Transcript
GNSO Council Teleconference
17 November 2011 at 20:00 UTC

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http://audio.icann.org/gnso/gnso-council-20111117-en.mp3
on page
http://gnso.icann.org/calendar/#nov

List of attendees:

NCA – Non Voting - Carlos Dionisio Aguirre
Contracted Parties House
Registrar Stakeholder Group: Stéphane van Gelder, Mason Cole, Yoav Keren
gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao- – absent, apologies, proxy to Jeff Neuman
Nominating Committee Appointee (NCA): Thomas Rickert – absent, apologies proxy to Mason Cole

Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Zahid Jamil, John Berard and Osvaldo Novoa Brian Winterfeldt, David Taylor.
Non Commercial Stakeholder Group (NCSG): Mary Wong, Wendy Seltzer, Joy Liddicoat, Wendy Seltzer, Rafik Dammak, Bill Drake, Wolfgang Kleinwächter.
Nominating Committee Appointee (NCA): Lanre Ajayi

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

ICANN Staff
Liz Gasster - Senior Policy Counselor
Julie Hedlund - Policy Director
Rob Hoggarth - Senior Policy Director
Margie Milam - Senior Policy Counselor
Marika Konings - Senior Policy Director
Brian Peck - Policy Director
Berry Cobb – Policy consultant
Glen de Saint Géry - GNSO Secretariat

David Olive - VP Policy Development - apologies
Rob Hoggarth - Senior Policy Director - apologies

Coordinator: Please I'd like to remind all participants this conference is being recorded, if you have any objections you may disconnect at this time, you may begin.

Stéphane Van Gelder: Thank you very much, welcome everyone to this GNSO council call. And we will start by roll call Glen if you can do that for us please.

Glen Desaintgery: Yes certainly Stéphane. Good morning, good afternoon good evening everyone. On the call we have Jeff Neumann, Ching Chiao is absent and he has given his proxy to Jeff Neumann. Mason Cole, not yet on, Yoav Keren, not yet on the call.

Stéphane Van Gelder?

Stéphane Van Gelder: Yes.

Glen Desaintgery: Thomas Rickert is absent and he has given his proxy to Mason Cole. Zahid Jamil?

Zahid Jamil: Here.

Glen Desaintgery: John Berard?

John Berard: Here.

Glen Desaintgery: Brian Winterfeldt will be a bit late but he will be on the call. David Taylor?

David Taylor: Yes, here.

Glen Desaintgery: Osvaldo Novoa.

Osvaldo Novoa: Yes, here.

Glen Desaintgery: Wolf-Urich Knoben.

Wolf-Ulrich Knoben: Yes, hello.

Glen Desaintgery: Bill Drake?

Bill Drake: Yes.

Glen Desaintgery: Wendy Seltzer.

Wendy Selzer: Here.

Glen Desaintgery: Wendy?

Wendy Selzer: Sorry, I'm here.

Glen Desaintgery: Mary Wong? Not yet on the call, Joy Liddicoat, not yet on the call either, Wolfgang Kleinwachter?

Wolfgang Kleinwachter: Yes I'm here.

Glen Desaintgery: Lanre Ajayi?

Lanre Ajayi: Yes, I'm here.

Glen Desaintgery: Carlos Aguirre.

Carlos Aguirre: Here.

Glen Desaintgery: Alan Greenberg will be late coming on and I have not heard from...

Alan Greenberg: I'm on.

Glen Desaintgery: Oh hi Alan, sorry I see you just on now and for staff we have Margie Milam, Marika Konings, Berry Cobb, Julie Hedlund, Liz Gasster, we have apologies from David Olive and Rob Hoggarth and myself Glen Desaintgery. Over to you Stéphane, thank you very much.

Rafik Dammak: Glen, I think you forget me, it's Rafik.

Glen Desaintgery: Oh Rafik I'm very sorry, yes of course we did forget you and you are on the call, yes.

Stéphane Van Gelder: Okay thanks very much Glen and once again welcome to you all. Yes, who's that?

Glen Desaintgery: Joy Liddicoat has just joined, our new member.

Stéphane Van Gelder: Who's trying to...

Glen Desaintgery: Joy Liddicoat from New Zealand.

Stéphane Van Gelder: Okay, welcome Joy so we have...

Wolf-Ulrich Knoben: Stéphane?

Stéphane Van Gelder: Yes, who is that?

Wolf-Ulrich Knoben: Sorry, it's Wolf speaking, I just have a short question with regards
                     to the proxies. I'm not sure because I heard that Mason Cole is holding
                     two proxies today if I'm right. So and I wonder whether this is okay with
                     the rules or not.

                     So I'm not just quite sure about that but I would like to raise this point
                     and ask whether everybody is sure about that.

Stéphane Van Gelder: Glen who's Mason holding for?

Glen Desaintgery: Mason is holding a proxy for Thomas Rickert.

Stéphane Van Gelder: And for Ching Chiao isn't it?

Glen Desaintgery: No, and Jeff Neuman is holding a proxy for Ching Chiao.

Wolf-Ulrich Knoben: Oh sorry, so I was wrong. Thanks.

Stéphane Van Gelder: Okay thanks. So let's move on to 1.2, statements of interest,
                     updates and we've had some for Laura, Wolfgang, Joy, Thomas and
                     Brian. Those are all new councilors and I would remind incoming
                     councilors that SOIs are expected.

Yoav, Mason, Osvaldo if you could try and submit yours as soon as possible, I know.

Osvaldo Novoa: This is Osvaldo, I submitted mine a couple of hours ago because I was traveling and I arrived today to my country.

Stéphane Van Gelder: Thanks very much for doing that. So just Mason and Yoav, Glen if you can give them a reminder seeing as they're not on the call now, and at this time does anyone else want to submit an SOI update?

Hearing nothing, let's move on to 1.3, does anyone want to review or amend the agenda at this time? So hearing nothing, you can see on the agenda when the minutes from the previous meeting were approved and a link to those minutes will be added as soon as the new council 26 of October meeting minutes are approved.

Anything - anyone have any comments with regard to item one? Good so we'll move on to item two and our standard look at the pending projects list.

And you can see on the agenda the summary that I have put in of the differences between the pending projects list, the version that we have now and the previous version and there's not much change.

Basically there's only one change in other activities which is a one item that was deleted and apart from that no change. Anyone have any comments or questions?

Liz Gasster: Stéphane it's Liz, I'd like to make a quick comment please.

Stéphane Van Gelder: Please Liz.

Liz Gasster: Thank you. I just want to reinforce that many of the items that were taken on in the last two GNSO council meetings are quite labor intensive, staff is actively working on the issue report on the thick WHOIS topic and the issue report that's been requested by the board and you'll hear more about this on the RAA.

So just as you consider the topics and activities going forward I want to reemphasize that we are challenged to keep up with the work load and continuing to find this review of the pending projects list important because it does help remind everyone on the demands that are current placed on both staff and the community right now as we move forward.

So just reiterating that at this time, thanks.

Stéphane Van Gelder: Thanks Liz for making that point. Any further comments? Move on to item three then and a look at the motion. Considering our approval of the outreach task force charter. Now I hope that all of you were able to see the email I sent to the list on November 14.

We have specific situation with this motion because both the maker and the seconder of the motion, the motion was made by Olga and seconded by Debbie are no longer council members at this time.

Now if you remember the motion was the third once at the previous meeting which is why we find ourselves in this situation today and we have had a close look following a question that John asked about this situation.

We've tried to ascertain the possible options that we could look at in dealing with this motion, we have put the question to general council and the answer was that there are no specific elements in the bylaws that would help guide us.

So in the email that I sent I proposed a few options that the council might want to consider tonight as it looks at this motion and just to remind councilors what they are and those people that haven't had time to see my email, first thing might be to request two new sponsors for the motion.

And I believe that Bill has sent an email volunteering to sponsor the motion. Another option would be to request an exceptional second deferral to give everybody proper time to consider what to do.

This would be exceptional and I would ask the council to support this move if it was decided that the move was the right thing to do, or of course we can vote on the motion and that's not an either or.

I mean if the motion has new sponsors then we can still vote, decided to vote on it and consider that it was valid, sent in on time, that there are new sponsors that we can consider it.

So those are some of the options that we have in front of us, before we look at the motion itself I would like to get a sense of what people want to do so I will open it up for discussion at this point and I see that John has raised his hand.

John Berard: Thank you Stéphane, I realize we're sort of in odd territory here. Certainly the business constituency doesn't have any objection to

outreach and in fact the business constituency as do each of the other organizations inside ICANN conduct such outreach.

The reason that we asked in Dakar, that Zahid asked for the deferral was because the business constituency had a couple of I guess serious concerns with the drafting team's work and with the motion and the thought was that we could engage the discussion between then and now.

What none of us thought about was the fact that neither Olga nor Debbie were going to be around to have the discussions. And so it became an oh my goodness what are we going to do now?

That's the procedural part of it. Substantively the business constituency has got a position that outreach should be conducted by the individual constituencies inside ICANN.

That it is best left to the registries and the registrars and the business constituency and the at large to identify and recruit and expand in each in their own community so as to create a stronger platform for the consensus drive multi stakeholder bottom up process.

And so there's a central objection to the not that there be some sort of centralized command and control approach to outreach.

