ICANN
Transcription
GAC GNSO Consultation Group meeting
Tuesday 02 December 2014 at 14:00 UTC
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Attendees:

Government Advisory Committee
Manal Ismail – co-chair – Egypt
Suzanne Radell, US

GNSO Council
Brian Winterfeldt, Councilor
Amr Elsadr, Councilor
Brian Winterfeldt, Councilor
Jonathan Robinson, Chair
Carlos Raul Gutierrez, Councilor

GNSO Liaison to the GAC:
Mason Cole

Apology:
Avri Doria, Councillor
Ana Neves, Portugal
Mark Carvell, UK
Karine Perset

<u>ICANN Staff:</u>
Marika Konings
Olof Nordling
Julia Charvolen
Nathalie Peregrine

Coordinator: Recordings have been started. You may begin.

Woman: Thank you ever so (Charlene). Good morning, good afternoon, good evening everybody and welcome to the GAC GNSO Consultation Group Call on the 2nd of December 2014.

On the call today was have Manal Ismail, Jonathan Robinson, Carlos Raul Gutierrez, Suzanne Radell, Mason Cole and Brian Winterfeldt. We have apologies from Ana Neves, Avri Doria and Karen Bernstein. From staff we have Marika Konings, Olof Nording, Julia Charvolen and myself Nathalie Peregrine.

I'd like to remind you all to please state your name before speaking for transcription purposes. Thank you ever so much and over to you Manal.

Manal Ismail: Thank you. So welcome all to the call. (We have speculated) for (Jeff) the presenter a day ago and I hope this addresses the point that we want to raise during this call.

So I think first of all I would like to convey again to the group that Suzanne Radell, the U.S. GAC representative, has generously volunteered to be the counterpart or the contact point from the GAC side to Mason Cole, the GNSO liaison to the GAC.

So she will be serving as the contact on the GAC side and also will support us in using the PDP on the IGO/INGO Curative Rights Protection

Mechanisms as a test case for the GNSO and GAC engagement and collaborate. So I just wanted to thank you Suzanne and to put this on record and bring it to the attention of those who may have missed your email to the list.

So we now have Olof on the staff side and Suzanne as the GAC counterpart to assist you Mason in any GAC GNSO needed coordination and then following up GAC relevant discussions, concerns or questions particularly that you are not on the GAC mailing list.

So this was (my way of) information. If you Suzanne or Mason want to add anything, please do. Otherwise I can proceed with our agenda. So Mason, go ahead please.

Mason Cole: Thank you Manal. I just want to say thank you to Suzanne for volunteering to do this. I think it will vastly increase the ability for the liaison role to carry out its duties.

So I'm very pleased that Suzanne has stepped up to do this. Thank you very much Suzanne. And it looks Manal like this can be a very quick agenda item.

Manal Ismail: Sure. So Suzanne.

Suzanne Radell: Oh, thank you very - thank you. I appreciate it. And of course I'm open to collaborating with any other interested GAC members. I just wanted to go ahead and let Mason know that he would have a counterpart.

Manal Ismail: Thank you Suzanne and thank you Mason and thank you Carlos for your check mark. So I think we - now if we move to the public agenda items. I think we're having two streams of discussion emerging now. And those have to do with new PDPs and ongoing PDPs.

And so with respect to new PDPs, we need to know how to include GAC (early) input and coordinate the handling of multiple PDPs that are taking place (unintelligible).

And at the same time with respect to ongoing PDPs, we need to discuss how we can - how the GAC and the GNSO can engage more effectively and timely to resolve current pressing matters.

So Marika has (really helped me stretch) our discussion out into a strawman proposal highlighting where we stand now and to gather our discuss point into a flowchart.

So now I think we have something concrete to discuss and build upon. And this flowchart was circulated already prior to our last call. But we did not have the time to discuss it on the last call. So we circulated it again to have it discussed on today's call.

So I hope you had the time to look into the flowchart and maybe provide any feedback you may have now or of course later over the mailing list also. So Brian, go ahead.

Brian Winterfeldt: Hi Manal. Thank you so much. This is Brian Winterfeldt for the transcript. I want to first of all thank Marika for the flowchart. I think it looks great. And I think it was very, very helpful to be able to actually see this put out in chart form like this to get a better sense of how this might look.

I had a question regarding a sense of timing. And I guess this is directed to my GAC colleague or potentially as well as Marika. And I was wondering whether or not it would be possible for the Quick Look Committee to review a preliminary issues report and make recommendations and then solicit feedback for GAC members that - within the public comment window.

