

**Transcript GNSO Council Teleconference  
10 October 2013 at 18:00 UTC**

Note: The following is the output of transcribing from an audio recording of the GNSO Council teleconference on 10 October 2013 at 18:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-council-20131010-en.mp3>

Adobe chat transcript at:

<http://gnso.icann.org/en/meetings/transcript-council-10oct13-en.pdf>

on page

<http://gnso.icann.org/en/group-activities/calendar#oct>

**List of attendees:** NCA – Non Voting – Jennifer Wolfe

**Contracted Parties House** Registrar Stakeholder Group: Mason Cole, Volker Greimann, Yoav Keren,

gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao

Nominating Committee Appointee (NCA): Thomas Rickert

**Non-Contracted Parties House** Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoblen, Zahid Jamil, John Berard, Osvaldo Novoa, Brian Winterfeldt, Petter Rindforth

Non Commercial Stakeholder Group (NCSG): Maria Farrell, Joy Liddicoat proxy to David Cake in case of connectivity issues, Magaly Pazello, Wolfgang Kleinwächter absent apologies proxy to Maria Farrell, David Cake, Wendy Seltzer

Nominating Committee Appointee (NCA): Lanre Ajayi

**GNSO Council Liaisons/Observers:**

Alan Greenberg – ALAC Liaison

Patrick Myles - ccNSO Observer – absent – apologies

**ICANN Staff**

David Olive - VP Policy Development, absent apologies, Marika Konings - Senior Policy Director, Rob Hoggarth - Senior Policy Director, Mary Wong – Senior Policy Director, Julie Hedlund – Policy Director, Berry Cobb – Policy consultant, Lars Hoffmann – Policy Analyst, Glen de Saint Géry - GNSO Secretariat, Cory Schruth - Systems Engineer  
Coordinator:

Coordinator: 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.

Jonathan Robinson: Thank you. And okay. Hello and welcome again everyone. We're spot on time so - and we've got a full agenda so let's get things moving right away. Glen, if you could immediately institute a roll call that would be great.

Glen de Saint Géry: I'll do that, Jonathan. Jeff Neuman.

Jeff Neuman: Present.

Glen de Saint Géry: Ching Chiao.

Ching Chiao: Present.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Yes.

Glen de Saint Géry: Mason Cole.

Mason Cole: Here.

Glen de Saint Géry: Yoav Keren.

Yoav Keren: Here.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Here.

Glen de Saint Géry: Thomas Rickert.

Thomas Rickert: Present.

Glen de Saint Géry: Zahid Jamil. I see Zahid is on the - I see he's just disconnected but he was on the call.

John Berard, I don't see him yet on the call.

Brian Winterfeldt.

Brian Winterfeldt: Present.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Present.

Glen de Saint Géry: Osvaldo Novoa.

Osvaldo Novoa: Present.

Glen de Saint Géry: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Present.

Glen de Saint Géry: Maria Farrell.

Maria Farrell: Present.

Glen de Saint Géry: Wendy Seltzer.

Wendy Seltzer: Here.

Glen de Saint Géry: David Cake.

David Cake: Present.

Glen de Saint Géry: Magaly Pazello.

Magaly Pazello: Present.

Glen de Saint Géry: Joy Liddicoat. I think she's on the Adobe Connect but she probably is having difficulty in connecting to the call. Wolfgang Kleinwachter is absent. And he has given his proxy to Maria Farrell. In case that Joy Liddicoat cannot be on the call for the vote she has given her proxy to David Cake.

Lanre Ajayi. I think Lanre's just been disconnected. He was connected a few minutes ago. Jennifer Wolfe.

Jennifer Wolfe: Yes, present.

Glen de Saint Géry: Alan Greenberg.

Alan Greenberg: Present.

Glen de Saint Géry: And we have apologies from Patrick Myles, our liaison from the ccNSO. And for staff we have Marika Konings, Mary Wong, Julie Hedlund, Berry Cobb, Lars Hoffman and myself, Glen de Saint Géry. Have I left off any staff? And I think David Olive is probably traveling so his apologies if he can't get on the call.

Thank you, Jonathan. Over to you. But may I just quickly remind people to say their name before speaking for the transcription purposes? Thank you.

Lanre Ajayi: Hello, Glen. Hello, Glen. This is Lanre.