The other concern that we have and I think you probably have gotten this from the - my involvement certainly but the business constituency's involvement in recent years is a desire to have - do some data gathering before we make decisions.

And as I look - as we looked at the motion and as we looked at the work of the drafting team it struck us that we were putting the cart before the horse and in a note that I think I sent to everybody objective three would seem to be the one that we should focus on first before we go down any further path.

And try and understand what outreach is being done before we begin to think to change it. And so my suggestion would be either to - in an extraordinary fashion defer this one more time so that it can be recast in a way that reflects the need today to gather the data before we move forward.

And then to say that if this particular motion is put forward that I would be compelled to vote against it not because of opposition outreach which I think is essential for the organization but because as I said I think it's putting the cart before the horse. Thank you Stéphane.

Stéphane Van Gelder: Thank you very much John, so we have one suggestion to defer a second time and we have Bill wanting to speak.

Bill Drake: Thank you. I wasn't in Dakar so I don't really - I haven't talked to anybody from the BC about what they're doing and why, I only have John's message to go on.

But I have to say I was slightly puzzled about it because - well for several reasons I guess. I mean one is John I mean there's the line that you've used now twice about centralized command and control.

I'm hard pressed to see how a diverse group with balanced regional representation can be called centralized and with one staff liaison it's not like a big bureaucratic Stalinist apparatus.

And command And control, I mean the charter doesn't say as far as I can tell that only the task force can do outreach, it doesn't say that the task force can tell stakeholder groups and constituencies what to do.

Or that its efforts preclude them from undertaking any other initiatives, etcetera. I mean I see no reason why stakeholder groups and constituencies can't work in tandem with a collective process and coordinate and share information but still be playing crucial roles and doing their own particular outreach.

I mean the point of doing it collectively seems to me aside from the obvious point about economies of scale and activity and avoiding you know duplication and so on, is that there's a level of collective awareness of what we're all doing, you know?

There's the possibility of identifying patterns, good practices and you know engaging in dialogue with each other and actually you know working together to figure out you know who are we not tapping that we could be tapping?

That strikes me as something that's properly a collective activity and doing it in fragmented silos, I don't see how that makes it better.

And I guess the other - my procedural point I guess would be you know this was a long process of development and rewriting, Olga and those

folks they kept coming back to us and they rescaled it a number of different times based on our input.

Seems to me that the time to have rejected the whole enterprise would have been a lot earlier than now. We're sort of at the eleventh hour, the thing has been laying around forever.

In fact the councilors are gone, so you know it seems to me the timing is a little weird to do this like that and frankly just doing the one objective doesn't even make sense to me.

I mean you have to do one and two in order to do three anyway and once you've done three to not do the other bits seems just a really strange process.

So I'm just really puzzled by the idea that this is some kind of really negative or new idea when this has been a long discussion with a lot of community participation and it's a model of collaboration, not a cross stakeholder group basis which is precisely the kind of thing we need to do.

And it ought to be a topic where in fact we're able to get along and agree on stuff. So you know it might actually even be fun, so anyway I'll stop there.

But I don't get the argument.

Stéphane Van Gelder: Thanks Bill. I have John, Zahid and Wolf.

John Berard: Bill I appreciate everything you say and perhaps I am as much doing some anticipation as I am reaction. I was not in Dakar either, but the notions of - you know I have no idea right now how much collective awareness and patterns you know sharing of information goes on.

I believe that a fair bit of it does. And so you know when I looked at this as it was finally put together I thought well you know I think maybe we are getting ahead of ourselves here because I know from the business constituency's point of view that we are very active in terms of outreach.

And I know from some other constituency's point of view that they are very active in outreach, we share information and I don't want to be naïve to think that you know so I said centralized in the sense of - and suggested a certain command and control.

I mean budgetary matters do drive a lot of decisions and my feeling is that do we want to create a centralized mechanism that could have a dampening effect on the efforts of the individual organizations.

And I'll leave it at that.

Stéphane Van Gelder: Thanks John. Zahid?

Zahid Jamil: Hi, thank you. First of all I just want to say that you know there's tremendous work that was done by Olga, we need to recognize the fact that even though she's not on the council the good work that she has done with respect to this which we all recognized in Dakar.

I - as an individual from a developing country I think it's important that we have outreach and the more outreach we have in all the different stakeholder groups within the GNSO council makes it even more important.

So I am in support of having an outreach process. I think what is - has been expressed by John is a concern in anticipation that maybe what we are setting up is a centralized mechanism which may preclude the stakeholder groups may somehow not allow them to get certain findings which might otherwise be made available.

This is the sort of concern that some of the folks in our constituency were concerned about. I think that if we can clarify just as Bill has said within this motion or in the charter or elsewhere that this does not preclude constituency stakeholder's groups from being supported by ICANN to do their own outreach or for them to do their own outreach.

I think that may be very helpful and also to say that this does not in any way create a system which every stakeholder group or constituency will have to take guidance or instructions from, it's just a coordinating role.

I think that may help. I do not want to see something which is so useful to everybody in the council to be defeated. I'd like to ensure that this sort of a process does move forward but with the sort of safeguards that I just mentioned because that may help some of the people in our membership.

And I know that many of these people in other constituencies may have similar concerns, but I think they're only restricted to what I just

mentioned and maybe if we could address those by slight amendment, maybe some sort of friendly amendment that might be very helpful.

So just wanted to come out there and again say this is not about trying to basically block out reach and I am not in favor individual from - in some form defeating this process. Thank you.

Stéphane Van Gelder: Thanks Zahid, you mentioned friendly amendments and that gives me an opportunity to say that unless this motion is sponsored by other people and the council decides that is okay if we go ahead and vote on the motion as is with the existing sponsors then we won't have any friendly amendments.

We'll have amendments that will be deemed unfriendly because the people that made the motion can't accept them as friendly. So we would be getting into all sorts of complications but maybe we don't need to jump ahead of ourselves too much.

Maybe we can resolve this in some other way and we do have a request from the BC to have a second deferral so I will be after we've had this discussion asking the council whether there is approval for that or not before we decide what to do next. Wolf?

Wolf-Ulrich Knoben: Yes, thank you. Speaking for the ISP, so we discussed the matter as well and we've be supportive of all these outreach efforts and the work which has done as well.

However we have a problem with the draft charter itself so it's about the draft charter, in two points. The one is to some extent which John

was mentioning with regards to more broader outreach effort, broader than by the constituencies, stakeholder group has done.

So the question to others here if we would stick on the constituency and stakeholder group outreach as well and we would like to stress a point that the charter should more focus on the added value which could be given by these more general outreach which is intended here.

If you added value to that one which is done by the constituencies and stakeholder groups this is one point and in this context the charter itself to our opinion goes far beyond which - to what was intended originally.

Because it is not very clear, the borderline between the GNSO oriented outreach which was the intention originally and in - versus an ICANN outreach so the charter is in many points is going very far beyond that.

And it seems to me and us that it is looking for an ICANN outreach rather than a GNSO oriented outreach. This is one point, the other point is how it is intended to organize this outreach effort in a kind of OTF which is called the outreach task force, which if you look to the charter, could be a group of more than 40 or even more people sitting together and discussing this matter.

And I'm wondering if we are wondering how this takes effect and this makes really efforts that were - what is intended. So these are the points and I would like to support, well to defer a second time this motion.

The question for me and this would be discussed whether a deferral until the next council meeting might be enough or even because there

is - we have then the upcoming Christmas time, and whether we need more time to resolve.

Thank you.

Stéphane Van Gelder: Thanks Wolf. To that point I would stress that the council does also have the ability to simply vote on the motion and if the council doesn't feel comfortable with it to vote it down.

So I don't think we can ask for an indefinite deferral of a motion, I don't think anything in our procedures intends for that to happen, if a motion has been made and has been made in a valid way.

But let's see what happens with this first deferral request. I have many people in the queue so could I ask you to please be as brief as you can, especially those of you who have already spoken. Bill?

Bill Drake: That was very deftly put Stéphane, thank you.

Stéphane Van Gelder: It wasn't aimed at you sorry, that was a poor way of doing things.

Bill Drake: That was very nice, thank you. Okay, I will speak very briefly. But this is in response to three different CSG colleagues. If I understood what Zahid was saying in particular there's a concern I gather that the CSG or the BC would like to get some funding to do outreach and use this as somehow precluding that and so he was suggesting an amendment.

If it's really necessary to have an amendment saying this does not preclude any requests by constituencies or stakeholder groups, personally I have no problem with that.

But it would seem to me it's not obviously why that would be needed either because I don't see the presumption that it precludes that being built into it.

But again just this language about centralization and dampening and all this kind of stuff, I have to say with all due respect I feel like we're back in the early discussions of JAS.

You know we support applicants support, just not this applicant support and we could drag this thing out a long time. This was cooking for a long time, it was a big group of people that worked on this for a long time. I just don't understand why now at the eleventh hour we're doing this.

I'm baffled. Thank you.

Stéphane Van Gelder: Thanks Bill and once again please guys keep it brief, Alan is next.

Alan Greenberg: Thank you. As someone who spends a lot of time trying to get people involved in GNSO activities who are not already - who don't already have it within their DNA anything like this would be welcome.

