Transcript GNSO Council Teleconference
16 February 2012 at 15:00 UTC

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http://audio.icann.org/gnso/gnso-council-20120216-en.mp3
on page
http://gnso.icann.org/calendar/#feb

Adobe Chat Transcript
http://gnso.icann.org/calendar#feb
http://gnso.icann.org/meetings/chat-transcript-council-16feb12-en.pdf

List of attendees:
https://community.icann.org/display/gnsocouncilmeetings/GNSO+Council+Meeting-
+GNSO+Council+meeting+16+February+2012

NCA – Non Voting - Carlos Dionisio Aguirre
Contracted Parties House Registrar Stakeholder Group: Stéphane van Gelder, Mason Cole absent, proxy to Stéphane van Gelder, Yoav Keren
gTLD Registries Stakeholder Group: Jeff Neuman, Ching Chiao, Jonathan Robinson – absent, apologies, proxy to Jeff Neuman
Nominating Committee Appointee (NCA): Thomas Rickert
Non-Contracted Parties House Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Osvaldo Novoa, Brian Winterfeldt, David Taylor, Zahid Jamil, John Berard,
Non Commercial Stakeholder Group (NCSG): Wendy Seltzer, Rafik Dammak, Bill Drake absent, temporary alternate Konstantinos komaitis, Mary Wong, Joy Liddicoat - absent, apologies, proxyto Mary Wong, Wolfgang Kleinwächter – joined late.
Nominating Committee Appointee (NCA): Lanre Ajayi

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

ICANN Staff David Olive- VP Policy Development,
Rob Hoggarth - Senior Policy Director,
Liz Gasster - Senior Policy Counselor,
Julie Hedlund - Policy Director
Margie Milam - Senior Policy Counselor,
Marika Konings - Senior Policy Director,
Brian Peck - Senior Policy Director,
Berry Cobb – Policy consultant,

Glen de Saint Géry - GNSO Secretariat,

Guest: Edmon Chung JIG co-chair

Coordinator: Please go ahead because now being recorded.

Glen de Saint Gery: Thank you.

Stephane Van Gelder: Thanks very much. Welcome everyone to this council call on the 16th of February. And let's start with just a request for people to join a little bit earlier if they can because we lose a bit of time while were waiting for quorum to be reached.

So if people could try and join a couple of minutes early that would be useful.

So with that being said I will ask Glen to do a roll call please to start this off?

Glen de Saint Gery: Thank you Stephane. Jeff Neuman?

Jeff Neuman: Present.

Glen de Saint Gery: Ching Chiao?

Ching Chiao: Present.

Glen de Saint Gery: Jonathan Robinson is absent and his given his proxy to Jeff Neuman. Mason Cole is absent and has given his proxy to Stephane Van Felder. Stephane Van Felder?

Stephane Van Gelder: Yes.

Glen de Saint Gery: Yoav Keren? Yoav is not yet on. (Thomas Rickette)?

(Thomas Rickette): Present.

Glen de Saint Gery: Zahid Jamil?

Zahid Jamil: Present.

Glen de Saint Gery: John Berard?

John Berard: I'm here.

Glen de Saint Gery: David Taylor?

David Taylor: Here.

Glen de Saint Gery: Brian Winterfeldt?

Brian Winterfeldt: Present.

Glen de Saint Gery: (Eduardo Norva)?

(Eduardo Norva): Present.

Glen de Saint Gery: Wolf Ulrich-Knoben?

Wolf Ulrich-Knoben: Present.

Glen de Saint Gery: Bill Drake is absent and he has an alternate Konstantinos Komaitis
is on the call. Konstantinos is being dialed out to but he is on the
Adobe Connect.

Glen de Saint Gery: Wendy Seltzer?

Wendy Seltzer: Here.

Glen de Saint Gery: Mary Wong? Rafik Dammak?

Rafik Dammak: Yes here.

Glen de Saint Gery: (Joy Lillycut) is absent and she has given her proxy to Mary Wong
who's not yet on the call. Wolfgang Kleinwachter? He's not yet on the
call.

(Len Recherre)?

(Len Recherre): Present.

Glen de Saint Gery: Carlos Aguirre?

Carlos Aguirre: Present here.

Glen de Saint Gery: Alan Greenberg?

Alan Greenberg: (Pan Jan Li) is absent. And for staff we have Liz Gasster, David Olive,
Margie Milam, Marika Konings, Julie Hedlund, and Berry Cobb, Brian
Peck, and from the IT staff we have Alexander Kulik. And have I
missed anyone? And myself Glen de Saint Gery.

And may I ask you all to say your name before speaking for the transcription purposes. Thank you very much and Konstantinos is now connected. Thank you Stephane. Over to you.

Stephane Van Gelder: Thanks. Do you want me to say my name before every sentence Glen or every time I...

Glen de Saint Gery: That's all right. The transcribers know you.

Stephane Van Gelder: Right, thanks. So can I ask if there are any updates to statement of interest at this time? Seeing or hearing none can I ask if there are any requests to review or amend the agenda for today?

Wendy Seltzer: One question.

Stephane Van Gelder: And who are you Wendy?

Wendy Seltzer: Thank you Stephane, Wendy Seltzer. I think the consent agenda is a helpful item. I wonder if it could be accompanied by a bit of explanation of where the items have come from when it's being put to the list?

Stephane Van Gelder: Yes.

Wendy Seltzer: A bit more context.

Stephane Van Gelder: Okay. I was going to comment to the consent agenda which is a new idea we're starting for this meeting.

So let me pick your question up there. Let's just run through the rest of Item 1. Is that okay with you?

Wendy Seltzer: Thank you. Yes.

Stephane Van Gelder: Thank you. Thanks. And Glen just I'm sure you've seen this but Ching is asking on the chat to do we have (Edmund)? But we plan to include and our discussions on Items 5 the JIG letter to the board. And apparently (Edmund) has a problem to dial-in so if we can dial out to him?

Glen de Saint Gery: Yes we've got him on our list and he's asked to be dialed out to just before the agenda item.

Stephane Van Gelder: Great thank you very much. Any further requests to review or amend the agenda please?

Hearing or - seeing none I will just bring your attention to the minutes of the previous meeting that have been approved as per our procedures and to a new item that is a regular item on our agenda Item 1 which is the GNSO Pending Project List that we used to have as Item 2.

We started introducing this is a regular item last year to ensure that we had our attention focused on our pending projects at each of our meetings.

It's been successful I think. However with the consent agenda coming in as a new idea the thinking was that we could just include the pending project as a regular informational item under the admin part.

And if anyone has any questions or comments there those can be made under that sub item.

But we felt there was no further reason to have me draw out the list of differences between the pending project lists that we saw at the last meeting and the one that we're looking at at the current meeting.

So that's the thinking behind that. And with that any comments or questions on the list that the one that you can access from the GNSO Web site and the GNSO projects status list, the second link on the column to the left?

Hearing no questions I'll move on to Item 2 and as Wendy mentioned earlier on...

Margie Milam: (Unintelligible).

((Crosstalk))

Stephane Van Gelder: ...this is - I'm hearing a voice in the background. Is someone trying to speak?

Margie Milam: Yes it's Margie. I have a hand up about the projects list.

Stephane Van Gelder: You do have a hand up Margie. Sorry I missed you.

Margie Milam: That's all right. I just wanted to give the council a brief update on the issue report, the final issue report for the RAA amendments.

The public comment period closed on the 13th. We summarized it and we're in the process of producing the final issue report which we expect to provide to the council next week.

So I just wanted to let you know the status of that given that the rule think about having it being published 30 days after the closing of the public comment forum.

