially for, you know, the duration of the review cycle, so that takes away one possible you know, contributor or you know, expert in the field.

And so that's just - that's one concern that I see. And I think I'd just need to do a little bit more homework and get better up to speed on, you know, sort of what the ramifications are, what the composition of the group would look like and what the potential impact of losing a contributor would actually be on the group.

Would anybody else like to weigh in on this one with views about, you know, I mean, obviously thanks, Rafik, for representing the views of NCSG on this one, but I think, you know, we can take this to the list but it is something where we as our component parts and appointing members for the IANA Functions Review Team, owe a response or at some point perhaps a non-response, you know, could be deemed as acceptance. Any other comments? Any other questions? Let's take this one to the list at this point. We'll come back to the list with a little bit more detail around the, you know, the structure here.

Okay, next item and I think the last item, last two, all right, next we have - oh, ICANN 64 planning. Okay, thank you, Pam.

Pam Little: Pam Little. Based on yesterday's planning meeting they are potentially two community proposed HITs, high interest topic, so one of them will be GDPR/EPDP/Unified Access Model or something like that, okay. And the

other one will be Universal Acceptance/IDN. Also there is a slot on Thursday before the usual public forum slot we will now have I believe a Board proposed session on the new ICANN governance model as a discussion, but that's not a HIT.

So these are the - what's discussed yesterday and I think have the support of those who were in the meeting. We are waiting for further confirmation from the meeting planning team. If I get an email of confirmation or update I would send that to the list or provide you a further update. Thank you.

Keith Drazek: Thanks, Pam. Any questions or comments? Michele, is that a new hand or an old hand?

Michele Neylon: Old. Ignore please.

Keith Drazek: Okay thank you. And any input or further discussions from staff on ICANN 64 planning? Anything that we need to be aware of at this stage? Please, Nathalie, thank you.

Nathalie Peregrine: I'd like to mention that Rafik has in record time finished organizing the GNSO Council dinner for Kobe so I don't know if he wants to say a few words about it now? It was pretty impressive.

Keith Drazek: Okay. Thanks, Nathalie. Yes, because I kind of delegated the work. Not to staff, just to be - so yes, since we will be in Japan, Kobe, the idea is to kind of to experience what Japanese do in term of after working party and so we will go to kind of - is it...

((Crosstalk))

Keith Drazek: No, karaoke. No karaoke. We will go to Japanese type pub and there will be sake and so taking into account all your, I mean, constraints and preference, so I think it will be Saturday at 7:00 pm so it should - I hope that everyone will

be in time and we will share more about the logistics later. So you will experience something typical Japanese like any Japanese (unintelligible). But for those interested in karaoke we can do a second after party if you want to.

Julf Helsingius: I do have to point out that basically if we want to do it in traditional japons way everybody has to drink as much sake as Keith does and nobody can leave before Keith leaves.

Keith Drazek: You're all in big trouble.

((Crosstalk))

Keith Drazek: Thank you, Julf. Okay, thanks, Pam. Thank you, Rafik. And let's move onto the last item on the agenda now which is the discussion of proposed FY'20 Council additional budget requests. So I'm looking around going, who's going to take this one? Oh, Steve.

Steve Chan: Thanks, Keith. This is - sorry, Steve Chan from staff. I think it was yesterday we actually circulated the proposed ABR requests for this year. So hopefully you all have had a chance to look at it. I know Michele supplied a comment. But two of those ABRs are actually continuations of previous ones; one is about this very event right here, about the strategic planning session, so there's one request to again ask for that in FY'20. The other one that is a continuation is for the PDP travel pilot support so again that's a continuation that was available in FY'18 and FY'19, so the thought is to continue that for again for FY'20.

And then so the third one which is actually new is - it originates from PDP 3.0 and that one is essentially a playbook or a guideline document to help lay out steps for assessing and reaching consensus or essentially consensus building. So the idea is to try to get a consultant to develop guidelines for PDP leadership, the working groups themselves, to be able to hopefully be able to get to consensus building or through that process in a more expedient

and helpful fashion. So those are the three. I hope you've had a chance to read them. So the deadline is actually tomorrow so if you haven't looked at them, time is of the essence. Thanks.

Keith Drazek: Excellent. Thank you very much, Steve. And thanks for the all the work that you've put into that. And so please, everybody, take a look at those if you haven't already, if you feel the need to, and let's make sure we make that deadline.

Okay with that, let me pause and see if there's any other business, anything else that we need to discuss during today's January 2019 GNSO Council meeting? Okay, seeing no hands, with that let's conclude this meeting and thank you all very much for participating. Cheryl, thank you very much for joining remotely, appreciate your attendance and with that let's conclude the meeting. Thank you.

Nathalie Peregrine: Thank you, everybody. Operator, you may disconnect the lines and stop the recordings.

Keith Drazek: All right.

END