And I do urge the council to adopt this or adopt something like it very quickly. I'm a little bit puzzled by all of the concerns when I read over

the actual objectives in the charter, they sound rather innocuous and they don't sound particularly threatening.

So even if the concept is I don't think what is actually being proposed is particularly threatening so I would really like to see this happen and happen soon. Thank you.

Stéphane Van Gelder: Thanks Alan, Rafik. Rafik are you on? Okay we'll go to Jonathan and then come back to Rafik.

Rafik Dammak: Stéphane?

Stéphane Van Gelder: Oh yes, Rafik please go ahead.

Rafik Dammak: Sorry. Okay, I will be very brief. I worked on that work team which proposed it was the recommendation for the global outreach program.

And it was work for now more than two years and the draft team wants to take time to work on this charter. So it's a really long time for it and they thing all the constituency and stakeholder groups have enough time to discuss and to make the call in.

So it's really this is they can see us how do I call this, our remark and to ask for a defer I really don't understand. And also don't really understand to see this - that cause the kind of centralization. It's not, it's just a way for the community to share practice and to work together to have a better outreach program and to bring more people.

So let's vote for this motion and let's - this task force really to start working and to make more new blood to the ICANN community. Thank you.

Stéphane Van Gelder: Thanks Rafik, Jonathan.

Jonathan Robinson: Thanks Stéphane, I guess my point is if it is to be - it sounds like there's the possibility of making some minor adjustments during a deferral.

My only slight confusion is how do those given that we understand why (unintelligible) the friendly amendments can't be made, I'm just wondering how any slight changes might be made to the motion if it is deferred.

Or if we're just moving it further down the road to vote on it anyway in which case we might as well vote on it.

Stéphane Van Gelder: One thing that's for sure is that if the motion is deferred we will still need to have the new sponsors for it, so I think that is clear and there's no debate there.

The debate is whether some groups are requesting more time and I think given the exceptional circumstances of this motion that is an option that we owe it to ourselves to consider.

So I don't think it's deferring to find a fix for the fact that the councilors who made the motion are no longer on the council. Whatever happens if we look at this motion and consider it we will have to have new sponsors for it.

Jonathan Robinson: Thank you, that clarified the point. So if it is deferred we'll need new sponsors in which case it can be potentially modified with friendly amendments made to those new sponsors, so that helps clarify, thanks Stéphane.

Stéphane Van Gelder: And we do have a new sponsor in Bill, we'd need a new seconder. So Lanre.

Lanre Ajayi: Yes, I think the (unintelligible) of options I missed the last one, the motion looked good to me. And I think it's a compliment to whatever the effort in making another (unintelligible) groups currently is mutually exclusive.

I think the complimentary so I think the motion should be supported and (unintelligible) fastest we are going about it is to get a new sponsor, (unintelligible) when we have someone volunteering to sponsor it, give it a route to go to get a new sponsor, move forward about it.

I wish if motion be encouraged, because (unintelligible) is required in the - in Africa, forget Africa in case it be processed. And I'd like to inform you for the charter, page four of the charter the last paragraph I noted that representation of the graphic work representation will be in the group.

Africa is mentioned, I don't know whether that is an omission, if you refer to that paragraph you'll probably understand what I'm saying. It's recommended that it would be two minimum representatives from each ICANN geographical region.

And four regions were mentioned, I can't find Africa there. I would like that to be confront and (unintelligible) communication to made, that would be fine. Thank you.

Stéphane Van Gelder: Just to explain Lanre what you are referring to is work that was done by the team itself so the council has two choices, either approve the work or send it back and ask the group to review certain points.

We cannot make the modifications ourselves, I don't think that's what you're implying but I just wanted that to be clear. I have Wendy now in the queue and then I'll cut it off there.

We'll have to consider what to do and that may bring more discussion so we need to move on. Wendy.

Wendy Selzer: Thanks, I'll be brief and merge this with the next, I think we should recognize that the great deal of work that went into this motion and vote on it at this meeting without - and if we need to take further steps because it fails let's do that.

But I think we should vote and move forward.

Stéphane Van Gelder: Okay, thanks. So let me first go to the BC request and ask at this time is there any opposition to doing a second deferral on this motion?

Bill Drake: Stéphane this is Bill. I guess I do.

Stéphane Van Gelder: Okay. In that case is there any opposition to Bill becoming the new sponsor of the motion? Do we have a seconder for the motion?

Jeff Neuman: Stéphane, this is Jeff, just a point of order or clarification, are we going to vote or - on the whether to defer it or not or are you just now if there's opposition there's no deferral?

Stéphane Van Gelder: Yes, I don't think that there's any bylaw consideration for a vote on this kind of an issue so our practice is to only move ahead if there was no opposition. Is that okay Jeff?

Jeff Neuman: Well I was the one who wanted the deferral but just because there's some good arguments on both sides and I would hate to vote it down.

So I don't know what the rules are in this case, so I'll leave that up to you Stéphane.

Stéphane Van Gelder: Once again just to stress this point, we are in uncharted territory so I'm afraid you'll have to accept that I have to guide the ship through the storm and I'm okay to taking a vote on the deferral but it's something that we've absolutely never done in that way on this kind of an issue.

We vote on motions, we vote on amendments, but if - when we propose a way forward for an exceptional circumstance, someone on the council disagrees then we honor that disagreement and do not move forward in that direction generally.

Man: I agree.

Stéphane Van Gelder: Who was that?

(Morris):   (Morris) was speaking, I agree to that.

Stéphane Van Gelder: So is there a seconder for this motion?

Joy Liddicoat: Joy Liddicoat here, I'm happy to second this motion.

Stéphane Van Gelder: Thank you Joy, in which case I won't ask Bill to read the motion but perhaps just the resolve clauses Bill if you could. Actually the resolves are very short. Bill are you there?

Bill Drake: I'm sorry, I thought I turned my mute off and I hadn't. Resolve that the GNSO council approves the draft charter, thanks the OTF drafting team for its efforts on this important initiative and dissolves the OTF drafting team.

Resolve further that the GNSO council requests to seek volunteers for chair and vice chair of the OTF.

Stéphane Van Gelder: Thanks Bill. Now is there any opposition to doing a voice vote on this motion at this time? Hearing no opposition.

John Berard: No, no, I think we should vote on it.

Stéphane Van Gelder: We are voting on it.

John Berard: Well now I mean...

Stéphane Van Gelder: You want a roll call vote?

John Berard: I would like a roll call vote.

Stéphane Van Gelder: Okay, Glen please do a roll call vote. There are two people speaking at once.

Wendy Selzer: I was just asking who was that, this is Wendy asking who...

John Berard: Wendy it's John.

Wendy Selzer: Thank you.

Stéphane Van Gelder: Glen please go ahead.

Glen Desaintgery: I will do a roll call Stéphane, thank you. Rafik Dammak?

Rafik Dammak: Yes.

Glen Desaintgery: Wolf Ulrich Knoben.

Wolf-Ulrich Knoben: Abstain.

Glen Desaintgery: Wendy Selzer.

Wendy Selzer: Yes.

Glen Desaintgery: Zahid Jamil.

Zahid Jamil: I abstain.

Glen Desaintgery: Jonathan Robinson.

Jonathan Robinson: Clarify, are we voting for the existing motion?

Stéphane Van Gelder: Yes.

Jonathan Robinson: I'll abstain.

Glen Desaintgery: Thomas Rickert so may I ask Jeff - Mason Cole to vote for Thomas please.

Mason Cole: Abstain.

Glen Desaintgery: Jeff Neuman.

Jeff Neuman: Yeah, I'm going to abstain.

Glen Desaintgery: David Taylor.

David Taylor: Yes.

Glen Desaintgery: Mary Wong.

Mary Wong: Yes.

Glen Desaintgery: Lanre Ajayi.

Lanre Ajavi: Yes.

Glen Desaintgery: Brian Winterfelt.

Brian Winterfeldt: Yes.

Glen Desaintgery: Stéphane Van Gelder.

Stéphane Van Gelder: Abstain.

Glen Desaintgery: Yoav Keren.

Yoav Keren: Abstain.

Glen Desaintgery: Wolfgang Klandester.

Wolfgang Kleinwachter: Yes.

Glen Desaintgery: Osvaldo.

Osvaldo Novoa: Abstain.

Glen Desaintgery: Mason Cole for yourself.

Mason Cole: Abstain.

Glen Desaintgery: William Drake.

Bill Drake: Yes.

Glen Desaintgery: Osvaldo? Oh sorry, you did abstain. Ching Chiao so may I ask Jeff
                    to vote for Ching please.

Jeff Neuman: He'll abstain.

Glen Desaintgery: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: I abstained.

Glen Desaintgery: Oh sorry, I see that yes. Joy Liddicoat, who have I left off?

John Berard: This is John you haven't called on my name yet.

Glen Desaintgery: Yes, John sorry.

Joy Liddicoat: You haven't called on Joy either.

Glen Desaintgery: Joy, that's right, John first.

John Berard: (Unintelligible)

Glen Desaintgery: Sorry what was that John?

John Berard: John Berard.

Glen Desaintgery: Yes, what do you vote?

John Berard: Well I'm compelled to vote no.

Glen Desaintgery: Joy Liddicoat?