Stephane Van Gelder: Thank you Margie. Anything further on the PP list? Okay so the consent agenda idea, well basically came out of the need that we saw to have the recommendations reports for the IRTP Part B recommendation 9 Part 2 work approved in terms of sending it to the board.

This is something that we looked at in the discussion that came out of that. The idea was put forward that there may be things on our agenda that are just part of the consent agenda and would be a good idea in terms of just getting council approval but not necessarily going through a whole motion process.

So just as the board has our consent agenda we felt it might be a good idea to introduce one to the council. This therefore is the first time that we have tried this.

We will see how we go with it. I'm very hopeful that it will add both clarity and simplicity to our proceeding. So I'm optimistic that not only is this a good idea but it's one that's going to prove worthwhile to us.

And Wendy your point about each item having an extra bit of context added in, I will make a note of that.

I will ask for your patience in getting this set up. Adding the context in as part of the drafting of the general meeting agenda is not always easy. So I'll take that - I'll make a note of it and how best we can address that going forward.

We also want to hear from the council as to whether the consent agenda in general is something that works or not. Wendy I see you have your hand up.

Wendy Seltzer: Thanks Stephane, Wendy Seltzer. I think I the context I'm suggesting could be a simple hyperlink so approval of the proposal, what is the proposal approval of new calls for volunteers, where are those new calls for volunteers?

With that I think it would be a very hopeful streamlining of council's procedure to be able to review those materials on our own time and agree to them.

Stephane Van Gelder: Thanks Wendy. Duly noted and I think makes perfect sense. So let's move on to the first item on this consent agenda which is the one that I just discussed.

And the idea here is just that we as a council approve sending this report to the board. Now the proposal that I have and I had put this to the list and there was no disagreement voiced on the list is that we do a simple show of hands or a vote on whether we approve or not and that we use a simple threshold of majority of in each house's approval.

This - does anyone have any - let's give another opportunity for people to comment on that procedure before we start using it. Is everyone comfortable with us doing it in that way?

Wolf Ulrich-Knoben: Stephane?

Stephane Van Gelder: Okay. Yes sorry Wolf.

Wolf Ulrich-Knoben: Yes Wolf (unintelligible) speaking. Stephane if I understood correctly so you are proposing that the council should think about a procedure for this constant agenda how to deal with it in the context of a voting because and maybe that we have to vote, we have to approve. It's asked for approval so that means that the voting is needed.

And if you have any idea of - about that, if it's - should it be different from the kind of voting we have in our procedures right now or just the voting according as you are doing these motions also the - I don't see any difference, you know, in that.

There's no motion but there's a vote - a vote is requested and we should proceed as we do normally in our procedures?

Stephane Van Gelder: What I'm suggesting Wolf -- and this is an idea that I've put to the council -- is that we approve or consent - show our consent on specific items that are not - do not require a motion.

And I'm proposing that we show that consent by a simple vote because I don't see any other way of doing it.

So in this instance yes, I am suggesting that we do something that we haven't done before which is to have a simple vote.

For example if we are all in agreement and I will call for Glen to take a vote on whether we approve sending this report to the board.

And if we have a majority and of - if both houses are - show a majority approval if doing so then that is approved.

If it doesn't happen then that is simply rejected and then can go back into the main agenda for the next meeting.

And also if anyone objects to any consent agenda item being on the consent agenda then that's automatically puts the item back onto the main agenda for the next meeting if someone wants to put it there.

So what I'm suggesting is that consent agenda, the consent agenda content is for simple admin matters that we need to handle quickly but we don't want to go through a motion process call and that there be opportunity at every step of the way for people who do not wish an item to be approved in that way to make that heard. Is that clearer for you?

Wolf Ulrich-Knoben: Yes thank you. Thanks.

Stephane Van Gelder: So I have a suggestion from Watch Out which I find interesting. Wendy can you make it out loud?

Wendy Seltzer: Sure thanks Stephane. We could make this even speedier I think by saying that with - if it's not objected to it's approved without a vote and

if anyone wants further discussion or wants to object they can move it to the main agenda.

So I would suggest...

Stephane Van Gelder: I like it.

Wendy Seltzer: ...skip the...

Stephane Van Gelder: Yes I like it and it's a simple thing for me to manage if the council is okay with doing it that way.

What it would mean is that at every sub item I would call for any objections. If there is none I would call for any - sorry any objections to the item being on the consent agenda? If there isn't I would call for any objection to the item itself and if there isn't it's approved. That's a simple three step process.

Any objection to this?

Well let's try it then. Does anyone object to us to the approval of the recommendations report being on the consent agenda?

Does anyone object to us sending - asking staff to send this report to the board? That is approved. Liz - sorry Marika?

Marika Konings: Yes this is Marika. If I can just make a general point about the recommendations report because it's the first time as we're now in a new PDP that, you know, we've prepared this recommendations report.

And it would be helpful to know if council feels that relevant information and the different parts are in there.

Because I think we will try to develop this as a template so that for future references the same kind of form is used when these reports are being developed.

So if you have any suggestions or any ideas on how to, you know, add further information or make it more readable, you know, please feel free to suggest that.

Stephane Van Gelder: Thank you. Liz can I call on you just to explain why we are proposing that work on the Whois access be officially ended at this time? I can read through it but if you'd rather?

Liz Gasster: I'd be happy to. This is held over from the Registration Abuse Policies Working Group. It was a suggestion from that group that the element, the issue of Whois accessibility be included in the survey that the Whois Service Requirement Survey Working Group has been tasked to develop.

And that resolution back in October of last year stated that if the working group, the Whois Survey Working Group felt that it was not appropriate or timely to include Whois accessed as part of this survey that they should let the GNSO council know.

So you may recall that several weeks ago the Working Group did report back to the council that it felt that it was not appropriate to include that element in this inventory, this survey. It was just focusing on technical requirements.

So they don't feel it falls into the remit of its current charter and recommended that it not be included in the upcoming survey.

So we have, you know, an open element here. And since they don't think it should be in the survey and there's no other plan right now to follow-up with it in any other way the suggestion is that it just - that the effort be terminated or that the concern about it be officially terminated.

Stephane Van Gelder: Thanks Liz. So may I ask if one objects to this being on the consent agenda? Wolf?

Wolf Ulrich-Knoben: Thank you Stephane, Wolf speaking. We had a discussion about that in our constituency. And we felt that this is not a good way so - to do so because we're very interested to include it in that survey.

However we understand okay that there is a lot of things to be done and maybe this time it is not feasible to include it.

However, we shouldn't not go this way just to, let me say then to terminate that proposal and before we have an alternative proposal how to deal with that in the future.

And the suit right now lists there is no at the time being. So I wonder myself how we should deal with it. We should - we wouldn't like to return at that- at the time being.

Stephane Van Gelder: So you are requesting for this not to be on the consent agenda...

Wolf Ulrich-Knoben: Yes.

Stephane Van Gelder: ...or you not in approval of the recommendation itself?

Wolf Ulrich-Knoben: I'm - well I'm not in approval of the content agenda here in this respect because I'm - I would like to have a situation at this point...

Stephane Van Gelder: Yes.

Wolf Ulrich-Knoben: ...the question of Whois access is sent from my council agenda. You know, it's...

Stephane Van Gelder: Yes it sounds to me like you're actually opposing the fact that we end the work which is basically the same thing anyway.

So we will take that off the consent agenda and perhaps ask - I mean we - that's fine. But we do need to find some way forwards on this.

Wolf Ulrich-Knoben: Yes.