Manal Ismail: Thank you Brian. I think this is what we're trying to commit to and to propose to our GAC colleague. I don't think we can commit on - to this on this call. We need to have an agreed proposal - a proposal that we agree to as a group and then share it with both constituencies and get probably a better sense of the timing. But I can see also Marika's hand up. Marika.

Marika Konings: Yes. This is Marika. Just to give you an idea of the timing or the timeframe that is currently available for input during the public comment period. I think we're currently following the 21 plus 21 days although maybe worth noting if that - if there are no public comments received during the first 21 days unless we have an indication that, you know, groups are working on something and wants to submit something later.

                 We may also close it after the 20 days if we believe that there's no further input forthcoming. And just to note and maybe Brian wasn't on the call that (Mark) was talking about the more substandard input. And I think he had some concerns or I think was of the view that maybe that could only be done by the GAC during actual face-to-face meetings.

                 And so I think that will be a needed - a question whether that timing would then need to align. If that indeed is the case that more substantive input to an issue report, you know, aside from just a quick look mechanism, which is a kind of more standard response whether that would align with the GAC timetable if indeed there is the view of the GAC side that that would require a face-to-face time and approval.

Manal Ismail: Thank you Marika. And I had noticed that so many hands that are up now. So before giving the floor to Jonathan, yes, I tried to put this on the mailing list I think as a quick (flagging) of whether a topic is of interest to the GAC or not or whether the GAC intends to provide input or not. I think we should be flexible in trying to do this (intercessionally) between the meetings and not necessarily in a face-to-face meeting.

But I can - I'm not in a position to speak (solely). We need to agree as a group here. GAC will meet also on the coordination group and then ultimately with the GAC leadership and other GAC colleagues, so. Jonathan, please go ahead.

Jonathan Robinson: Thanks, Manal.

Manal Ismail: Jonathan.

Jonathan Robinson: Yes. Can you hear me now? Manal, can you hear me?

Manal Ismail: Yes.

Jonathan Robinson: Good. Sorry. Just a - I've got a soft mute button here. So it took a moment.

Manal Ismail: We can hear you...

Jonathan Robinson: Good. So a few thoughts. I mean this is definitely a very useful tool. It's great that we've got this to work from. And I think it'll - it's both - feels to me like a useful tool for the group to use and then to communicate and share with the GAC and GNSO committees after as you suggested.

I would - one question I have is around whether the quick look - the relationship between the quick look and what we called the triage before. So I hope something can answer that - probably Marika can comment on that.

It certainly feels like this is something we can develop. And then I like the idea of rather than assuming that this can or can't work and does then require face-to-face at certain points. I mean it strikes me that out of this once we've done some more iterations of this and worked on developing this up some more, we'll be wanting to prepare a set of key questions that we either ask ahead of Singapore or take with us to Singapore to try and resolve.

But certainly it feels like a great tool to work with and to ultimately share and get buy in for the process. So that's useful and something we can develop. So I guess the one thing I want - those are my remarks. And the one thing I wonder was a comment on the triage. So I see Marika's hand up. I suspect that's in reply. Thanks.

Manal Ismail: Thank you Jonathan. Brian, we can hear quickly from Marika before giving you the floor, so. Marika, go ahead please.

Marika Konings: Thanks Manal. This is Marika. So basically I think the difference between triage and the quick look is that the triage would apply to any requests that the GAC would receive. It wouldn't need to be limited to GNSO requests or, you know, information in relation to PDPs.

But the Triage Committee could recommend that a quick look is the approach to go. I think (unintelligible) the same thing behind it. But a triage is just a kind of funnel where everything is received and the Triage Committee would basically, you know, categorize requests coming in and some of that pile may end up on the quick look mechanism.

And of course if this is a mechanism that, you know, the GAC would like, you could of course as well expand that to other mechanisms, you know, basically to where a Triage Committee could use the quick look to say, you know, we should provide input, no we don't need to provide input or yes we want to participate or don't want to participate.

And that is then taken to the full GAC for their approval. And I think that's a little bit how the ccNSO uses their triage. The triage makes a recommendation and it's - I think often probably the standardized, you know, responses.

So it is basically the quick look could be a tool for a Triage Committee to use although it could also be a self-standing mechanism that is automatically

applied when a request for a preliminary issue report comes in to the GAC. I hope that helps.

Manal Ismail: Thank you, Marika. Brian.