Joy Liddicoat: Yes with emphasis.

Glen Desaintgery: Zahid Jamil, abstained, sorry. Have I called everybody now?

Rafik Dammak: Rafik.

Glen Desaintgery: Rafik voted yes.

Rafik Dammak: And I have a point of order.

Stéphane Van Gelder: Go on Rafik.

Rafik Dammak: So many abstentions but I think the rule or the procedure that we need
                      to know...

Stéphane Van Gelder: That is correct, after the vote has been taken so if you just
                      let Glen work through it.

Rafik Dammak: I think the vote (unintelligible) that's why, okay.

Stéphane Van Gelder: Carry on Glen.

Glen Desaintgery: There are nine yes votes in the contracted party house, in the non-
                      contracted party house was three abstentions and in the contracted
                      party house there are seven abstentions.

Stéphane Van Gelder: Glen can you call out for people to motivate their abstentions
                      please.

Glen Desaintgery: I will indeed. Jeff Neuman.

Jeff Neuman: Yeah, so the reason I abstained is I think there are good arguments on both sides. I think that from what it sounds like Zahid strongly believes that there could be a clarification added and that once that clarification is added that it can be approved.

WE very much want to see this outreach effort go forward and so like I said I would have preferred a deferral to actually get the motion on the table that everybody feels comfortable with.

But unfortunately and I didn't want to vote no, so that was the only choice I felt I had.

Glen Desaintgery: Thank you. Jonathan Robinson.

Jonathan Robinson: Essentially the same as Jeff.

Glen Desaintgery: Thank you and for Ching Chiao Jonathan.

Jeff Neuman: It's actually me, it's Jeff and same reason.

Glen Desaintgery: Oh sorry, yes. Thank you. Mason Cole your reason for abstention please.

Mason Cole: Exactly the same as Jeff and I would underline again that I agree about the importance of outreach but abstained for the same reasons that Jeff did.

Glen Desaintgery: Thank you. Stéphane your reason for abstention.

Stéphane Van Gelder: My reasons are that I believe there was a strong desire by some to have just a little more time to consider the motion itself. And I don't think that deferring it for one meeting would have made much difference to the outcome.

SO I think we should have entertained that request for a little more time in these exceptional circumstances. Thanks.

Glen Desaintgery: Thank you. Yoav Keren.

Yoav Keren: Kind of the same reason as the others.

Glen Desaintgery: As the same as Mason or as Stéphane.

Yoav Keren: Mason.

Glen Desaintgery: Mason, thank you. Zahid Jamil, your reason for abstention please.

Zahid Jamil: Thank you, my reasons are I cannot be more eloquent than what Jeff has mentioned and what Stéphane said so it would be sort of both, thank you.
'
Glen Desaintgery: Thank you. Wolf Ulrich Knoben, your reason for abstention please.

Wolf-Ulrich Knoben:Yes, in addition to what was said in my view the charter is not - there is space for improvement in this charter because it goes far beyond point which was intended for GNSO outreach. Thank you.

Glen Desaintgery: Thank you. And Osvaldo your reason for abstention please.

Osvaldo Novoa: The same as Wolf.

Glen Desaintgery: Thank you. So the motion has nine yeses in the non-contracted party house and it does not pass in the contracted party house.

Stéphane Van Gelder: Therefore it does not pass Glen, is that correct?

Glen Desaintgery: Yes.

Stéphane Van Gelder: Thank you very much, therefore the motion does not pass and we will now try and get the timing of this meeting back on track but I think it was important to spend a lot of time on this item which was a complex issue that we've not had to deal with many times before.

So let's move on to another item where we are considering a motion, two motions possibly on the UDRP and the possibility of starting a PDP coloring the issue report that was produced by staff.

We have a motion that was made by Mary and before we open up discussion on the motion itself Mary can I ask you to read your motion resolve clauses please.

Mary Wong: You can except I think I've lost the page so if folks will bear with me. Actually if somebody else can do it that would be great, I'm at an airport and at a bit of a loss.

Stéphane Van Gelder: okay, so be it resolved that the GNSO council approves the initiation of the PDP on the UDRP and the establishment of a working group on UDRP review. Resolve further that the drafting team that will be formed and charged with developing a charter for the working group

on UDRP review take into account the diverse possibilities for working group modalities and work phasing and resolves further that the charter for the working group specifically task the working group with considering one, related issues and recommendations raised by the post expiry domain name recovery PEDNA PDP working group which were adopted by the GNSO council as recommendations to the ICANN board of directors at its meeting on 21 July 2011.

And two, recommendation number seven of the IRPP part B working group which the GNSO council at its meeting on 22 June 2011 received and agreed to consider when it takes up consideration of the final issue report on the current state of the UDRP.

And three, such other similar issues and recommendations as it considers appropriate. With that I will open this up for discussion. Does anyone have any comments, questions on this motion?

Mary Wong: Stéphane it's Mary can I just jump in?

Stéphane Van Gelder: Yeah Mary go ahead.

Mary Wong: Yeah because I'm not on Adobe so I can't see who else has raised their hand. So this is just to maybe give a little bit more background and explanation although I think it's pretty clear that what this motion tries to do is take into account the complexity of the task.

Also take into account the fact that certain things may need to be done later, for example after the launch of the new gTLD program, but that since there have been certain issues that have already been identified that might well be dealt with prior to that, this motion tries to take all

that into account and start the PDP which we all know is going to be a huge and complex task.

And make that more manageable and in addition where the working group and the drafting team is concerned it seemed to make sense that a small team like the DT would be best placed to scope out exactly what those short term or medium term issues might be.

And what some of the procedural issues that we could work on right away might be as well. Thank you.

Stéphane Van Gelder: Thanks Mary, Jeff.

Jeff Neuman: Yeah, so obviously I proposed an alternate motion if this one does not get through for a number of reasons. But I'm not going to bring that up now, I guess one of my question for - one of the differences between the motion aside from starting a PDP on the UDRP now versus 18 months which mine says, there's reference in here on the work on PEDNAR which I don't have in my motion.

And I was looking through the PEDNAR report and although I saw a mention of UDRP in there I didn't really see any concrete recommendations from PEDNAR to do anything with respect to the UDRP.

And so maybe I can ask Mary or Alan actually, people who headed the group or Marika I think who supported it, you know what is it in the PEDNAR working group report that would actually be addressed in a PDP? Because I missed it or I just didn't see it so can you help with that?

Mary Wong: I'm happy to defer to Marika or to Alan on this. What I did was I picked up on the motions that we passed I guess whenever that was and you're right, I don't actually recall any specific recommendations.

It's a little different from the IRTP part B working group so maybe Alan or Marika somebody else can illuminate us.

I guess the point also that I should have made earlier is to the extent that folks might be inclined to propose friendly amendments I certainly would be happy to consider them.

Stéphane Van Gelder: Both Marika and Alan have their hands up so which one of you can help us?

Alan Greenberg: Ladies first.

Marika Konings: Yes, this is Marika, I can maybe clarify what was in the motion that the council adopted some time ago because basically the language that was in there basically requested that as part of the implementation of the post expiration recommendation that staff would take into account any exceptions that might be needed to accommodate UDRP policy requirements.

So there were actually no - as far as I recall and then I'm sure Alan will correct me if I'm wrong, there were no recommendations as part of the PEDNAR effort that asked for anything to be you know considered or in the form of a PDP in relation to the UDRP.

The only thing it did was basically highlight to staff to really make sure that you know once the implementation language would be drafted that it wouldn't contradict or contravene anything that related to the UDRP and provide for exceptions if needed.

Stéphane Van Gelder: Thanks Marika, Alan.

Alan Greenberg: Yeah, I think that's basically correct. It is conceivable that during the PEDNAR implementation something could be found where there was a real conflict between PEDNAR and UDRP and a change would have to be made potentially to UDRP.

But the PEDNAR group didn't expect that to happen. None of us are really experts on the UDRP which is why we deferred it to expert staff to look at during the implementation.

We didn't expect any real conflicts although the wording would have to be careful so that UDRP issues were not overridden by PEDNAR which was the real concern and the need to refer to UDRP in it.

So yes, it's possible something could come out of it, nothing is known at this point and we weren't really expecting anything. Thank you.

Stéphane Van Gelder: Thanks Alan, Jeff.

Jeff Neuman: Yeah, thank you guys. So on the substance of the motion I think you know we've had as a council this has been a controversial item that we've been discussing for quite some time now and you know we have gotten advice from the governments, we've gotten advice from the ALAC.

And so you know the final issue report did have a strong recommendation about waiting 18 months until after I think in my motion I used some different language. But essentially 18 months after the delegation of the first TLD in order to give some of the new rights protection mechanisms a chance to play out and evaluate those as well.

And I really think as a council we need to strongly consider the views of others in the community that they've expressed to us but at the same time make it clear that every policy should be reviewed.

And you know there's no policy that should be immune from that review process simply because it's something that someone believes shouldn't be changed at all.

Because again an outcome of a review process can be just that, that no changes are recommended. So you know the registries are voting no to this particular motion for that reason.

Stéphane Van Gelder: Thanks Jeff and just looking at the discussion on the chat, Glen is Joy's name on the motion as seconder? There seems to be some doubt around that.

Glen Desaintgery: On the first motion?