Stephane Van Gelder: And perhaps your constituency can help in that process?

Wolf Ulrich-Knoben: Okay. We will discuss and together with staff as well to find out ways how we can deal with it in future.

Stephane Van Gelder: Thank you very much.

Wolf Ulrich-Knoben: Yes thanks.

Stephane Van Gelder: So third item is a request to terminate the open council drafting team. This drafting team has been dormant, or appears to have been dormant. And we wanted to put it on the agenda because no one on the Leadership Team felt that the drafting team was doing any more work.

So is that a fair assessment? Is there any objection to this being on the consent agenda?

Hearing none is there any objection to us terminating this Drafting Team?

Thank you. That is approved. Last item on the consent agenda is a call to the approval of new calls for volunteers to the JIG.

There are I believe because I'm speaking from memory now five existing reps to yes, I've got here. I've found it here. So there are five GNSO reps to the JIG and there are two observers.

Those five reps are (Edmund), Terry Davis, myself, Rafik, and (Karen Anne Hayme). She has resigned I believe. And there are two observers Avri and Chuck.

So I believe that Avri and Chuck are probably on as observers because they were previous chairs of the council.

I should certainly only be on as an observer because I am on every group as chair of the council but do not wish to be specifically added as a GNSO yet for the JIG.

And so that leaves a few holes and (Edmund) asked if we could put out a new call for volunteers. So that's why this is being proposed. Is there any opposition to this being on the consent agenda?

Hearing none is there any opposition to us sending out a new call to volunteers?

Thank you. That was approved and good, so we've finished the consent agenda. Please if anyone has any further comments tell us what you think, make them on the list.

I think this is very useful and I'm hoping that we can continue to do this as and when needed. Any further comments?

Glen de Saint Gery: Stephane this is Glen. (Edmund) is on the call now.

Stephane Van Gelder: Thank you (Edmund). Welcome.

(Edmund):   Thank you.

Stephane Van Gelder: So (Edmund) I don't know if you were on the call, we just finished approving the fact that the council will send out a new call for volunteers for the JIG and I've just described why that was needed.

So we'll now move on to Item 3 and the Thick Whois final issue report. And I will let Marika present this item to us before we look at the motion that's been made here. Marika please?

Marika Konings: Thanks Stephane. This is Marika. So I prepared a couple of slides on the final issue report.

Just as a little bit of background this was a recommendation they came from the IRTP Part B Working Group that recommended that the council should request an issue report on this topic and was done so in September.

And the recommendation made very clear that it should - that the issue report should consider both positive and/or negative effects that obviously need to occur they would need to be taken into account when deciding whether a requirement Thick Whois for all GTLDs would be the desirable amount.

And we published the preliminary issue report for public comment on the 21st of November.

As part of the public comment forum, nine contributions were received. In general the comments could be divided into four different categories.

There were a number of comments that provided further information on what should be included or amplified as part of the issue report.

There were views expressed on pros and cons of a thin or a thick Whois model. There were various opinions on whether a PDP should or shouldn't be initiated.

And there were also a number of comments in relation to the actual scope of the PDP should one be initiated.

And in the final issue report you'll find as well at the end the complete summary of the public comments included.

But the changes in the report itself stem more from item one and four as those specifically related to the content of the issue report itself.

And so the final issue report was submitted to you on the 2nd of February. The report is divided and separate - in different sections.

There is a section that talks about or explains the differences between the thick and the thin model that provides an overview of the current situation of existing GTLDs and also focuses on the situation for our requirements for new GTLDs.

The issue report then provides an initial list of issues that from our perspective should be considered to determine possible negative or positive consequence of requiring Thick Whois should a PDP be initiated. And these include for example, you know, consistent response, enhanced ability, enhanced accessibility, cost implications, privacy and data protection and data as (uintelligilbe0 impact on existing Whois requirements.

The report then also highlights a number of other issues that should be considered should a PDP go forward such as the scope of the PDP.

For example one of the comments that was made as part of the public comment forum was that if this PDP would go forward and would look at requirement for Thick Whois could a possible outcome be a requirement for Thin Whois or is it only limited to looking at requiring Thick Whois?

There were some other questions related to scope making sure that, you know, if a PDP would go ahead that it's - they're (insuring) in content on the overall Whois the data or bring that into to this discussion, you know, because there are other issues going on in that regard.

And I also highlight, you know, the resource issue. There are, you know, many PDPs going on and staff resources so other items to consider.

But the staff recommendation itself, you know, based on the input as well from the General Counsel office know that, you know, we consider the proposed issues within scope of ICANN policy and the GNSO.

And therefore we believe it's reasonable to expect that further investigation of Thick Whois for all GTLDs would be beneficial to the community generally as it will allow for an informed decision by the GNSO council as to whether or not to require a Thick Whois for all GTLDs.

And we therefore recommend that the GNSO council proceed with the PDP. And that's in a nutshell the final issue report.

Stephane Van Gelder: Thanks Marika. I see there are questions. Jeff is first.

Jeff Neuman: Yes sorry. It's not a question. It's more a comment on the PDP.

So the first thing I want to emphasize and then VeriSign has asked me to make this statement on their behalf that they would be supportive of a PDP if that's what the GNSO council and the community desire.

That said, the registry stakeholder group still hasn't as a hole changed its view on basically conducting a full PDP on what one registry operator albeit supporting a couple different strings, but one registry operator is doing.

And we do not think it - that PDP should be directed at the activities of one registry. So for that reason the Registry Stakeholder Group is going to abstain on the motion. But again that said VeriSign wants to make it very clear that they are in favor of a PDP if that's what the community wants.

Stephane Van Gelder: Thank you Jeff. Wendy?

Wendy Seltzer: Thank you. My comment is primarily around the resource issues as (Mark) had mentioned.

We have a lot on our plate and in follow-up with the concern Jeff raised that this is a very narrowly focused PDP in one sense that it applies only to the VeriSign single registries operations and yet is a broadly scoped issue in that a full discussion of the implications of Thick Whois would take a significant discussion among the community. I think that this isn't a good use of council resources.

That's said we're interested in hearing more about the registry stakeholder groups concerns and think that that might be a good reason to differ this to face to face discussion in Costa Rica.

Zahid Jamil: Stephane this is (Ivan). I'm not on Adobe so if I could get in the queue?

Stephane Van Gelder: Yes, I will have you next, Zahid.

Zahid Jamil: Thank you. I just wanted to say that we discussed this in the BC and our concern with respect to this motion is that there are other things that are happening out in the community as well. There are currently certain, shall we say, negotiations of the RAA taking place, and the last thing we wanted to do was to in some way stop any work that may be happening there in the RAA motion, et cetera, and also the contracts that have been negotiated with respect to who takes Whois, because we're going to initiate a PDP. So as far as the BC is concerned, unless there's some clarifying language which may not - we'll see what that could be, but we're not in support of a PDP at this stage with respect to thick Whois because it may interrupt and interfere with other things going on and that's the point I wanted to make.

I probably would want to say more after a few people have spoken. Thanks.

Stephane Van Gelder: Thanks, Zahid. David?

David Taylor: Thanks, Stephane. That's good today, just prep that comment to send around on the Council, that's not - a little bit before the call, so it must be - maybe not everyone's ready but you said you weren't clear on that and that's pretty much that point is what I'm meaning, is certainly the IPC fully supports the recommendations of the issue report. But that issue there - there are, you know, there are other means in the PDP with which the gTLD registries are not just (unintelligible) we've got the com, net and jobs can be brought into the, shall we say, gTLD mainstream by migrating to thick Whois. So, you know, in essence what PDP has initiated on the topic, our view is that it's got to be

launched explicitly without prejudice, which is my point, without prejudice to ICANN, pursuing whatever routes are available on this goal.