Brian Winterfeldt: Thank you Manal. This is a question I guess for Marika and potentially my GAC colleague as well. And maybe this is a point of discussion again that still needs to be had among the GAC members and potentially for our meeting in Singapore.

But I'm wondering the extent that you all believe that a quick look mechanism could take place during face-to-face meeting versus how much you think you'd be able to do (intercessionally) and if you think that you could maybe do the majority of the quick look activity (intercessionally) if necessary.

Manal Ismail: Thank you Brian. I give the floor to Suzanne (unintelligible) that's been waiting patiently (unintelligible). Suzanne, go ahead.

Suzanne Radell: Thank you Manal. Suzanne here for the record. I think Brian has raised some really good questions. And I do appreciate Marika's explanation of the links between sort of quick look and triage.

I believe I have flagged this issue earlier. I do think right now it's a bit challenging for us to be selling this to our GAC counterparts in a vacuum. So we're talking about concepts here, conceptual way of sort of managing, you know, a working relationship in a very different way.

I think it's got a lot of really solid practical, you know, benefits to it. I do think that - I have a question in my mind that goes back to the timeline within the GNSO.

So again, I think we'd like to - at least my sense is we need to consider how we can package some flexibility on the GNSO side as well. So I'd like to flag,

you know, the issue of is the 21-day set in concrete. If so, then fine. We take that on. And that has to be taken into account on the GAC side.

Obviously I think Manal I concur with you. The GAC would make best efforts to do this (intercessionally) but I think we're going to have to either do a trial run or a test case or invent something so people can understand how this system is intended to function. We have to test it out.

The second element I'd like to flag - I think I have flagged this a couple of times and maybe this is a subject of discussion face-to-face in Singapore as well.

It's the issue of are there triggers on the GNSO side that we could agree to so that if the GNSO knows upfront that in its consideration of X, Y or Zed issue that there will be some connection to either national law or international law that there is an awareness right at the outset that perhaps even before writing the issue report or in the process of there could be some kind of exchange, some kind of consultation.

So I'd like to put both of those issues out there, not for us necessarily to resolve today on the phone. But if I could get your agreement that they are valid issues that perhaps we could agree to discuss them further in Singapore during the face-to-face, which would also hopefully draw in more colleagues on our side at a minimum so that we can expose them to this working group's thinking. Thank you.

Manal Ismail: Thank you, Suzanne. And I guess definitely we need to get this - because I think we ought to at least to agree the process or the mechanism that we are going to test. I don't think we will need to invent something. (Absolutely will have) a PDP opened up soon enough so that we can test the - test this (again). Just to make sure I understand right.

My understanding is that we're talking about just flagging that (that interest) on a certain issue and not preparing GAC input or something - I think GAC input. And this is what I was talking that we can convince our GAC group that we can do intercession. Just flagging whether the topic under discussion is of interest to the GAC and the GAC can do some input or otherwise.

And again, as per my understanding that once we flag our interest and our intention to submit GAC input, then the GNSO becomes (unintelligible) in terms of timing if we - I mean if we flag our interest for public input and requested (more time).

On the other part on triggers from the GNSO side, I also know that this one (unintelligible) time. And I was wondering whether we could add something to the current GNSO issue report (request for). I'm not sure if you had the time to see this form and I'm not sure whether we gave it to (add keys) to it. But I was suggesting that maybe we can highlight it.

There is already for example a GAC standing advice on this issue so that the GNSO (get a look on things) that is of interest from the GAC side. So sorry to keep everyone waiting. Jonathan, we'll take Marika very quickly and then come back to you and Brian.

Jonathan Robinson: (Sure).

Manal Ismail: Marika, (you have it).

Marika Konings: Yes. Thanks Manal. This is Marika. Just to confirm indeed what you said. I think that the whole idea (unintelligible) goes, I think as well to Suzanne's point is that the quick look mechanism serves as a trigger I think from both sides.

So it's a trigger to the GNSO that, you know, if indeed the GAC says there are likely public policy implications that the GNSO is put on notice and

makes, you know, all efforts to engage with the GAC and, you know, is aware that further feedback is forthcoming.

But at the same time it also serves as a trigger on the GAC side to actually start preparing that substantive input, which is, you know, really what the PDP Working Group needs at the start of its deliberations.

So I think that the quick look mechanism that sends, you know, it serves a dual purpose and puts, you know, both groups on notice that, you know, further work and engagement will be needed as, you know, the PDP moves forward and into next phases and where that, you know, the real detailed input is really crucial, which because as I've explained before, you know, at the issue report stage it's really about scoping the issues.