Stéphane Van Gelder: Yeah, Mary's motion was seconded by Joy?

Glen Desaintgery: No, it's not there yet.

Stéphane Van Gelder: If we can update that, Joy please go ahead.

Joy Liddicoat: Thank you Mr. Chairman, just a point of clarification and thank you for your input Jeff, that's very helpful. I'm hearing - what I'm hearing is that the contracted parties are concerned about the commencement dates, the proposed commencement date of a PDP on the UDRP as opposed to the commencement of a review process itself.

And I just raise this point now because the second motion although we'll come to it actually proposes a new issue report rather than a new PDP. SO a point of clarification, I'm wondering if the proposed motion was amended to refer in its resolution to a specific time period within which the proposed PDP would commence.

Whether that would satisfied or meet the concern which Jeff just raised. Thank you.

Stéphane Van Gelder: Thanks Joy, Jeff.

Jeff Neuman: Yeah I think there's - so the time was one issue. I think the second issue that we heard loud and clear was the issue that if there is going to be a review the review should also take into consideration the other rights protection mechanisms that will be in place for the new gTLDs by that point in time.

So you are correct that we do ask for new issue report, I'm sure that the ICANN staff can borrow greatly from the existing issue report that's out there, but there will be new things to consider once the new rights protection mechanisms are in place.

And so that report will need to be updated. We were also concerned with saying we're going to start the PDP process right now because there are bylaw provisions that require certain things to immediately start once you approve the PDP.

And you know those are not things that the GNSO council can put a stop to, so it's not something that we could just cure by saying start the PDP now but have a due date in 18 months, it's a little more fundamental than that.

Stéphane Van Gelder: Okay thanks Jeff, any further comments? Any opposition to - sorry, who was that?

David Taylor: So David here, I've got a comment, I'm not on Adobe, I'm afraid I got kicked out but happy to go after anyone else.

Stéphane Van Gelder: You're last in the queue David and I'll cut it off after you.

Mary Wong: Wait, wait, there's me.

Stéphane Van Gelder: Who is you?

Mary Wong: it's Mary.

Stéphane Van Gelder: Oh Mary, I can't see your hand either, you're not connected. So David and Mary and then proceed to a vote if possible.

David Taylor: Mary do you want to go first or I don't mind, whichever.

Stéphane Van Gelder: Go ahead David, just get on with it.

David Taylor: Okay, so then on the PC side we agreed that it would be the idea of having an 18 month period in that, in the whole idea of actually looking at the RPMs and what they do, that seems to me to be the key thing.

How they're going to be used and what their effectiveness is so we've got to look and we like that bit in Jeff's motion so we're quite keen to go with Jeff's motion. I don't know either you can transpose those into Mary's motion easily etcetera but we do have a friendly amendment which I'd like to propose from Jeff's bit.

So that would integrate into Mary's bit if we integrate Jeff's to Mary's if you see what I mean.

Stéphane Van Gelder: Okay so I suggest that we go to that if Mary's motion fails, is that okay?

David Taylor: That's absolutely fine, just want to make sure I said that so you got it.

Stéphane Van Gelder: Thanks. Mary.

Mary Wong: Yeah, and Stéphane thanks, actually I would be curious to hear what David's suggestion is because certainly I'm amenable and I think my folks will be amenable to integration in a way that achieves at least some of the objectives of both because I and we completely understand where Jeff and the registries are coming from.

At the same time I think the concern about putting it out for at least if not 18 months, it's 18 months to an issue report and then from the issue report there is the vote so any (unintelligible) as possible, there's

not a PDP at that point or that the PDP won't take place till two years out at the earliest.

So there's one concern, and the other thing as to the ALAC and GAC advice and (vetters), I don't think those necessarily consider the possibility of some kind of phased review where the procedural stuff and things to fix current practices pending for a substantive review or some other way.

So I would certainly be interested in trying to figure out if there's a way we can achieve at least some of those.

Stéphane Van Gelder: Fair point, David do you want to tell us what your amendment might be?

David Taylor: Certainly can, yeah. I mean it ties in literally to that point there that the - I think what we need to be looking at here is assessing how the new RPMs work and their effectiveness so the link, the timing, from the delegation of the first TLD we think - and I think that could be improved.

You know to something - because what we don't want to have is an issues report even playing with what Mary says there, an issues report that comes out saying well there's been so few new gTLDs here that have actually launched or we've had so few decisions that we can't actually take any view or conclude anything with this issues report because we're missing those.

So the friendly amendment would be to the effect that the - keeping Jeff's wording that resolve further the GNSO council requests a new

issues report on the current state of all the protection mechanisms implementing for both existing and new gTLDs including but not limited to the UDRP and URS is all fine, should be prepared with staff commencing the drafting of this report 18 months after the publication of - and this I'm happy to discuss - of at least 100 UDRP or URS decisions that cover at least ten new gTLDs.

Such report should be noted to the GNSO council within four months of that trigger date and that's really just to get at that we actually talk about the RPMs rather than one being triggered, one TLD in the root.

Stéphane Van Gelder: Thanks David, Marika did you manage to capture that as a repetition by the way in the resolve further there's a new twice.

David Taylor: There is, yeah.

Marika Konings: Yeah this is Marika, I saw that but if you can email that that would be great. I think I noted most of it down but...

David Taylor: I'll send you an email on that no problem.

Marika Konings: Just as it relates to Jeff's motion, right?

David Taylor: Yes, that's what we were looking at, that's where the 18 months was in.

Marika Konings: Yeah, if you can just email it to me that would be great.

Stéphane Van Gelder: Mary does that change anything with regards to your desire to put the motion forward?

Mary Wong: Yeah because I don't think - I appreciate it David and I think it does make some sense. I don't think it necessarily addresses some of the major concerns that the non-commercial group has.

Stéphane Van Gelder: Okay so in that case let's continue and proceed to vote on Mary's motion. Does anyone - would anyone be opposed to a voice vote on Mary's motion? Hearing no objection, Glen please proceed with a voice vote on this motion.

Glen Desaintgery: Thank you Stéphane, all those in favor of Mary's motion please say Aye.

Various: Aye.

Glen Desaintgery: Is there anybody opposed to Mary's motion?

Man: Yes,

Man: Yes.

Man: Yes.

Man: Yes.

Man: Yes.

Man: Yes.

Stéphane: Please read out - please say your names if you're opposed.

Jeff Neuman: Jeff Neuman.

Zahid Jamil: Zahid.

Glen Desaintgery: Zahid?

Jeff Neuman: Jeff Neuman.

Glen Desaintgery: Jeff Neuman.

Ching Chiao: And Ching.

Glen Desaintgery: And Ching.

Jonathan Robinson:Jonathan.

Glen Desaintgery: Jonathan.

Wolf-Ulrich Knoben:Wolf.

Glen Desaintgery: Wolf.

Mason Cole: Mason.

Glen Desaintgery: And Mason.

Yoav Keren: Yoav.

Glen Desaintgery: Yoav.

Stéphane Van Gelder: And Stéphane.

Glen Desaintgery: And Stéphane.

John Berard: John Berard.

Glen Desaintgery: John Berard, Zahid for Wolf Ulrich Knoben.

Osvoldo Novoa: Osvoldo (unintelligible).

Glen Desaintgery: Osvoldo, yes.

Brian Winterfeldt: Brian Winterfeldt.

Glen Desaintgery: Brian Winterfeldt. Is anybody abstaining? So those against the motion if I have noted correctly is the entire contracted party house.

And in the non-contracted party house we have five people against the motion, so the motion doesn't pass.

Stéphane Van Gelder: Okay. Thanks Glen, I was just checking the voting thresholds. So (unintelligible).

Glen Desaintgery: What would they have to be?

Stéphane Van Gelder: I'm sorry?

Glen Desaintgery: Normally it has to be...

Stéphane Van Gelder: Thirty three percent of each house or both houses or 66% in one house.

Glen Desaintgery: And there's - okay thank you.

Stéphane Van Gelder: We certainly don't have 33 in both houses, but do you have...

Glen Desaintgery: Do we have sixty...

Stéphane Van Gelder: What's the percentage in the non-contracted party's house?

Glen Desaintgery: In the non-contracted party's house we have seven people who voted for it. Lanre can I check on your vote please.

Lanre Ajayi: Yes please.

Glen Desaintgery: You voted yes?

Lanre Ajayi: Yes.

Glen Desaintgery: Thank you. Yes, so we have seven.

Stéphane Van Gelder: Seven out of...

Glen Desaintgery: Seven out of 13, yes.

Stéphane Van Gelder: We don't have 66% so the motion fails so we now have a friendly amendment being proposed and this is can't be in the chat for

the second motion on this item, Jeff have you been able to look at the friendly amendment, do you consider this amendment as friendly?

Jeff Neuman: Well can we ask for a seconder of the motion first?

Stéphane Van Gelder: I thought Joy you had seconded both.

Joy Liddicoat: No, I seconded Mary's.

Stéphane Van Gelder: Apologies, is there a seconder for this motion?

Wolf-Ulrich Knoben: Yes, I second, Wolf.

Stéphane Van Gelder: Thank you Wolf. Jeff, Wolf would you accept David's amendment as friendly?