So they might be exercising its capability under the existing registry contracts or maybe the requiring, you know, renegotiation of the registry agreements at whatever time we're doing that. So hence, putting in that friendly, if that works for you, there's nothing in the motion that's intended to prejudice migration to thick Whois through contractual means, then we'd support it and I'd second it.

Stephane Van Gelder: The reason I responded on the list I didn't understand your comment was that - and I still don't understand it from what you've just said...

David Taylor: Okay.

Stephane Van Gelder: ...is that there is a PDP process that exists that we know, that we understand, and what I am understanding your comment to be, and this is probably wrong, which is why I wrote the question, I am understanding that you want reassurance that if the PDP goes ahead, any decisions it takes do not preclude ICANN from having direct contractual negotiations with a registry on the issue of thick Whois. Am I getting that right, or am I getting that wrong?

David Taylor: Yeah, no that - yeah essentially, that's the deferred - you know, if a PDP gets underway and then for some reason ICANN doesn't press for certain things which it might be pressing for and discussing at the moment, then we end up, you know, delaying the whole thing. So it's

just that it - those things should be able to continue otherwise, you know, PDP again - it could be 2014, 2015 when the PDP concludes.

Stephane Van Gelder: In that case I would venture that this is already built into the ICANN process, and that the ICANN process includes the possibility of a policy development process. But on contractual issues with ICANN contracted parties, ICANN and the contracted parties involved can have direct negotiations, which is also why I didn't understand the link that was being made between this motion by the BC, between this motion and the RAA negotiations. So I'm not saying no or I won't accept any of it, I'm generally not clear on why this issue is coming up as an issue to both the IRTP and the BC. Do you see what I mean?

David Taylor: I think so. I mean, I think we're just seeking clarification there just so it is very clear that no one turns around and says there's a PDP going on so we're downing tools because of the PDP. We want that just to be specific in there, that it's without prejudice to any migration through a contractual means, which is ongoing. So this goes in parallel, it doesn't affect it and it's just very clear that it doesn't.

Stephane Van Gelder: Okay, well let's work through the queue. Can I ask you to send that wording to Marika - or Marika's already typing it in I think. And while that is being made clear, let's work through the rest of the queue, and we have Alan next.

Alan Greenberg: Yeah, thank you, it's Alan Greenberg. I have some concern about resources as well as - although for a different reason than Wendy. Given that we seem to have now opened up the possibility that this is not just a PDP on requiring thick Whois from those registries that don't

support it, but the possibility of looking at it and saying maybe we should require thin Whois.

Or, there's also a suggestion in the report that we look at other models altogether. That - I feel that we're opening up this to being a PDP on Whois in the general case, that there are so many possible outcomes from it that there will be people who be pushing for those outcomes. And we have taken what might have been a relatively simple PDP and made into one which is going to be complex, it's going to be long, and increase the chances that nothing useful comes out of it.

So I strongly support, and ALAC strongly supports, a PDP on thick Whois for registries that do not currently support it - yes or no, look at the positives, look at the negatives, but not open it up to a wide range of other possibilities which almost surely will doom it to failure and certainly to a huge amount of resources put into it over the next many years. Thank you.

Stephane Van Gelder: Thanks, Alan. I'd say that's not what's been proposed. The motion proposed what the Final Issue Report proposes, and I don't think it goes beyond that.

Alan Greenberg: Well, the Final Issue Report includes a lot of possibilities, including as Marika highlighted, the possibility that thin Whois could be recommended out of it, and the possibility that we look at other models altogether, other than thick and thin. So...

((Crosstalk))

Alan Greenberg: I'd be delighted if the charter doesn't allow all of that, but I have...

Stephane Van Gelder: Yeah, I take your point. My understanding, I mean the way Marika put it earlier may have been confusing, but I did not understand the Final Report to be proposing that. Marika, do you want to correct me or agree with me, whatever?

Marika Konings: Yes, this is Marika. Exactly, the question was raised whether it should include but indeed, the motion is at currently just on thick Whois and might be a discussion as part of the charter how narrowly defined that is or how broadly defined. But, you know, it's just issues that are raised in the charter that - or in the Issue Report that might be considered as part of the chartering process. I'll - you know, how that should be defined - that is not suggesting that that should be a part of...

Alan Greenberg: No, no, Stephane, it's Alan. In clarification, I wasn't saying that they were recommending that is, but they were allowing such things. So that was my concern, not of the PDP but of what the charter would allow.

Stephane Van Gelder: Okay. Thanks very much, Alan. Jeff?

Jeff Neuman: Yeah, it sounds like - and again, separate from the registry position, but my own thoughts here, there is a lot going on with Whois, a lot of studies that are going on. The Whois review team report, which I believe makes reference to the Whois - to the thick Whois - there is contracts that come up this year with certain other registries that do not have thick Whois that are in the process of negotiation, I'm sure, or will be, you know, at least there has to be by the end of the year. Why don't we just defer this topic for a year to see where we end up,

therefore you don't have to worry about contract negotiations that are going on.

That'll already have passed. You won't have to worry about the precedent the PDP sets. And frankly, there's just so much work going on right now in the Council and in the community that I think this is a distraction.

Stephane Van Gelder: Well what is your suggestion...

((Crosstalk))

Stephane Van Gelder: You want - do you want...

Jeff Neuman: My suggestion is...

Stephane Van Gelder: Can I just finish?

Jeff Neuman: Sorry, yeah.

Stephane Van Gelder: Are you suggesting that I withdraw the motion for a year?

Jeff Neuman: I'm suggesting we do something similar to what we did with the UDRP which is, yeah, essentially delay a PDP for a year pending the outcome of what happens this year with negotiations with - and with the Whois review team and everything else going on with Whois. So yeah, I would either request a withdrawal of the motion or just put in the motion that we'll wait a year to bring it up.

Stephane Van Gelder: I would much rather you propose that second solution as a friendly amendment that could go in the first (unintelligible). And I'm not happy with withdrawing the motion, because that feels to me like a copout, but I am happy to see a proposed friendly amendment from you on doing this and see where we go with that. Can you just put some words together and send it to Marika while we're - there's still a lot of people in the queue, so you'll probably have time.

Jeff Neuman: All right, I'll try.

Stephane Van Gelder: Thanks. Yoav?

Yoav Keren: Yes, first I just wanted to apologize for being late and I just wanted to make sure that everyone noticed that I've seconded the motion so we can vote on it.

Stephane Van Gelder: Thank you, Yoav. Wendy?

Wendy Seltzer: Thank you. I think that the NCSG would prefer to see this motion discussed face-to-face at San Jose, so we would propose to defer consideration of this to the next meeting.

Stephane Van Gelder: Okay, motion is deferred. We've can still continue with the queue though - no, (David's) got his hand down, so there's no one else in the queue. The motion is being deferred. David is back in the queue. Go on, David.

David Taylor: Sorry, Stephane. No, I was just going to say I think there's a certain sensibility in what Wendy said there, because by the 14th of March, we'll know anyway what the RAA position is. So I mean, that does

actually make it sensible, perhaps, to defer it by a little bit. I'm not sure about whether - a whole year, but that seems sensible to me.

Stephane Van Gelder: Okay, Jeff?

Jeff Neuman: Yeah, can I get an explanation as to - I still don't understand how the RAA discussions affect this at all, because the RAA discussions are with the registrars who are by definition required to have thick Whois essentially on their Web sites unless there's some privacy law that would prohibit it. Really, thick Whois is talking about the registry level and so can these guys help me understand why - what the relationship is there?