So of course if there's information missing, you know, that should be included. But it doesn't talk yet about solutions or, you know, factoring the different views. It just, you know, highlights them basically or lists them. So I think that's the idea behind it.

Manal Ismail: Thank you Marika. Very quickly. Also Mason (unintelligible). He can be alerting the GAC on topics that's coming up even before the issue report is put for public comment. So this is also in response to Suzanne. So Jonathan, sorry to keep you waiting. Go ahead.

Jonathan Robinson: Thanks Manal. I think a couple of things that - she picks up on the theme probably started this by Suzanne; certainly picked up by a couple of others, which is this concept of having a test case or some sort of trial run.

I think - I'm certainly in favor of that but perhaps not on the kind of per PDP basis. Where I'd suggest we might want to go is something similar but not exactly the same.

I would say we should try and get an agreement from both groups, GNSO and GAC, that's something along the lines of what we've got here. Obviously to be revised over the next forthcoming weeks or whatever the case is, is our proposed mechanism.

But we make it clear that that proposed mechanism is subject to review or iterative improvement. So it's not that we're saying this is your one bite at the cherry to get early engagement with the GNSO process and we'll never let you have another look again or something like that.

What it's about is saying we've got to a point where we think we can propose a viable mechanism. We'd like to try it for six months, 12 months, whatever, some sort of predefined period. And sure enough a few PDPs will come along and we'll learn.

And then as long as we build a sort of structured review into it in relatively short time thereafter, I would think that may be a way of doing it rather than trying to put any one particular PDP up as a test case. So that's my thought there.

The other thing is going back to the point of the triage thing and just making sure - I know Marika you did explain a little. I'm wondering whether we as a group - I mean in a sense the triage is something for the GAC. It's not really for this group.

And I guess what my question to the group is will we be wanting to make any recommendations to the GAC as a group and say, right, well here's what we're going to do, here's our proposal. It has the quick look in it and here's a flowchart of it. And by the way, we also think you'd be more effective.

Is that politically wise and sensible? Is it helpful what we said? And by the way, we also think you need a mechanism and we're aware of the ccNSO

mechanism for triage. Or should we just let that not be something which this group recommends? That's a question I have for the group.

And certainly I think I agree with Marika on that point. So the, you know, and when Suzanne is - was talking about flagging up an issue of law or not that in effect the trigger is a trigger for both parties. And so it's a trigger for the GNSO to say right, we're aware now that the GAC has a potential issue here. And the GAC has through the quick look mechanism triggered a point that it then needs to look into more detail.

And so it feels like we're getting somewhere. And like I say, my thought is that we potentially put more than one test case through the process by agreeing the process and then running it for a period of time. Thanks.

Manal Ismail: Thank you Jonathan. Yes. I certainly would agree that to have some target point. And again, although it's having a (unintelligible) we have (unintelligible) everything to take into consideration or are we going to (unintelligible) the PDPs that are going up (unintelligible).

So this needs to be (looked) overall. Again, before I continue I'd like to get the group to (unintelligible). Brian.

Brian Winterfeldt: Thank you. I just wanted to express support for both what Suzanne and Jonathan said with regard to putting this to the test. I'm actually looking at some PDPs and I think Jonathan's suggestion of basically agreeing to a framework for this and using it for a certain period of time and letting it actually work and see how it goes with - as several PDPs are initiated I think is a really excellent suggestion.

And I think it is really, you know, an excellent point that Jonathan stated that, you know, we can, you know, look at this as what it is, a draft, see how things work in practical terms and then make adjustments as necessary.

I also wanted to echo support for what Suzanne said. I think, you know, we do want to obviously have the GAC look at the preliminary issue report and make a determination on whether or not they have input.

But as Suzanne rightfully stated, it won't be a complete surprise from the GNSO side if we're working on an issue that very obviously takes into account national or international law. And so I do think it's useful for us to maybe think about how we can sort of highlight those issues sort of upfront and make the work perhaps easier for our GAC colleagues.

Manal Ismail: Thank you Brian. I have (Amr) next.

(Amr): Thanks, Manal. This is (Amr). I apologize I was about ten minutes late in joining the call. So I may have missed this. But I was wondering because the flowchart here includes - well it's - there's a trigger initiated by the preliminary issue report of a PDP. And then there's the input as a result of the triage mechanism either into the public comment period that the preliminary issue report or the actual PDP Working Group later staged.

I was wondering where the drafting of the (TP) charter comes into - that was mentioned it might be part of the GNSO PDP Working Group included in that phase.