Jeff Neuman: Yeah, I'm thinking. The answer is I don't know because this is something that's new from our - from what our stakeholder group considered.

So I'm not saying that it won't ultimately be considered friendly but this motion actually I made on behalf of my group. So I'm still trying to think of what the best way whether to...

Stéphane Van Gelder: There's two options, you either do or don't accept it as friendly or something asks for it to be deferred.

Jeff Neuman: I'm almost of the mind that someone should ask for it be deferred so I can check whether we consider it friendly or not. So I'll let others talk.

Jonathan Robinson: Stéphane it's Jonathan, I'll ask for it to be deferred.

Stéphane Van Gelder: Thanks very much, we have a request for deferral so we will defer and Marika you have a note of the amendment that David put forward I believe.

Marika Konings: Yes.

Jeff Neuman: Can we hear some discussion on this item though because it would be helpful to go back to my group and let them know what others think with this amendment.

Stéphane Van Gelder: Does anyone want to discuss this?

Mary Wong: Yes Stéphane, it's Mary can I get in the queue?

Stéphane Van Gelder: Please do.

Mary Wong: Thank you. So essentially we would probably have asked for a deferral as well had Jonathan not asked for it because we do understand the various concerns, so we're hoping that by getting the deferral between now and the next meeting that we can all work together to find a way to accommodate some of the concerns that the non-commercial group has expressed and hopefully have a motion that we can all agree on the next time.

Stéphane Van Gelder: Thanks Mary, I have Margie next.

Margie Milam: Yeah hi, it's Margie. I just wanted to clarify this and I will bring it up in the next section of the call that one of the RAA negotiation topics

relates to the UDRP and it relates specifically to registrar obligations with regard to the UDRP.

And so as we think about this we may actually start a PDP on that topic sooner than the 18 months in light of the board resolution but we'll talk about that more in the next session.

Just wanted to give you that information as you consider this motion.

Stéphane Van Gelder: Thanks Margie, Joy.

Joy Liddicoat: Yes thank you and thanks for the helpful suggestions for deferral which I agree with, I think this is an important issue and one which merits some opportunity for the various parties to collaborate.

And perhaps bring something back to the next meeting, I did have a question about the wording that might be useful for taking forward into those discussion and one it seems to me that recommendation seven if the IRTP part B working group might be a useful place to commence a piece of phased work around a PDP on the UDRP.

It seems to me that taking on board the very real concerns both of constituents and also staff about the size of this task that delaying the task on mess will only exponentially increase it's size and weight and that taking off workable chunks of phased work might be a more rational and sensible approach to the work and more manageable over time.

And that's a good one it seems to me to start with. Secondly as somebody who's familiar with aspects of human rights and rights

protection mechanisms I did find the wording, the reference to rights protection mechanisms in the last part of this resolution jarred a little bit.

And when I first read it I thought it meant the full gamut of rights protections and what I'm understanding or others seem to be hearing from the discussion is that it's actually in relation to gTLD dispute resolution mechanisms.

And I just wanted to clarify whether that was the case.

Jeff Neuman: Stéphane can I address that?

Stéphane Van Gelder: Sorry, just getting off mute, I have Alan before you Jeff but if you want to address that specific point perhaps.

Jeff Neuman: Yes, just that point, on rights protection mechanisms, I didn't just say dispute mechanisms because I thought sunrise or the effect of IP claims or sorry trademark claims may also figure in to the review as the URS may take that into consideration as well.

So I didn't want to limit it to just dispute processes but I do understand your concern over the broadness of the term rights protection mechanisms.

Joy Liddicoat: Perhaps we can talk about those and come to a suitable wording which captures the narrower range of rights you're referring to and also the context of the resolution.

But we can do that away from this meeting, I'd be happy to help with that.

Stéphane Van Gelder: Thanks, so I have Alan and Jonathan, I'm going to cut the queue off there because we really are running out of time. Alan.

Alan Greenberg: Just a very quick comment on the last sentence of the proposed amendment on delivering the report within four months and I haven't thought through this but there may be implications with regard to the new PDP procedure and the preliminary issue reports that have to be - have to go through a public comment period.

So I don't know whether the four months is a good time or a bad time but we may need some input from staff if this is reasonable or if it should be longer or shorter. Thank you.

Stéphane Van Gelder: Thanks Alan, Jonathan.

Jonathan Robinson: And it strikes me that there might be some variation of David's amendment to think about in the sense that it seems to seek sufficient evidence to work with by these 100 UDRP or URS, at least ten new gTLDs.

But that could have happened within 18 months of commencement of the new gTLD program so staking those up to then say 18 months after those they could occur simultaneously and still achieve the desired effect which is sufficient practical experience of what's going on.

So I think there may be a way of modifying that for David to think about. Thanks very much.

Stéphane Van Gelder: Thank you, and so let's move on now to item five, and we are looking at the Dakar board resolution on the registrar accreditation agreement.

Possible amendments and Margie is going to give us an update on this. Margie please go ahead.

Margie Milam: Sure, Marika is pulling up the document now. I thought it would be useful to give you guys an overview of what happened in Dakar on the resolution related to the RAA.

Oh sorry, my formatting seemed to have goofed up in the upload and let you know what's going on from the staff perspective so you can understand the workload and specifically how it's going to affect the GNSO council, because a lot of this is going to involve work at the council and the community and the GNSO community what we'll need to do.

So essentially in Dakar the board made a resolution with respect to the RAA and it referenced the work that had been done with a law enforcement representative and the RAA drafting team as you guys never called the RAA drafting team had published a final report back in October.

And the - noted that that is continuing to involve the RAA and its views and (unintelligible) to protect registrants and to safeguard the stability of the internet. And it also met the negotiation goal is really to identify

meaningful amendments in the global public interest with respect to twin goals of registrant protection and stability.

So essentially the resolution directed staff to commence negotiations immediately, resulting in amendments to be considered in Costa Rica.

So if you think about that, that's a really short amount of time that staff is faced with negotiating with the registrar stakeholder group given that we've got the holidays coming up with Christmas and a lot of people are out of - you know out of commission during the end of the year, New Years and the like.

And the board resolution specifically addresses that the negotiation should include evaluating the law enforcement recommendation. Some of those are incorporated already into the RAA drafting team final report, so they're a little bit of overlap in these topics.

And it also suggested that there could be other topics included in the negotiation that is against those two goals I mentioned earlier of registrant protection and DNS stability. And then recognizing that probably not all of those topics will be negotiated through this process, it also kicked off a request for an issue report.

And so that's where the GNSO council kind of role is involved in this process because now staff has asked to write an issue report on the quote remaining items suited for a PDP.

And we don't have information on what that means but I think what the board (unintelligible) was that of the items that were discussed the

ones that actually didn't get negotiated through this process, that a PDP would be kicked off on an expedited basis for those topics.

And we also published a draft (unintelligible) when it made this resolution and there's a little bit more information that helps staff interpret the resolution.

Essentially the board conveys the sense of urgency, if you look at the language and I posted a lot of the language here it really - you know you see the word urgency, you see the matter of extreme urgency.

It notes that although these recommendations have been out there for a while there's been no action taken and a very strong statement that the board requires action.

And once the (see) away to rapidly develop amendments for consideration and that's essentially the instructions to staff.

And so staff is dealing with the negotiations and we're also dealing with drafting the issue report to explore the policy alternative for making binding changes to the RAA.

On this slide I really kind of give you a highlight of what's going on from the staff perspective. We see this as two projects on parallel tracks. One project is the bilateral negotiations that are commencing immediately.

We're working on developing a timeline to try to meet that Costa Rica deadline, there's already talk of several face to face meetings in order to do that.

And we're also very careful to make sure that we're keeping the community informed. We're working on a communications plan that will publish shortly that will explain how the community will learn the developments within the negotiations.

And we really you know are trying to enhance the transparency to the process because we know that this project is something that the entire community has an interest in.

And we're also trying to figure out how to address the board resolution because the board resolution talks about the remit side and so we're trying to find a process that would feed into the GNS process whenever a topic has been taken off the table or is not going to be negotiated into the RAA, that somehow the council would be notified so that the PDP could proceed.

And so that's kind of the two parallel paths here. In the meantime because of the urgency reflected in the board resolution we're drafting the issue report on an expedited basis.

We published very quickly, we're following the new PDP format because we're kind of in this you know transition period where the PDP format was - the new model was adopted by the council at the last meeting.

The board is set to convert shortly and so we're going to publish a preliminary issue report either (unintelligible) in the next few days or you know early December, open a public comment forum which would

close sometime in December or January depending upon the timing of the actual release of the preliminary issue report.

To be followed by a final issue report in January 2012, sorry I'll update these slides and republish them. And then because this is a unique situation where the board has requested the issue report essentially the PDP is - you know would become (unintelligible) shortly.

It's one of those situations where the council needs to start a PDP so we don't have a lot of information yet from - you know on how this could be done on an expedited basis.

Even in the new model we don't have an expedited PDP process so this is kind of new territory for us as staff and also for the council.

And so these next few slides, I'm not going to go through them in detail, you've seen them before, they're from the RAA final report.

But the reason why I'm showing them to you is to really highlight the types of issues that we're talking about. And if the issues don't get negotiated through the negotiation process then a PDP is expected to be started on these issues.