Stephane Van Gelder: Yeah, that's the point I was making earlier on. I don't understand it either...

((Crosstalk))

Stephane Van Gelder: Go on, sorry.

((Crosstalk))

Man: Yeah, that's what it is, the Whois verification in the RAA, but it's just - because we don't know what's coming out of that. It's intriguing to see, so I mean, once we see what's coming out you may well be absolutely right, so then that makes complete sense.

Stephane Van Gelder: I mean the point that the BC made to me was that they felt, quote, they had a worry, and I'm paraphrasing from memory so Zahid or (John), please come in and step and correct me if I'm wrong. But my

understanding is that you felt that there was some possible effect of this motion on the RAA - sorry, that the RAA negotiations could possibly have an effect on this motion's subject matter. And I did not see why - I think Jeff just explained that he has the same question...

((Crosstalk))

Zahid Jamil: Hi this is...

Stephane Van Gelder: ...so I don't understand why...

Zahid Jamil: Stephane, this is Zahid. Can I go ahead and...

Stephane Van Gelder: Please do, yes, Zahid.

Zahid Jamil: Great, thank you. I mean, first of all there is various moving parts with the Whois generally speaking, so that stands as it is. Secondly, it's our understanding that there is a possibility that registrars will not share the Whois data with the thick Whois or a central database, and this can only be enforced if their new consensus policy requiring that data sharing is adopted, and that can only take place with a PDP.

That's one of the things that we were discussing, and so from that perspective, it requires a consensus policy and the PDP has to do it. In the meantime, while the RAA contract is being negotiated, we don't want that to be prejudiced.

Stephane Van Gelder: Okay. Marika?

Marika Konings: Yeah, this is Marika. I'm just actually looking for a clarification from David whether his amendment, which I've now added as a resolve clause, is intended to be a resolve clause or a whereas clause.

David Taylor: Probably a whereas, I think.

Marika Konings: Okay, I'll do that.

Stephane Van Gelder: Can we take that - I mean, that's a good point. The amendment shouldn't be in the motion. I haven't accepted it as friendly, and we have time now to discuss both David and (Jeff's) proposed friendly amendment, so let's take that time and work through it. Wendy?

David Taylor: Sounds good. I'll leave it in brackets so we don't forget it.

Stephane Van Gelder: Yep, yep, thanks. Wendy's put her hand down, so it looks like we've come to the end of this discussion and we'll move on to IRTP, the recommendation eight. And we have a motion here that's been made by Yoav, and this motion is the result of discussions that we've had in previous meetings and we had a motion that was presented at the 19th of January meeting that was withdrawn. There was a feeling that more time was needed to refine this, so we have a new motion being presented today that's yet to be seconded, so I will second it for the record, and I'll ask Yoav to read it to us, please.

Yoav Keren: Yes, thank you, Stephane. So whereas, on June 24, 2009, the GNSO Council launched a policy development process on IRTP part B addressing the following five charter questions - whether a process for urgent return resolution for a domain name should be developed as

discussed with the SSAC Hijacking Report, whether additional provisions on undoing inappropriate transfers are needed, especially with regard to disputes between a registrant and a domain contact. The policy is clear that the registrant can overrule the domain contact, but how this is implemented is currently at the discretion of the registrar.

Whether special provisions are needed for a change of registrant when it occurs near the time of the change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases. Whether standards or best practices should be implemented regarding use of registrar lock status, when it may, may not, should, should not be applied.

Whether, and if so, how best to clarify the narrow reason number seven, a domain name was already in locked status provided that the registrar provides readily accessible and reasonable means for the registered name holder to remove the locked status. Whereas, this PDP has followed the prescribed PDP steps as stated in the Bylaws, resulting in a final report delivered on May 30, 2011. Whereas, the IRTP Part B Working Group has reached full consensus on the recommendations in relation to each of the five issues outlined above.

Whereas, in relation to recommendation number eight to the GNSO Council and resolved at its meeting on the 22nd of June to request ICANN staff to provide a proposal designed to ensure a technically feasible approach can be developed to meet this recommendation. Staff should take into account the IRTP Part B Working Group deliberations in relation to this issue. Okay, the goal of these changes is to clarify why the lock has been applied and how it can be changed.

Upon a review of the proposed plan, the GNSO Council will consider whether to approve the recommendations. Whereas, the ICANN staff developed the proposal in consultation with the IRTP Part B Working Group, which was put out for public comment, that was on November 22nd. Whereas, no comments were received as part of the public comment forum and the proposal was submitted to the GNSO Council.

Whereas, on 10 January 2012, the IPC has provided its comments to ICANN's staff proposal. Whereas, the ICANN staff has provided an updated proposal based on the IPC comments. Whereas, the GNSO Council has reviewed and discussed the ICANN staff proposal in relation to IRTP Part B recommendation number eight.

Resolved, the GNSO Council recommends to the ICANN Board of Directors that it is (adopting) the implemented IRTP Part B recommendation number eight and the related ICANN staff updated proposal as described in the link provided. That's it.

Stephane Van Gelder: Thanks, sorry, coming off mute. Thanks very much, Yoav. Do we have any questions or comments on the motion, please? Alan?

Alan Greenberg: Yeah, it's not a question on the substance of the motion, but the process, and I'm not criticizing it but I'd like clarification. At what point did we change the process that we do not recommend something to the Board until we have an implementation plan? The new PDP process implies that as before the GNSO recommends policy changes and then an implementation is done, and we seem to inverted that order in a couple of the IRTP things.

And I'm wondering what the background is on that. I'm not sure it's a bad idea but I'm not quite sure how it came about.

Stephane Van Gelder: Marika?

Marika Konings: This is Marika. To clarify, this is not an implementation plan, this is actually just a more detailed proposal on how the recommendation would look in practice, because when it comes to implementation there's some other things that would need to be considered, you know, timelines to be provided for implementation, technical aspects. So this actually, you know, the Working Group discussed these recommendations but didn't feel compelled in going into the more detailed aspects and therefore requested ICANN staff together with the Working Group to come up with a proposal, and that's how the sequence emerged.

Alan Greenberg: Okay, thank you.

Stephane Van Gelder: Thanks to you both. Any further questions? Hearing or seeing none, any opposition to a vote, Marika, on this motion? Glen, please do a voice vote.

Glen de Saint Géry: I'll do that, Stephane. All those in favor of the motion please say aye.

Man: Aye.

Man: Aye.

Man: Aye.

Man: Aye.

Man: Aye.

Man: Aye.

((Crosstalk))

Glen de Saint Géry: Is anyone opposed to the motion? Would anyone like to abstain from the motion? Hearing no abstentions and no opposition to the motion, the motion passes unanimously, Stephane.

Stephane Van Gelder: Thank you very much to you all. Thank you, Glen, for doing that vote. So we'll move on to item five, and this is an item about the JIG and as we'll all recall, I'm sure, this is an initiative that has two sponsoring organizations, us and the ccNSO.

A while back, we approved sending some communication to the Board on this. The ccNSO have since then proposed - or said that they had some issues, and proposed sending a letter that they had drafted, and that I had sent to the Council list so that you could have the letter that was being proposed. It's being put upon the Adobe by Marika right now.

So this agenda item is really to - for us to agree on a way forward. Do we want to send the letter that the ccNSO is proposing as a joint letter, i.e., one that would be sent by the GNSO and the ccNSO? Do we not want to do that, in which the ccNSO is saying they will send their own letter?