Glen de Saint Géry: Thank you, Lanre, very much. Do you want us to call you?

Lanre Ajayi: Yes. I'm on the call now.

Glen de Saint Géry: Okay, thank you.

Lanre Ajayi: Okay.

Jonathan Robinson: Thanks, Glen. We've got Lanre live on the audio so that's okay. And Joy says in the Chat that she can hear the audio so to that extent she is present and we do have a proxy I think for her if she is unable to vote but hopefully we can work...

((Crosstalk))

Jonathan Robinson: all right so welcome ICANN policy staff and councilors alike. Let's move straight on then to call on the Item 1.2 for a statement of interest updates. Any updates on statements of interest please? Hearing none I'll move on to 1.3 and call for any comments to review or amend the agenda.

I'll make one comment and that is that depending on how we progress I may move Item 8, which is our discussion on a PDP for relevant

policies and issues (knocked out) during the course of the 2013 RAA, I may move that down one or two slots. I'm hoping that we will cover everything on the agenda at this stage in spite of the fact that it's full.

So under Item 1.4 then we note the status of the minutes from the previous Council meeting. And I'll pause for a moment if there are any comments on those minutes and then move straight on to Item 2 which is an opportunity to comment on either the project list or the action items list.

I've been through that in quite some detail and you will have seen a flurry of emails attempting to tidy various things up over the course of the last few days. And I think from my perspective the key is to focus on anything on the action items list that we won't cover in the course of the call today.

I'll remind you all under the work we were doing with the SCI, that's the Standing Committee on Improvements, we discussed this at our last meeting and made some progress on the decisions. The one area we have still yet to deal with and is an open item is - and I understand it's not holding up the work on the charter.

I hope if that's not the case but ideally we would come to a view as to the issue on the requirement for full or - the form of consensus required for decision making. So I'll encourage you to pick that up on the list and we may well try and deal with that and try and get some movement on that. That I think is the main area where we - the rest - more or less everything else we will cover during the course of the call or is already live on our list.

And knowing that I think I will open it up if there are any comments or questions on either the redline projects list that you've seen or the current action list before the Council noting, as I say, that many of these items will come up during the course of the call. We'll touch on various elements of them and hopefully nudge them further along.

All right, let's move on then to Item 3 which is the consent agenda. And under the consent agenda we are proposing here to remove two items off the existing projects list and that is the item that deals with fake renewal notices and the item that deals with defensive registrations.

Can I pause for a moment and see if there are either any questions on these two or any objections to having them on the consent agenda? And you'll see the note under Item 3 that just because they've been removed by the consent agenda it doesn't prohibit us opening up a discussion on any of these items in the future.

All right, seeing no comment or question on those items we'll move beyond Item 3 then and straight into the first of the three motions that we have to consider this evening - well, evening my time anyway.

To approve the first motion - and you'll notice that in fact I ended up making all three motions this evening. It's something where - for this meeting - and it is something which I'd rather not do but felt that we came close to the deadline and there were three pieces of work that we could usefully consider. And so I took the initiative to get those motions on the table.

So the first motion then is to approve the final report and recommendations of the Whois Survey Working Group. And I will just,

in the interest of efficiency, read the resolve clauses. And they are as follows.

That the GNSO Council thanks the Whois Survey Working Group and ICANN staff for their efforts in conducting the survey and compiling survey results of possible technical requirements of a future Whois system.

Further, that the GNSO Council approves the recommendations as defined in the final report, for which there is a link, and to send the survey results to other applicable efforts regarding Whois and domain name registration data for their consideration, in other words, to circulate the output.

Is there any discussion, comment or question on this motion? Wendy.

Wendy Seltzer: Thanks, Jonathan. Since the report's recommendations are merely that the report itself be circulated - and I don't have any problem with circulating the report - I'm happy to support the motion. I do have some concerns about the report itself and so I'll just note for the record that it had a very small number of respondents.

And so it shouldn't be considered representative of the entire class of Whois users or - because it's results don't generalize to the whole population. It is a fine source of particular pieces of information but shouldn't be considered statistically representative. Beyond that I think it's fine to circulate it to others who can draw those same conclusions and use it for what it does convey.

Jonathan Robinson: Thanks, Wendy. Just out of interest or do you know if you or anyone else made similar comments in any of the sort of public comment periods or public comments on this?