And these are pretty serious issues, you know very big policy issues that will require a tremendous amount of staff and volunteer involvement to really flush out the issues that are raised by these topics.

And so we're talking about the high priority amendment topics and there's 12 of them on this slide and next. So they deal with WHOIS, for example reseller issues, proxies, UDRP.

So it's really a broad range of topics, malicious conduct, how to deal with malicious conduct and so I'm just you know showing them to you now so you can understand that these issues are significant and would be kicking off very significant PDPs, one or more depending upon how the issues are presented.

And then there's also the medium priority topics and you can see on this slide we were talking about verification of WHOIS, you're talking about you know service level commitments on WHOIS availability, you know all kinds of concepts that would take a lot of time from a policy standpoint to really develop you know a final report and recommendations for the council to consider.

So like I said we are in a process of publishing the preliminary issue report. Already we've seen a lot of issues that I think the council can talk about today and consider. One of the things I want to highlight is that because the original motion that the GNSO considered in October related to the law enforcement recommendations did pass, I'm essentially incorporating through this preliminary issue report those topics as well.

So that when we do publish the preliminary issue report it will address for example the concern that came in to the GNSO motion about a freedom of impact analysis, I'll have a section that deals with that for example.

Then - and then really for the council to consider is you know what does this mean from a work perspective? Is this something that the council will react to on an expedited basis the way the - consistent with the board resolution.

If so you know how are we going to prioritize our current work plus new work. You know Liz as she mentioned earlier you know always has that concern and then when you really start thinking about some of these issues there's a lot of overlap with existing policy projects.

So obviously we all know there's work being done on WHOIS studies and you know WHOIS surveys. You know how does that impact the PDP that might be started through this process.

The UDRP just as I mentioned before, there's a recommendation that deals specifically with the UDRP, the registrar obligations in connection with the UDRP proceeding so that we might actually end up with a PDP on that topic if it's not resolved through the negotiations.

Best practices for malicious conduct, the project that you know we had talked about in Dakar related to the best practices work for malicious conduct.

Some of those concepts are on the table for negotiations through the negotiation process and might actually you know if not resolved through the negotiation process would mean that we would be started on them.

And uniformity of contracts, that whole work that is pending, that might be something that could be addressed through the negotiation process.

So I'm just highlighting issues that there seems to be some overlap and bringing to your attention the kinds of things we are planning to address in the preliminary issue report when we publish it.

And with that I guess we can stop and take questions.

Stéphane Van Gelder: Thank you very much Margie. So I have Mason.

Mason Cole: Thank you Stéphane, just a question Margie. When you referred to you know expedited PDPs for issues that weren't addressed through negotiation, I just have a point of clarification.

Is it the board's expectation then those PDPs would be prioritized ahead of the PDPs already currently in process in the GNSO?

Margie Milam: Yeah Mason, I don't really know the answer to that unfortunately. You know the resolution talks about urgency in resolving as a matter of urgency but if you flip over to the GNSO council procedures and the new PDP model there was no expedited procedures adopted.

And so we're kind of in this period where you know I guess we could try to do things as quickly as possible through the new process which is why we're walking through the preliminary issue report, you know public comment file issue report.

And that - you know that is a minimum of what, 30, 45, I mean 45 days to a two month time when the project gets kicked off. But you know I don't really know how to interpret the resolution and how that applies to the GNSO prioritization.

Mason Cole: If I may Stéphane just a follow up question on that, is the board contemplated or are they aware of the timelines as a current renewal schedule, the current version of the IA?

Margie Milam: I'm sorry, there was a bit of static can you repeat that?

Mason Cole: Do you know if in contemplating that motion if the board is aware of the current renewal schedule of the 2009 RAA, meaning you know the first one isn't set to expire until I want to say about three and a half years from now.

Margie Milam: Yeah, unfortunately I wasn't involved in those discussions so I don't know what the board was apprised of, I don't know what information they have.

Mason Cole: Okay, thank you.

Stéphane Van Gelder: I have Wendy next who keeps on dropping out of the Adobe but was in the queue before Jeff, sorry.

Wendy Selzer: thank you Stéphane. I wanted to ask about the public transparency and public comment that I saw included in here and I think that's a very important piece of this process.

I want to suggest that it won't slow things down to include time for public comment but rather can increase the speed of the overall process to make sure that all of the public concerns are heard.

As the bilateral negotiations are proceeding rather than having to get caught up at the end with possible blocking or delaying moves then. So if there - I wanted to ask then are there things that we in the community can do to help make that process work smoothly?

Margie Milam: Sure Wendy, as I mentioned we're working on a communications plan and so it hasn't been finalized yet and we're certainly exploring ways to incorporate public comment.

So we'll certainly take that back so that there's an ability for the community to at least provide some input.

Stéphane Van Gelder: Thanks. Jeff.

Jeff Neuman: Yeah thank you Stéphane. Just kind of a clarification I guess over the question but it sounded like one of the things Margie that you said is that if it's not in the negotiation then it may have to go into the PDP.

I would just make the point that even if it is in the negotiation it may still have to be in a PDP because you're only going to get negotiation, the registrars that want to agree to it, actually agree to it.

The only way to force a change if it's within the picket fence is in fact to do it through the PDP. So you may have a duplication of things that are being negotiated by the registrars, but also ending up in a PDP simply

to make those that don't want to agree the new agreement to make them actually implement it.

Then we - my second point is I guess probably the more controversial one which is you know I always like to say something on each one of these calls to be controversial.

But I understand Margie your presentation of how the board wants this expedited. But with all due respect, yes we have to do a PDP on this but it's the council's decision as to whether to expedite something or not.

It's not the board's decision, they're not our board, they're not - you know we don't report to them. There's nothing of that sort so if we can and we think it's appropriate to move faster, then we as a council can choose to do that.

But simply because the board wants it done quickly may not be reason enough and I certainly am sympathetic to you know Wendy's points that in making things shorter we need to ensure that we're not missing any critical steps and we're not missing the public input.

So usually when something's asked to be expedited there's some sort of urgency and some sort of exigent circumstances or an emergency situation.

And I don't think the board is saying it's important to them, it is necessarily something that would constitute an emergency or something that needs expedited review.

Otherwise you know the board could always say something's important and we'll always have to kind of jump at their whim.

So again it's not that I don't think it's important or not, I'm not making that assessment. I'm just saying that as a council, it's our decision as to what is important and what we should do with expediency, not the board's decision. That's it.

Stéphane Van Gelder: Thanks Jeff. Seeing no further hands I will move on to item six and an update from Marika on the non-binding best practices for registrars and registries. Marika?

Marika Konings: Yes, thank you Stéphane, so this is Marika. So just to give you a little bit of background and an update on where things stand, especially for those that were in the - in Dakar and maybe are new to the council as well.

So basically the GNSO council requested staff to prepare a discussion paper on this topic following a recommendation by the registration abuse policies working group.

And staff submitted this discussion paper prior to the Dakar meeting. The paper itself actually outlines a number of issues and questions that from our perspective will need to be addressed through this effort to go further.

And to this end actually the paper recommend to create next steps, you know actually the creation of two working groups. One working group that will be tasked to develop the actual framework for best

practices and a second working group that would actually propose candidate best practices that would fit within that framework.

So the council did have some initial discussion on the paper at its weekend session in Dakar, we also organized a workshop during the week and it was then again considered at the wrap up session and then as people have seemed to note it was obvious that it is considered a priority topic or that was how it was written on the note of that meeting.

So staff actually initially suggested that the council could consider opening a public comment period on this document to get you know community feedback on this topic.

But some have suggested as well if it's part of the discussions we had in Dakar that a way to maybe move faster on this issue, you know noting that it's considered a priority and links in as well to some of the other conversations that were had in Dakar.

That it might make sense to actually move straight to the creation of a drafting team that would develop the charter for the working groups. And this would then allow as well for a drafting sum of the issues that were raised as part of the discussions on the topic, because of course and the framing of the charter, the council could really you know frame how it would like to tackle this issue.

So basically it's now in the hands of the council to decide you know where to go next with this issue.

Stéphane Van Gelder: Thanks Marika, any questions or comments? Nothing? Looks like we won't be deciding then tonight Marika I'm afraid.

But your update is duly noted and I encourage further discussion on the list and further thoughts within the group so that we can find a way forward here.

So let's move on to item seven and an item on cross TLD registration scam and domain (kiting) and you will remember that we had a response to our request from SSAC telling us that they don't see any additional work to be done on this at this time.

And we are on this item also looking for possible next steps from the council on this issue. Marika do you have a short update for us on this as well.

Marika Konings: Yeah, this is Marika again so just as well to quickly recap for those that are new to this issue, this is actually following a recommendation again from the registration abuse policy's working group.

And they suggested that the GNSO council monitor the issues of cross TLD registration scams and domain (kiting) as you know based on their research.

I didn't see any immediate need for any policy activity but they did feel that it might be warranted to monitor the issues and see the perfect time if something needed to be done.

Based on that the council actually asked the SSAC whether they would be willing to consider that and the SSAC came back saying they don't have an operational goal and they're unable to monitor ongoing abuse.

But they did indicate that if there would be further data they might be able to analyze and provide further input in that way. So we also discussed this issue at the wrap up session in Dakar and some council members then actually asked whether there will be a way maybe you know to put a link on the internet website where people would be able to post complaints or try to gather data in that way.