And if we go down that route, what do we want to do? In order to help get us up to theme, I've asked the JIG Co-Chair Edmon Chung to be with us and to update the Council on this, and he's kindly agreed so Edmon, thanks very much for doing this and please update us on this.

Edmon Chung: Thank you, Stephane, and I guess you've just pretty much provided a - the gist of the situation, I think. I guess I'll go straight to the point. I think the original letter was drafted from the Working Group and the ccNSO had a look at it and in fact they responded by saying that in principle, they agree with some of the concerns. They then went on to draft a letter that I would say encapsulated in broad strokes the few issues that we have identified in response to the Board action on the single character IDN (TLD's) issue.

And I guess although with a slightly - oh well, I should say, a much softer tone and perhaps a weaker urgency for a response, that I guess in general it does encapsulate some of the main ideas that we are requesting, that the group would like to see the Board to respond on. So I guess my feeling, especially this being a joint Working Group, I'd somewhat suggest or recommend the Council to consider, you know, taking the initiative that the ccNSO Council took upon themselves in rewriting the letter and go forward with it as a joint letter. I guess failing that, if we feel that's not the case, we could, as Stephane mentioned, we could consider our options or of next - our actions. Hello?

Stephane Van Gelder: Sorry, I'm trying to get - thanks, Edmon. So let's open this up for discussion. Jeff?

Jeff Neuman: Hi, this is Jeff. The - I think given what we've talked about a lot with cross-constituency working groups and joint groups, to the extent that we all agree with the sentiments expressed with the ccNSO, and as Edmon said, that it's broadly in line with our views and certainly, you know, maybe a little bit - maybe not as strong as we have had it and maybe not as - with the sense of the same urgency, I do think that signing this letter would be a good idea. We can always urge on our own, faster timelines, with our discussions with the Board in Costa Rica or elsewhere. But I think the tack should be that we should sign this.

Stephane Van Gelder: Thank you, Jeff.

Zahid Jamil: Stephane, this is Zahid, I...

Stephane Van Gelder: Zahid?

Zahid Jamil: Yes, please. Should I go ahead?

Stephane Van Gelder: Yes, please.

Zahid Jamil: Thank you. I just wanted to say that on behalf of the BC, we would support the issuance of this letter. The expansion of gTLDs to IDN users and, you know, TLDs to be able to use a single character IDN, you know, especially if that's the most appropriate for the linguistic community being served - so we would support this. Thank you.

Stephane Van Gelder: You would support this letter, this letter being the joint letter, correct?

Zahid Jamil: The joint letter, yes.

Stephane Van Gelder: Yes, thank you.

Zahid Jamil: Yes, absolutely.

Stephane Van Gelder: Yes, Yoav?

Yoav Keren: Yeah, I would just - I wanted to say that I have the view as Jeff. I think we should, although it's not exactly what we wanted, it's still a very important issue for those communities that this is relevant, and I think we should support and sign this letter.

Stephane Van Gelder: Thank you. Any further comments? Can I ask if there is any opposition to us signing - cosigning this letter and sending it to the Board along with the ccNSO, the joint ccNSO - GNSO letter, that is being put forward by the ccNSO?

I'm hearing no opposition, sounds like we have approval. I will take the instructions from the Council and go ahead and cosign the letter and get it sent. Thank you very much.

We'll now move on to the Costa Rica weekend and the agenda for that weekend that has been worked on by Wolf to a very large extent. Wolf has been putting in a tremendous amount of effort into this. Thank you for doing that, Wolf, and I'll hand it straight to you to present the agenda to us and make us aware of any issues that you have with it.

Wolf Ulrich-Knoben: Yes, thank you, Stephane, Wolf speaking. So following the discussion we had last Council meeting, and so I've rearranged the

agenda. So - and in discussion with the other presenters as well, and I tried well to put it together in a certain logic so that we have some - maybe have some blocks which have a context to each other.

And as you - (unintelligible) briefly (unintelligible) first the Saturday agenda, so we have the major blocks in the morning, discussion about the IOC and Red Cross names, and this is - this will consume one hour, and the - as well as the discussion about Registration Accreditation Agreement, the status and the further movements we will have on that. Then on Saturday as well, the GNSO (unintelligible) discussion, you remember that, we had the presentation given by - historical presentation given by (Liz) last time, and - on the basis of this.

So we will have a discussion about what should be done in the future with that. And then we have three - in the afternoon, the work to be presented by the different working teams which are still (unintelligible), IRTP and the Cross-Community Working Group, which will be - also it will be a challenge not to discuss what shall be done in the future with that, and other working teams as well in the afternoon of Saturday.

On Sunday, we have a now shortened introduction of the new PDP, which is very useful, I think, some of which will be done by Marika (unintelligible) after the new PDP has been accepted here by all the institutions at ICANN. And so it is very useful for all of us, I think, so that the - we'll get this presentation to understand what is going on with that. We had a discussion about new gTLDs, there were different opinions whether at this time a session about new gTLDs is valuable or not.

We decided yes, it should be, and especially, we had some - I had filed on the - following our discussion in the Council leadership, the items which we discussed at IP clearinghouse implementation, (EBO) implementation, batching and (Jeff's) implementation as well. So - and I'm still expecting a response and information by (Kurt), but I think this will be done as well. Then we had to move a little with The Board discussion and they put The Board discussion with The Board at lunch time.

Which is not bad, but (unintelligible) usually we have a discussion about our potential motions at lunch time. So because of the constraint, The Board has its own schedule we put this (unintelligible) in this part. And as well there will be the debt discussion on Sunday, on Sunday afternoon as well.

I'm still - would appreciate some input for - of items to be discussed both with this The Board and the GAC as well with the CCNSO and on Monday we'll have her a lunch time discussion as well. So these are my requirements and my requests for that. And we will have on Sunday, two radio teams to for an exchange and for getting input about their reports and their in exchanged food items from the SSR review team and as well so WHOIS review team at the end of the Sunday session.

So I do hope that you will have as much as many as possible (unintelligible) team members available to help opportunity. Okay. This is about the review team so we think that the number is 1, is 1 meeting SSA team advising commenting on my security and (unintelligible) as well.

To talk about actually (unintelligible) half and the exchange (unintelligible) on that and talk about the future corporation (unintelligible). So (unintelligible), yes (unintelligible) thank you.

Stephane Van Gelder: Do I have any questions for Wolf, you have your hand up. And then we will then discuss the agenda (unintelligible) with the Board and (unintelligible) GNSO, which was on the agenda. Which Will just alluded to, so let's have questions on other topics first.

Woman: Thanks (unintelligible). Just a real quick question about the funding (unintelligible) and session introduction to the PDP. It well actually I should take, back track and thank Wolf for this schedule. It's full and it really covers a lot of the very important things we've been working on. So thank you so much, I know it was a lot of effort.

But the question on the morning of Sunday's session with, I guess the question really is, not so much do we need this but at (unintelligible) the morning we always are somewhat likely to be there (unintelligible). So if this intended as something for the counsel primarily, is that something new that we need discussion for?

It is something that's meant for the community. Is this the best time or use of our time.

Wolf-Ulrich Knoben Yes, (Stephen), Wolf speaking. So the intention-, as you can recall we had a big change in the Council last-, at the last meeting. So (unintelligible) new members in Council may be not so familiar with PEP, there's a new PEP as see all the Council members. Members like me and yourself and so that's was none of the reason, major reason to put it say on the agenda.