Wendy Seltzer: I did not and only looked at it in preparation for this meeting.

Jonathan Robinson: Okay thanks. I see that Alan is up next. Alan.

Alan Greenberg: Yeah, thank you. My question is actually related to Wendy's. The wording in the motion says the Council approves the recommendations. Are we in fact approving the recommendations or just circulating the report for others' consideration?

Jonathan Robinson: I think we have to take the wording...

Alan Greenberg: Wendy's comment improved that she wouldn't approve the recommendation given the - given that - given the option so I'm wondering is the wording clear?

Wendy Seltzer: Just to clarify, the recommendations themselves are only that the report be circulated.

Alan Greenberg: Okay. All right shows how carefully I've read it. Okay.

Jonathan Robinson: All right so you're satisfied there, Alan, I sense? Any other questions or comments before we put this to a vote? Joy has lost audio so, Glen, you can clarify for me there is a proxy for Joy I believe?  
Glen?

Glen de Saint Géry: Sorry, Jonathan, I was on mute. David Cake is the proxy for Joy.

Jonathan Robinson: All right, so, David, since Joy has lost audio we may require you to -  
I think we'll require you to cast a proxy on her behalf.

((Crosstalk))

Jonathan Robinson: It strikes me that we could possibly do this by a voice vote. Can I  
hear if there are any objections to the motion? Anyone who would like  
to vote no to the motion? Can I call if there are any abstentions?  
Anyone would like to abstain?

So I will then take it that there is - there are no votes against, no  
abstentions so I think we can take it, therefore, that the votes are in  
favor. Can I call for a voice vote, please? Can all those in favor say  
yes?

Wolf-Ulrich Knochen: Yes.

Alan Greenberg: Yes.

((Crosstalk))

Wendy Seltzer: Yes.

Jonathan Robinson: Thank you, Glen. Can you record that there were no votes against  
and no abstentions?

Glen de Saint Géry: I'll do that. Thank you, Jonathan.

Jonathan Robinson: And if someone could just make a note in the Chat for Joy that we've taken - to the extent that she's off on audio we will take David Cake as her proxy.

All right moving on then to the next motion which is under Item 5. And this is a motion in place to approve the further development of a framework for cross community working groups.

And those of us who have been around for a while will remember this piece of work which was a drafting team that the GNSO set up to undertake some work to try and set up a framework for cross community working group (unintelligible) drafting team the draft principles were approved by the GNSO Council back in March 2012.

And then the work was subsequently circulated more broadly. And we had constructive feedback and input mostly from the ccNSO. And now there is an opportunity to reinvigorate this work and that's what the purpose of this motion seeks to do.

So that's a very sketchy background. And the resolutions then take essentially thank the drafting team for their prior work in developing the proposed draft principles and the ccNSO for its constructive feedback.

And the GNSO Council directs the ICANN staff to prepare a paper consolidating the ccNSO feedback and highlighting areas requiring additional work as well as questions for discussion.

Further that the GNSO Council intends to invite the ccNSO to provide a co-chair for, and all SO/ACs to appoint at least one representative to a new drafting team co-chaired by a representative from the GNSO

and the ccNSO, and together they will be tasked with creating a charter for a community working group having the responsibility of developing the updated set of principles for cross community working groups.

The GNSO Council requests that the new drafting team be formed no later than the first GNSO Council meeting after the meeting in Buenos Aires in November; and the GNSO Council hereby appoints John Berard as the GNSO co-chair of the new drafting team.

Further resolved that the GNSO Council requests that the new drafting team utilizes the draft principles, the ccNSO feedback and the upcoming staff paper as the basis for its work and further the GNSO Council requests that the new drafting team, subject to the further input of interested SO/ACs, consider at a minimum the following matters in developing the updated principles.

Prior experiences relating to previous and current CCWGs including without limitation the DSSA Working Group, the Joint GAC-ccNSO IDN Working Group and the Joint ccNSO-GNSO IDN Working Group.

In addition, the need to align the scope of cross community working groups to the remit of each SO and AC and the appropriate delineation of the scope of a cross community working group charter as a result.

In addition, the type of issues or topics that might be suitable for cross community working group's work and also how to deal with outputs from a cross community working group and decision-making concerning such outputs particularly in relation to matters where either an SO or AC disagrees with the cross community working group or

with one another on that cross community working group's recommendations and taking into account the differing rules and operating procedures within each SO and AC.