And you know taking that back and you know I think as I already said during the wrap up session as well, you know putting a link on a website wouldn't be that hard, but the real issue would be that by putting something like that, you know providing opportunities for people to file a complaint, it would give the impression that it's something within ICANN's remit to do something about.

And I think as the RAP working group you know researched at the moment there doesn't seem to be anything at that fit under the current contracts or consensus policy that you know would be violated.

So from that perspective we're not really sure whether that would be terribly helpful. I would however like to make another suggestion because if the council is very eager to get further data information on these issues and especially talking about the first one, there is a paper renewal notices drafting team in the process of being created that is specifically going to look at further information and data related to that specific issue.

If I understand correctly that type of abuse is linked or very similar to what happens in the case of TLD registration scam so one option might be for the council to ask that drafting team if in the course of their effort they're going to specifically work or try to work with the registrar stakeholder group to get further information on that issue.

So - and it will be easier for the council to decide what might be appropriate next steps, to maybe also consider cross TLD registration scams and see what information they can gather there.

In addition some discussions were held as well with the ccNSO on this topic in Dakar and I know several community members had some discussions with some of the ccNSO council members that also had direct experience with that type of abuse.

So there might be some further discussions that could be held in that context as well. So that's where things basically stand.

Stéphane Van Gelder: Thanks Marika, any discussion, comments? And if there are none Marika can I suggest that you post the various options that you've just listed to the list so that we can take them forward there.

Marika Konings: Okay.

Stéphane Van Gelder: Thanks. Zahid?

Zahid Jamil: Yeah hi, thanks, I just wanted to say that the option given, the one with respect to that drafting team basically looking into this may be a good option plus I think it's a good idea to sort of reach out to the ccNSO at some stage in some form.

I don't know how we would do that, maybe we do it at the next council meeting where we physically meet on one of our agenda items or maybe earlier, this may be one way to go about it, just wanted to add that. Thank you.

Stéphane Van Gelder: Thanks Zahid. Yeah, I suggest we definitely need to start off with a list of the suggestions that you've made Marika and take the ones that look the best forward. Yoav.

Yoav Keren: Yeah, just my general view on this I do believe since we've been I think talked about it also in Dakar that we've been taking care of a lot of cases of this kind.

And I don't really see a way to find a policy fighting this, it's more market education and maybe some of the other ideas can be helpful. I'm not sure that this is something that we can really do anything at the GNSO level.

Stéphane Van Gelder: Thanks, Marika.

Marika Konings: Yeah this is Marika, I actually just want to Yoav's point because I think it's something that you know also was discussed in the registration abuse working group that you know indeed it's not obvious what kind of policy or you know what kind of violation there would be.

And some people mentioned that it's more in the concept of like deceptive practices, and it might be other you know bodies or institutions that will be more appropriate to deal with that.

So again I think one of the potential outcomes might be is at least maybe asking for more information or you know maybe encourage through the ALAC or through the SSAC to have some kind of communication on these types of abuse and the sort of (unintelligible).

I just wanted to mention as well that of course one other option is for the council just to say look, you know yes we are aware that these issues are going on but at this stage we don't see it as our role, we don't have the capability to actually monitor these issues.

But that doesn't prevent anyone at any point in time to raise the issue again if they see that there is indeed a policy issue and request an issue report or some other kind of mechanism to bring the issue back to the table. I think one of the issues we're looking at here is we're looking of someone to monitor these types of abuses but it's not really obvious within ICANN where that might fit.

So you know I said there's always a mechanism to bring the issue back to the table once someone has data or has information so it can go through the appropriate steps.

Stéphane Van Gelder: Thanks Marika. Sorry, please start with the list of suggestions and we will certainly take that forward. Any further comments?

So John I thought we would not have time to get to this but I'm happy to say that we do. The open council meeting drafting team has been working as we know since Singapore to try and look at possible improvements that we can make to our open council meetings.

And we heard from Adrian in Dakar, we thought it would be useful for us to get an update from John at this meeting on how the group is progressing and whether any input is needed from the council. So John?

John Berard: Well thank you Stéphane. The initial conversation that took place in Singapore focused on how we could make the open council meetings more engaging to the community at large.

And the initial thinking was done by Jonathan, Adrian and I. Jeff ably took up the mantle of propriety considering the kinds of suggestions that Jonathan, Adrian and I might come up with.

And we instituted - we made an initial attempt in Dakar by asking constituencies to offer comment as I sat on the phone listening to the conversation, and in my mind was the soundtrack was the Animals you know don't let me be misunderstood.

I got a sense that perhaps we weren't as clear or as coherent or as concise as we need to be with regard to our intent. So I think this report has two bits.

The first one is we need a replacement for Adrian so any councilor who wants to join we three to make it four to think through options for making the open council meetings more dynamic with regard to the entire community please let me or Jeff or Jonathan know.

And the other is we're looking for suggestions from across the board based upon the transcript, based upon what I heard, Jonathan and Jeff

and I haven't talked about this, we probably need to - the approach we took at Dakar probably didn't yield the benefits that we were hoping.

And so you know it's - we're in a position right now where it is test and measure, and I would say that our first test didn't measure up but that we are committed to continue to bring forth ideas as to how to make these open council meetings more dynamic.

And that would be my report. Jonathan do you have anything that you want to add?

Jonathan Robinson: That's fine from my perspective, thanks John.

Stéphane Van Gelder: Thanks to you both, let's just see if there is a volunteer to step up and fill Adrian's shoes which is obviously an impossible task but worth a try anyway.

Or perhaps if there is someone that is interested in participating in this work please make yourselves known to either John, Jonathan or Jeff and I'm sure they would appreciate someone else joining the group to help them.

Thanks very much John for that update. We'll now move on to - sorry, are there any questions for John? Hearing none and seeing no hands we'll move on to any other business item, we have two items on there, one that's a late addition that's not on the agenda.

But let's deal first of all with the IRTP part C working group approval of co chair and we had a message sent to the council list from Zahid on

November 16 informing us that the working group has selected two co-chairs, James Bladel and Avri Doria.

And the council is going to be asked whether there is approval for those co chairs or not but before we look at that Marika did you have a short update for us on this group?

Marika Konings: this is Marika, basically the working group just started off their meeting, they had their second meeting this week. A very good dedicated group of volunteers actually from the previous IRTP working group, just seems we have a lot of representation, so that's a good thing.

And seeing as a result of that indeed the working group hsa proposed to have two chairs, one from the contracted party house and one from the non-contracted party house to provide that balance.

One of the next steps from the working group is going to be to develop their work plan which once completed they will also submit to the council as required under the GNSO working group guidelines.

And as Stéphane said this point is considering the confirmation of the two chairs that were selected by the group, by the GNSO council.

Stéphane Van Gelder: Thanks Marika so can I ask is there anyone that would oppose the choice of James Bladel and Avri Doria as co chairs of this group? Hearing no opposition, let the record show that the council approves.

And is there any - are there any questions on this from anybody? If not just another item that's come in very late, apologies for that so it's not

on the agenda, but I got an email from Edmun Chung on the possibility of having a motion for consideration at our next meeting on the JIG.

And the message did ask that if we could, if we had time that we could just make a mention of this during the AOB part of this meeting so that has been done.

And if the motion is made, duly made by councilor between now and the next meeting we will be looking at that motion at the next meeting.

So that was just to make sure that everyone knew of this information that came in just a few hours ago.

Are there any further comments on anything in this AOB part of our agenda?

Glen Desaintgery: Stéphane, this is Glen.

Stéphane Van Gelder: Yes Glen.

Glen Desaintgery: May I make just one comment and that is if people are - do approve of the proposed date for the council meetings it would be useful to know so that we can have them posted as soon as possible.

I have got approval from some of the members but there are quite a lot outstanding.

Stéphane Van Gelder: Thanks Glen, may I suggest that we actually turn that round and that we ask if there's any strong opposition please make it known

and perhaps Glen you want to set a deadline for someone making their opposition known.

And if nothing comes in then we'll just assume that those dates suit people.

Glen Desaintgery: Yes, could we make it by the end of next week please Stéphane?

Stéphane Van Gelder: Yep.

Glen Desaintgery: I think that will give people enough time. And the date will be the 25th of November.

Stéphane Van Gelder: Wendy is asking on the chat that you resend the dates and she's also asking about the time zone rotation and have those been changed. Just to address that we did actually talk about that in Dakar, but just as a reminder we have not looked at the time zone rotations again yet.

And there was a suggestion that we continue as is for now, we still have the same issues with people from different time zones in that we still have people from Asia Pac from far away in Australia or New Zealand.

We still have people from Europe, from the States, from Africa so there's still a very wide spread of councilors attending from various parts of the world and the three time zones that we rotate through are meant to make sure that at least one in every three meeting is convenient for most people.

So if there's a proposal in Dakar that we keep to this for now, if there is a problem with that then definitely those people that do have problems with the current time zones should make those problems known so that we can rework them as required.

Any further questions or comments? Hearing and seeing none I can happily say that we finished four minutes early. Thanks very much for your participation everybody and look forward to speaking to you all next time. Bye bye.

Man: Bye bye.

Man: Thank you.

END