So to put all Counselors on the same level, so this regard to the PEP. Regarding the public it's - we did that in the past we they presended the PDP before they put it on my public common as well. Though, I'm happy to have as many as positive people also on the (unintelligible). But I will see and it's just only a half an hour.

It is also, it is mainly for ourselves.

Woman: Thank you.

Stephane Van Gelder: Thanks Wolf. Let me just highlight our debt here Marika. Well it's already been said, but I think it's important to highlight that we are shifting the agenda here slight from what we've done, what we've pended to do in the recent ICANN meeting weekends that we've.

Towards actually focusing on actual GNSO Counsel work during the weekend and putting updates and general explanations by drafting teams and working groups. Towards the open Council meeting on Wednesday, while at the same time keeping a very careful eye on making that open Council meeting as exciting as it can possibly be.

So (unintelligible) work that's going on here. There's a lot of thought going into both making our weekend as productive as possible for the Council. We've said in the past (unintelligible), we've have a tendency to lose sight of the fact that the reason that the GNSO Council comes to the ICANN meetings early is to work out it's issues. It's to work-, that's poor choice of words. To work on its issues, to work on the issues before it and to actually make some headway there.

And so that the philosophy behind this agenda that Wolf has presented is very much that. Marika?

Marika Konings: Yes, this I Marika. Just to notice rather that session on the introduction (unintelligible) will also be recorded for those that are not able to attend or not incarcerated at that time. And we'll definitely make that available for those interested in learning (unintelligible) about the new PDP, so that others can benefit from the presentation as well.

Stephane Van Gelder: Thank you Marika. And you've also, as you can see on the Adobe for those of you who are connected. We've added key columns on the spreadsheet that's used for the agenda and we show one, the first column is the leader column which is supposed to be the person that take the leading role in just managing the session.

And that's generally the GSNO Council Chair, and the next column is the presenter or the person in charge of delivering the content as it were. So we felt that was a useful guide and as we've done in previous meeting. There will be a little briefing note with each session so that people know what the session pertains to, why it's important to be there, what the points of discussions are.

Any further questions? So let's move on to- and I'll turn back to your (wolf) for the agenda items for the specific meetings that we have for the Board, the DACT and the CCNSO.

Wolf Ulrich-Knoben: Yes, Stephen thank you. This is, well it is still open so I'm-, I think last also I mention at that point. I've-, I would like, you know, before I go back to the, back though the GAC and to the Board. I would like adjust from, from our perspectives.

So, well I can see of most interest here to the GNSO it's time to be discussed. So I know it might vary as well. The closer we come to the meeting and normally I have, we had also in the discussion, the preparation discussion. Sometimes points have to be put in or them on short term then they change the agenda.

But, nevertheless, I would like some points. And let me just say we discuss that in the ISPCP (unintelligible). And so we will have also meetings from the (unintelligible) GAC. And on our agenda there will be (unintelligible) GAC participation as one point. And who is a (curious) the point we all going to discuss. As well as with the Boards, the RAA, and the WHOIS ICANN.

So the question is whether this is toward the entire Council or interest to put on the agenda (unintelligible) institutions. Any ideas appreciate. Thank you.

Stephane Van Gelder: Wolf did you send the agenda items, items that we've looked at to the list? I forgot.

Wolf Ulrich-Knoben: Well we had items on the list but this was, have been items with regards to the new TTLD. It which is on the agenda with (Kurt).

Stephane Van Gelder: I thought we had some boards, some topics, some suggestion topics for the discussion with the Board. Perhaps this will be...

Wolf Ulrich-Knoben: Sorry I missed that, I'm not aware of that. I'm sorry.

Stephane Van Gelder: Okay. Yeah so perhaps we've been discussing the, within the leader theme and we haven't (unintelligible) to the Council. So please, you know, (unintelligible) your contribution requests known to Wolf, Jeff, or myself so that we can put together an agenda for these meetings.

These are I mean really they are crucial meetings. They are meetings were as we saw in recent times a lot of times usually happen. And we need to be will prepared for them. So as much as preparation as we can do in advance that really is useful. Jeff?

Jeff Neuman: Yeah, I just, I thought, I submitted three items and I saw Wolf said, "I'm know you're on the list." The three items that I had suggested for both the Board and the GAC were... Hold on we are getting interference.

Man: Hello?

Stephane Van Gelder: I can't hear you.

Jeff Neuman: Yeah, there's someone speaking the background.

Stephane Van Gelder: Okay.

Jeff Neuman: Okay.

Man: Just carry on Jeff.

Jeff Neuman: Okay. Three items I had on there, one was a discussion on WHOIS review team final reports. Basically, not necessarily on the substance of the discussions but more on the whole notation of, you know, the

bottom of consensus policy process and, you know, there were some statements made by (unintelligible), made by (Rod) in (unintelligible), Department of Commerce, letters are extended from Department of Commerce and others.

Basically implying that all the WHOIS review team recommendation that go to the Board to be voted on an actions taken in the June meeting. But to me and to the Registrars and some others there are elements in there that are actually policy developments. And we want to just basically discuss the point that the review teams great and all they did great work, but it's not a substitute for bottom up policy development.

That was one item. The second item was talking about, the IOT Red Cross obviously that issues is going to extremely important with the GAC and I think as well an update for the Board. And the final issues, I don't know I'm blanking on it right now.

Stephane Van Gelder: RAA, wasn't it?

Jeff Neuman: Oh yes, and update on the RAA.

Stephane Van Gelder: Okay. Yes remember yes okay.

Man: I'd like to say I think those are extremely important and I do thank Wolf again for the preparation of this agenda and I think it does leave in enough time on these subjects to be adequately prepared for those meetings. And also to make sure that anything we discuss to the Council with these organizations, the Board and the GAC are actually brought up in the premeeting so that we know, or have a good

understanding what's going to be said and not be surprised by statements made by certain Counselors that weren't previously discussed.

Wolf Ulrich-Knoben: Okay thank you, Jeff. Wolf speaking. So - okay sorry that I didn't have that from the last meeting but it's now clear. So I will immediately go to GAC and Board with those items and ask for their comments and their input as well from what is interesting to them toward the GNSO and then we will come I think to a conclusion to that. And we'll keep you updated with regard to that. Thanks.

Jeff Neuman: Okay and reading from the chat it seems like Stephane has been disconnected and is asking For Glen to hopefully...

Glen de Saint Géry: Yes.

Jeff Neuman: ...dial him back. Glen, are you able to do that?

Glen de Saint Géry: He's being dialed out to.

Jeff Neuman: Sorry, say that again?

Glen de Saint Géry: He is being dialed out to.

Jeff Neuman: Okay. So, Wolf, did you have anything else - you talked about the Board and the GAC. Were any topics mentioned for the ccNSO meeting?

Wolf Ulrich-Knoben: For the ccNSO - well I'm in contact with the ccNSO but not yet we have not yet fixed any points about that. So if there is some point of

interest here from our group, from the GNSO, so please let me know. So what - which items could be discussed with the ccNSO.

Jeff Neuman: Yeah, I'll turn it back over to Stephane. Thank you.

Stephane van Gelder: Yeah, thanks, Jeff and Wolf; got disconnected. Didn't hear the rest of the discussion but it sounds like we have exhausted this topic have we not? I think we have so we'll move onto Item 7; Red Cross and Olympic Committee.

And as you know we have a drafting team working on a charter to see how we can do what we've been asked to do by the Board which is to protect the Red Cross and Olympic Committee names under the new gTLD program.

We felt - the group felt that it wanted to update the Council on its work so far so I will hand it over to Jeff to do just that.