I would think that if a trigger is (sort of) after a preliminary issue report is published that there would be enough time using the quick look mechanism to - for the GAC to be able to flag that there are indeed public policy implications they would like addressed in a certain PDP that even if not identified in or communicated in time for the publishing of the final issue report that needs to be included in the scope of what the PDP Working Group needs to address in the charter drafting phase. And I was just wondering if this was factored in at all. Thanks.

Manal Ismail: Thank you, (Amr). So (unintelligible) there is this...

(Amr): Well, typically I guess the preliminary issue report would be published. And as indicated in the flowchart, there would be a 21-day public comment period. And if comments are provided that there would be a further reply period of another 21 days. And according to the GNSO PDP manual or operating procedures within 45 days after the preliminary issue report it's published.

I think then there would have to be a final issue report. But after that the GNSO Council would - if this is a Council initiated PDP and they would approve the final issue report if it is for example a Board sort of initiated PDP, then that would require a Council approval.

But after the final issue report then the PDP would go into a charter drafting phase. And the charter, unlike the preliminary issue report, which goes to issue, the charter actually go what the PDP working group will have to look at.

And this would include what was presented in the issue report but could also include other things such as public policy implications. And this has occurred in the past in several PDPs where the charter whilst being drafted takes into consideration there may be illegal jurisdiction issues in certain PDPs. And then this was identified by members of the charter drafting team from the GNSO.

But I'm guessing that this could also be done using GAC input when public policy implications are identified by the GAC using the quick look mechanism.

And I imagine that the time span between publishing a preliminary issue report and completing the drafting of a PDP charter that there would be at least one ICANN public meeting where the GAC would be able to meet and make a decision on this sort of thing. But I think Marika might have the answer to my question and so she can help with this flow chart. Thanks.

Manal Ismail: Marika then Olof. Marika, go ahead.

Marika Konings: Thanks, Manal. This is Marika. So on the charter question I think we didn't include here as, you know, there is currently different approaches to how a charter may get done because we're currently experimenting as well with including the charter as part of the preliminary issue report. And, you know, my expectation would be that of course if there - if a flag goes up from the GAC noting that there are public policy considerations or concerns that that will be something that we would include as part of the proposed charter, or at least noting that that has happened and that's an area that the working group would need to pay attention to.

Of course, you know, should the GNSO decide that it does want to form a drafting team, I think it's then as well said I think the flagging of the GAC that there may be public policy issues is I think a reason as well for the GNSO to make additional efforts to engage the GAC. And that could, for example, include as well inviting the GAC to take part in the drafting team effort for the charter because that is an open exercise. That's not a closed group that's limited only to GNSO participants.

Or, you know, alternatively it could be something where, you know, Mason is asked to contribute to based on, you know, his - the feedback he has received from the GAC to make sure that that is factored in and respected. So I think we didn't write in here as a set kind of, you know, how that should happen as that currently in the written set approach, but I think the idea is indeed that if there is a red flag that that is factored in and there may be different ways in which the GNSO could deal with that and really ensure that that is factored in as part of the chartering effort.

Manal Ismail: Thank you, Marika. Olof?

Olof Nording: This is Olof here and I just want to latch onto Jonathan's wise words concerning what kind of outcome we have from this group, especially

regarding how to establish the quick-look mechanism. Because indeed, it may be - well there is no use in being overly prescriptive in that because you can have a triage committee, yes, you can also use an existing committee like the current leadership group or actually take it to the whole GAC.

So there really is means and measures to achieve the quick-look mechanism, and I think Jonathan was very wise in saying that we shouldn't be very prescriptive in saying that it should be handled in this particular way. That is a different matter really.

More importantly, and Marika touched upon that as well, that is how to develop a little further what would if we have sort of like traffic like quick-look mechanism with red, yellow and green light, what would be the implications or what would be the definitions of the yellow, green and red and what would be the steps to be taken by both from the GAC side and from the GNSO side in those three circumstances.

So something to develop further I believe and we've touched upon it already, but that - in order to have more complete proposal for discussions in Singapore I think that would be useful. Thank you.

Manal Ismail: Thank you, Olof. That was going to my question to the group and particularly to (unintelligible) Suzanne is on this call, what exactly or in what stable format should we turn our suggestions on whether to have the GAC committee. It's particularly sensitive to put very detailed suggestion, and again on the other side, we just keep explaining again without any complete suggestion stuff that is helpful for the GAC to provide feedback on it.