Wolfgang Kleinwachter: Stephane, this is Wolfgang. I just want to say that I'm now online. I was a little bit late because I left the hospital only today. And I'm sorry that I'm late. But I hope Item 7 is the right moment to jump in. Jeff, go ahead. Thank you and sorry for being late.

Stephane van Gelder: Thanks, Wolfgang, for letting us know. And sorry to hear that you were in the hospital but hope you're okay. And we'll carry on then with Jeff.

Jeff Neuman: Okay thank you, Stephane. Yeah, so first I want to just remind everyone what we did is we formed this drafting team to basically

provide advice to the GNSO in its interactions with the GAC on this very issue.

If you all recall the GAC had submitted a proposal back after the Singapore meeting last year on how to handle International Olympic Committee names and Red Cross Red Crescent names that weren't addressed in the Board resolution from Singapore. And they had recommendations related both to protections at the top level as well as protections at the second level.

We have had a number of productive calls, I believe, on this subject. And, you know, it started out a little slowly as most drafting teams and working groups do. But I think once we decided to separate the top level recommendations from the second level recommendations I think we started to really make some progress at least at the top level.

The rationale for addressing the top level first should be pretty obvious. But, you know, we're in the middle of the application period and if there's going to be any affect given or any proposal made on the top level those need to be in and approved and to the Board immediately or as soon as possible so that they can do something by the close of - before the close of the application period for any entities that are affected.

So the timeline forward - and then I'll go through some of the substance - the timeline forward is that we hope to have and finish up discussions with top level protections at the Costa Rica meeting and also having motions by the GNSO to approve the recommendation of the drafting team that we can send it to the Board by the time the Costa Rica meeting ends.

And I completely understand that that is extremely aggressive; it's probably faster than the Council has moved on most things before. But I see no other way, you know, if we wait until after that meeting then the time period for the - or the application period will be closed.

So I know we have a practice of deferring a lot of motions, you know, definitely for good reason but I wanted to provide an update on the substance as to where we are so that it would enable us to act at the Costa Rica meeting.

We intend to have a call with representatives of the GAC before the Costa Rica meeting. This is not an official GAC GNSO meeting but councilors will be invited to attend along with anyone interested from the GAC to - on this issue.

Any opinions expressed by GAC members on this issue will not be taken as official GAC positions or even official positions from the governments. The goal is really to give them an update so that they are better prepared - we're all better prepared - for the discussions in Costa Rica so that we can reach a final resolution at least with respect to the top level.

With regard to the (unintelligible) level again the GAC had submitted their proposal along with a question and answer document which was extremely helpful in assuring people that, you know, this only relates to the Olympic Committee and to the Red Cross names; that it was not intended to cover any other organizations; that these were really unique in respect that there are multiple treaties and statutes around the world protecting Olympic and Red Cross marks.

That they were different than other types of famous or even other international - internationally protected marks even by treaty like some of the - I'm forgetting the terms now but basically some of the pharmaceuticals and other marks that have some sort of protection and letters that have been received in recent weeks by ICANN. This really only refers to the Olympic and Red Cross marks.

And the proposal we have right now that we're trying to better shape and finalize is an option where we would recommend protections at the top level for Olympic and Red Cross marks as sort of a modified reserve names list.

Right now if you look at the Guidebook essentially the protections are only for the exact matches of the few marks that are listed in the Guidebook; there is no string similarity review that's done.

So if the mark that's protected is Olympic with - that ends with a C but someone applies for Olympics with a C-K-S or an X at the end there's no string similarity review done so those would still go through. And so, you know, we've obviously discussed that at length with the group.

And, you know, we're leaning towards a proposal to apply a string similarity review but if something is found that have string similarities in the way that the Guidebook defines how that process works there'd be some opportunity for the applicant to demonstrate that it has rights or legitimate interest in that string that it's applying for.

And so we're just working on finalizing the mechanics around that and plan on presenting that status update to the GAC. I think I forgot to

mention hopefully that call will be set up in the next couple weeks; either the last week of February or the first week of March for the Costa Rica meeting.

So I think we're making some really good progress on that. There's certainly been some good discussions on the list. And, you know, I'm excited that I think we can hopefully come to a consensus on this and - that strikes the appropriate balance and that we'll be discussing further in Costa Rica.

That's the...

((Crosstalk))

Jeff Neuman: Yeah.

((Crosstalk))

Jeff Neuman: ...take any questions. So I'd be happy to take any questions.

((Crosstalk))

Stephane van Gelder: So any questions? It appears not, Jeff. I think you were very clear.

Jeff Neuman: Well can I ask - not because I want to lengthen this meeting but could I ask a question? Does the timeline I've laid out sound like it's something that we can do? Is there anything else I can do to make sure that the Council and all the constituency groups have enough time to consider everything?

You know, I really think it's essential that we finalize this in Costa Rica so I'm just looking for input as to ways to make it easier for councilors to be able to (unintelligible). Okay.

Stephane van Gelder: Thanks very much, Jeff, for doing that. So let's move onto the last item on our standard agenda which is the liaison to the ccNSO which is something that I have to apologize for dropping the ball on after Olga Cavalli had left the Council at the end of the (AGN) in Dakar.

I kind of missed the fact that we needed a new ccNSO liaison. And so Glen kindly reminded me of the fact so this - I wanted this on the agenda for this meeting. We should either appoint someone or someone needs to volunteer. Let's open this up for discussion straight away and see first of all if anyone would like to volunteer for the position or ask any questions. Rafik.

Rafik Dammak: Yes, Stephane. I understand that for discussion but I would like to volunteer if it's (suitable) and...

((Crosstalk))

Rafik Dammak: Yeah, thanks.

Stephane van Gelder: Sorry I cut you off there.

((Crosstalk))

Stephane van Gelder: ...okay thanks - thank you, Rafik. Rafik has volunteered. (Unintelligible).

Yoav Keren   Yeah, I would be also happy to volunteer for this I don't mind, you know, and we don't need - it's not a big issue. I just wanted to get a little more information what exactly is the liaison supposed to do? So I understand it's connecting with the ccNSO but practically what is done?

Stephane van Gelder: The liaison keeps up informed of what's happening on the ccNSO Council and in the ccNSO world, community. So things like new ccNSO members, any specific decisions that might impact us for joint working groups. For example like the JIG the liaison might inform us of situations that (unintelligible) has arisen for example so things like that.

Yoav Keren   Okay.

Stephane van Gelder: So you're volunteering too so we now have two volunteers and no clear plan towards resolving that situation. I'm certainly not going to choose. Anyone have any suggestions on what we do here? Do we put them in a room and see who comes out first or alive or whatever?

Yoav Keren   I'm okay with (unintelligible) Rafik wants it, it's okay.

Stephane van Gelder: Say again.

Yoav Keren   I'm okay for - if Rafik really wants this no problem I will withdraw; it's not a big issue.

Stephane van Gelder: Okay very gracious of you, solves the problem. Is there any opposition to Rafik being ccNSO liaison? Hearing none, Rafik, thanks for volunteering; you've got the job.

Rafik Dammak: Thank you, Stephane and thanks to (unintelligible).

Yoav Keren   Okay.

Stephane van Gelder: So we do not have any other business on the agenda. Is there anyone that would like to bring anything else to the Council's attention under this general item? In which case I am happy to say that we finished early and I would like to thank you all for your participation. And speak to you all - well see you all next month in Costa Rica. Have a safe trip, everyone, and we'll see you there.

        Thanks, bye.

Man: Bye.

Man: Thank you, bye-bye.

Man: Thanks, Stephane. Thanks everyone. Bye-bye.

Man: Bye.

END