So again I'm open to suggestions as to what's the better way forward and what exactly should we be sharing with both constituencies and particularly the GAC in terms of a proposal. Again I can see the merits of having a test case and trying this but I think this is going to be one aspect of an overload proposal (unintelligible). So Jonathan?

Jonathan: Thanks, Manal. I hope I'm understanding your question properly, but what I -
                 the way I guess I see this going from here is based on this useful
                 conversation -- I mean this is the first time we've sort of really had the
                 opportunity as far as I understand it to discuss this flow chart representation
                 of what's being proposed -- that we update what is being proposed based on
                 the discussion here to the extent that any points have been made or refine it.

                 And then we provide a sort of, if you like, some form of annotation or covering
                 note which has maybe has really a couple of points: a set of statements that
                 indicate what this is, for example if this is a summary of the proposed work
                 that we propose that it is, you know -- I'm not just pushing my point here, I'm
                 just using it as an example -- that we propose that the GAC and the GNSO
                 use this for a period of, for example, six months and then revisit it for further
                 review, that we have a series of questions we want answered before we do
                 that, though.

                 And so really I imagine a revised version of this plus a series of questions
                 going out to both groups looking for support and refinement and then
                 ultimately with a view to publishing it as the proposed process and looking for
                 support for that. I'm not 100% clear in my mind how we get there. It may be
                 that we get it signed off in Singapore and we do some work in between, but
                 that's the shorter route I see us going on. I know it's a little sketchy but it's
                 along those lines.

Manal Ismail: Thank you, Jonathan. Sounds good to me. Suzanne?

Suzanne Radell: Thank you, Manal. And thank you, Jonathan. I like that idea. I certainly agree
                 with you and Brian that obviously this is not a done deal, right? We're
                 presenting it as a proposed way forward that we want to get people's
                 feedback and concurrence with. So I have a question that, you know, again I
                 hate to keep imposing on Marika and staff but it's a question for you. I wonder
                 if instead of using, you know, an explicit test case of something that's current,

because we all know that that might be a bit challenging, although we'll get to that in a minute, I suppose the next agenda item.

So my question is if we were to look back at last month or the month before or, you know, at any moment in time, take a snapshot of what the GNSO council was actually approving -- and apologies for not knowing your processes as well as I probably should -- so either approving a charter or the initiation of a PDP, if we could actually lay out what that would have looked like and you could maybe with our help we could identify two different kind of categories of PDPs or issue reports, one that wouldn't at all think to have any public policy considerations, or not the obvious, and one that would, just so people - we can give our GAC colleagues a sense of well here is how this is mean to work in practice. So it's just an idea and it may be a lousy one. So I'm in your hands. Thank you.

Manal Ismail: Actually I think this is helpful, Suzanne. Thank you. So along with the suggestion we should be giving examples on what exactly does this mean in new PDP things. So I think this definitely would help. So again I just want to make sure that colleagues have already seen the second and more detailed questionnaires that we're speaking about. It's the second chart, more detailed.

And I think we can continue this discussion over the e-mail to - so I want to take the time of other agenda items. So we don't have any further comments (unintelligible) I recommend that we continue with (unintelligible).

So I see no further requests for this so we will move onto our next agenda item. Again it was agreed that the PDP on IGO-INGO (unintelligible) to after the GAC/GNSO collaboration particularly where teams of both constituencies are (unintelligible). And as was highlighted over e-mail, there was already some questions posed and there may have been others on the GAC approved who has been able to respond to those questions, which is again part of the value of the GNSO from the GAC.

So with this I may be handing over to Mason and Suzanne to get us through this agenda item and give us more (unintelligible). So Mason would you like to start? Mason, go ahead.

Mason Cole: Thank you, Manal. On this issue I do have the questions almost prepared for the GAC review. I understand not only is Suzanne stepping into the role as a counterpart for me on the GAC but she and (Mark) are on point for this issue on behalf of the GAC. So hopefully today in fact I should have those questions forwarded to Suzanne and (Mark) and that's where that stands. I mean the questions are being prepared. They should be out today. That's my hope.

Manal Ismail: Suzanne?

Suzanne Radell: Thank you, Manal. And thank you, Mason. Just a quick update for colleagues, and apologies, Mason, if I hadn't conveyed this. It is actually on the GAC side it is the GAC chair, Thomas Schneider, who has asked me to work with him because of course we need to do sort of a three-way exchange. So it's GAC, GNSO and the NGPC, because we're trying to kind of close that final loop and draw some, what shall I say, draw the threads together that have been a little bit apart, if you will, between the GAC and the GNSO.

So for the NGPC to be able to kind of put this particular to bed in a way that satisfactory and complementary to what both the GAC and the GNSO are seeking, there is mean to be a three-way exchange. We on the GAC side have received a document from the IGO coalition. We are still reviewing it, so my apologies that I can't provide more information. It is also under review by the NGPC.

So as I understand things on the GAC/NGPC side, there remains - the question is sort of for those acronyms, and it's not a huge universe, for those

IGO acronyms where there are legitimate third party users, I'll give the obvious one, the World Health Organization, we still need to find a mechanism for notification and then dispute resolution. So that's kind of where we are in the GAC side. I'm very much looking forward to getting the GNSO PDP working group's questions.

Having read the transcripts from their last two meetings, I do know that they have - they are looking at this question of IGO legal immunity and concerns, which have constrained IGOs, and I expect will continue to, from using the UDRP or the URS. So that's why we're in this particular situation. But again, this is going to be very helpful for us going forward to know exactly what the PDP working group is seeking from the GAC in terms of clarity. And I think could hopefully, I've got my fingers crossed, this will be a useful test case of some sort that we can then point to and build on. Thank you.

Manal Ismail: Thank you, Suzanne. Marika, is this an old hand or...

Marika Konings: No, it's a new hand.

Manal Ismail: Okay. Then Marika and then Jonathan. Marika, go ahead.

Marika Konings: Thanks, Manal. This is Marika. Just to note in relation to looping in the NGPC, I just want to point out, and I think both Suzanne and Mason are probably very aware of that, of course some of the I think issues that are being dealt with, you know, flow across two PDPs. You know, there's of course the curative rights PDP that's specifically looking at the curative rights mechanisms but there's also still the other IGO-INGO PDP that is still somewhat in the holding dock or some of the recommendations are being considered or are still under consideration by the NGPC, and some dialogue has happened in that regard to, you know, between the NGPC and the GNSO council.

And I think the GNSO council's currently waiting for a response from the NGPC, you know, to confirm some of its assumptions that were made based on the initial letter that was received. But I think - I just want to make sure as well that as this dialogue happens that things do not necessarily get mixed between, you know, those two issues as, you know, of course the curative rights PDP working group is looking at a very specific issue while the other questions are being dealt with at a council level.

Think in regards of bringing in the NGPC that probably should happen in the dialogue with the council on these issues in relation to the outstanding recommendations while I think, indeed, on the curative rights those are some specific questions that the working group is putting forward, hoping to get input from the GAC as well as I think IGOs on those issues to help inform its deliberations. So I just want to make sure that everyone's clear that there are two different parts here that I think have some overlap but that we need to make sure as well that, you know, the right parties are involved as those conversations happen.

Manal Ismail: Thank you, Marika. (Unintelligible) So Jonathan, please go ahead.

Jonathan: Hi. Manal, can you confirm that you can hear me?

Manal Ismail: Yes.

Jonathan: Wonderful, okay. (Unintelligible) so this is a watershed moment. So two points, really. One reinforcing Marika's point that we should proceed with care here in the sense of making sure that these concerns don't get mixed up as to where they're being dealt and the way they're getting dealt because we have a very good (unintelligible) with the previous PDP that is still being work on and then the curative rights which is of course a follow-on PDP on a very closely related issue and just make sure we see where the work is being done there.

And secondly, which is the connected point, (unintelligible) is that I'm reluctant to use the word test case here. I think it's great that we are working together, the GNSO and the GAC, and we're probably working together more effectively or potentially more effectively as a result of having - working together in this group, in this consultation group.

So don't get me wrong, I'm all in favor of us making whatever progress we reasonably can, making the best use of Mason and Suzanne and (Mark) and so on, I'm just slightly reluctant to use the phrasing test case because I worry that we might reflect badly on the work we are doing. Because in many ways it isn't completely appropriate to call this a test case when one PDP is a long way past the beginning and another PDP is a little way into its lifecycle, and therefore neither is (unintelligible).

So that's - in some ways it's all about semantics and just making sure that we don't unravel some of our great work and in fact on the contrary that we benefit from the effective working relationships and the work we've done so far. So those are my thoughts in connection with that. Thanks, Suzanne. I note your point in the chat. I appreciate you picking up on that.

Manal Ismail: Thank you, Jonathan. (Unintelligible) so thank you for that. So any further comments on this agenda item, (unintelligible) for discussion? Also I think getting into the substantial issues on the discussions but rather how we can facilitate (unintelligible). So if you don't have any further comments on this, because of the time I would like to proceed to the following agenda item. And I think we will be in a position to pick the date of the upcoming (unintelligible) date and place.

So I think we have the potential dates on December 6, January 6, 20 and February 3. I recall that - yes, thank you. So on the 20th we have everyone confirmed so this is definitely going to be on. We don't have everyone confirmed particularly from the GAC side on the 3rd of February so again we can leave this for later and I can see whether this call is needed or not. Again

this my perception which is again subject to discussion. So Tuesday the 16th and Tuesday the 6th. Then we have...

Marika Konings: Manal, this is Marika. We have a hard time hearing you.

Manal Ismail: Okay. I'm sorry, is this better?

Marika Konings: Much better.

Manal Ismail: Hello? Okay. So I was just concluding from the (unintelligible) so if you have any feedback I'm open to suggestions. I was saying that the 20th needs to be confirmed by everyone so this is one call to confirm. The last call would be - the decision would be postponed and we can see whether we need it or not, and then we need to decide whether to proceed with both calls, Tuesday the 16th and Tuesday January 6.

So I can see Jonathan confirming the schedule looks good, the 16th, 6th, 20th and 3rd. So if there's no further comments, I think mark our calendars for the remaining four calls with the current representatives just to make sure that everyone marks their calendars. So yeah, okay. Thank you, (Amber). And (Amber) agrees that we can determine whether a call on the 3rd is necessary or not. So the last call could be reconfirmed as we go but at least for now we have three confirmed calls on the December 16, January 6 and January 20.

So before we conclude and since we have Jonathan on the call, I would like to very quickly brief you, Jonathan, on what we seem to converge regarding standard call logistics. So there were suggestions I think Brian or maybe Mason for an informal get together over lunch in Singapore, and I believe this is a good suggestion. Actually at the late meetings on the Sunday there seem to have very low attendance so maybe lunchtime would be better.

I suggested for simplicity and for sensibility that everyone may want to schedule their own lunch and grab something and together in a visitor meeting room. Suzanne also suggested that we might want to consider inviting some members of the IGO-INGO PDP working group to join us, which I believe is a good suggestion and which is a good opportunity again to discuss our outstanding (unintelligible). So I see Mason agreeing and I see Brian's hand up. Brian?

Brian Winterfeldt: Thank you, Manal. I think lunch is an excellent idea. I wanted to let everyone know that I did reach out to Glen DeSaintgery and made the suggestion to see if she could maybe book space and have ICANN possibly provide lunch for all of us. She I think is moving forward with that request. And I think it would be helpful if our GAC colleagues were able to maybe coordinate with Glen to also make the same request from their side.

And I just want to also support what Manal stated. I think it would be very helpful to include people from the IGO-INGO PDP working group and also for us to reach out to other GAC members or GNSO councilors who might be interested in this topic and have a chance to give them briefing and maybe get their feedback as well at this point in the process.

Manal Ismail: Thank you, Brian. And it was Suzanne's suggestion to extend invitations to the IGO-INGO PDP working group, but. Again we can - and we do this usually with the - we extend invitations to GAC members. And I think we need to consider this as our face-to-face meeting as well. So I see Marika's hand up. Marika?

Marika Konings: Yes this is Marika. I just made a suggestion in the chat. As I noted, having a separate lunch meeting, you know, we can definitely arrange the room. I think providing lunch maybe more complicated. I think you already suggested as well that of course, you know, there are a lot of food carts around so people can pick up some lunch and we can just get together in a room.

Alternatively, you know, the GNSO typically does have I think a working lunch on Sunday, and I think in the past for example they had the EWG come and visit at that time and have conversations. So maybe that could be an alternative approach to have a working lunch session on the Sunday as part of the GNSO meeting schedule, which will then automatically, you know, bring at least all the GNSO colleagues to the table. And, you know, of course the invitation could also be extended to other, you know, GAC members that maybe interested and just passing by and seeing what's going on.

Manal Ismail: Okay. Thank you, Marika. Yes, so I think that is a good idea. I see that Jonathan had to drop off and leave already at the hour, so again we can have the exact date and timeslot shared on the mailing list and we can confirm this and convey it to our constituencies as well over mail.

So if there are no further requests to speak we can conclude here. So I see none so I thank you all for joining the call and hope we continue discussions over e-mail and I will see you on the next call on December 16. So this meeting is adjourned. Can we stop the recording, please?

Woman: Thanks, bye.

Manal Ismail: Thank you, everybody.

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