And finally, the principle of the closure of a cross community working group if, where applicable - sorry, closure of a cross community working group where applicable periodic future reviews of cross community working group recommendations.

So that's what's proposed under the motion. Is there any - are there any comments or discussion surrounding that motion? Alan.

Alan Greenberg: Yeah, I'm happy with the motion. I would make the suggestion that since the target is to convene after Buenos Aires that either you or someone from the GNSO Council take the opportunity to very briefly meet with the other SOs and ACs, you know, just to give them an in-person heads up and ask for their participation. That kind of in-person visibility may well help, you know, get good contributions.

Jonathan Robinson: Thanks, Alan. Good suggestion. And I note that the intention is to form the drafting team no later than Buenos Aires so you're right, the face to face meeting in Buenos Aires does give a nice opportunity to do so - do as you suggest. Maria.

Maria Farrell: Thanks, Jonathan. It's Maria here. Mine is a question, not a comment because I haven't been on the Council when this working item began. It's really a question is this sort of initiated by the GNSO and the ccNSO is now coming on board to help develop it?

I guess my question really is is this something - what am I trying to get at? Is we pushing this at the GNSO to help other parts of the community be appraised of and involved in items that we are working on? Or is it simply that the GNSO is - has initiated something that's got sort of cross community support? Yeah.

Jonathan Robinson: Would anyone else like to take a stab at answering Maria's question or shall I do it?

Alan Greenberg: It's Alan. I wouldn't mind since I was part of the group that did the first work.

Jonathan Robinson: Thanks, Alan. Go ahead.

Alan Greenberg: And I'm not GNSO. This was a GNSO effort to try to get - in colloquial English, try to get the GNSO ducks in order to understand what the issues were relevant to the GNSO. Unfortunately the way that was done ended up getting some of the - upsetting people on both the ccNSO and the ALAC in that, you know, the question was raised in the form of who's the GNSO to decide what the rules are for cross community working groups.

And it very much was done in good faith as trying to understand what the GNSO issues were and then to involve other people. The ALAC was involved in this group; the ccNSO wasn't. But I think it was explained - and I think there's now general understanding certainly in the ccNSO and I hope in the ALAC, that this was not an attempt to unilaterally decide on the processes but just to get a start going on them.

And this phase hopefully will bring in the other groups. And the end product of this drafting team, or whatever it is, will be something that we can get buy-in from on the wider range of ACs and SOs.

Jonathan Robinson: Thanks, Alan. That's pretty much consistent with my memory and recollection. Mary, your hand is up.

Mary Wong: Yes, thanks Jonathan. Just to follow up on what Alan said that the further resolve clauses in this motion reflect some of the feedback given by the ccNSO. And so the hope is that the charter for the new group, as well as the actual updated principles, will be broader than the initial set and take on board some of the concerns that the ccNSO has expressed for reasons that Alan has mentioned.

Jonathan Robinson: Thanks, Mary. So hopefully, Maria, that sets the position out clearly. And it's a good question so thank you for raising that. I mean, I think the - as Alan said, it was a good faith intention to try and set out a first draft of core principles that the GNSO was brought into.

And it was interpreted in some quarters as an attempt by the GNSO to set out those principles whereas the intention was to ensure that we were aligned within the GNSO and then were able to engage effectively with other groups in the community.

Anyway it looks like we're on track to do that now if we support this motion. So, yeah, any other comments or questions? Wolf-Ulrich.

Wolf-Ulrich Knoblen: Yeah, thank you Jonathan. Wolf-Ulrich speaking. Well I'm very much in favor and satisfied with that motion. And that the cooperation or the - is going on and with - it's framed more (unintelligible).

I have only question is with regards to the appointment of John Berard whom I cannot see on the Adobe, I don't know whether he's at the meeting. I suppose that he is agreeing to that appointment. So I'm in favor to that. But I would like to know.

Jonathan Robinson: Thanks, Wolf-Ulrich. Isn't there a principle with these things that you appoint the person who isn't there? Mary has a formal response to that - it was a joke - Mary has a formal response. Go ahead, Mary.

Mary Wong: Oh actually, Jonathan, your joke might be more interesting at this point. No, Wolf, that's a good point. And John was a member of the original group. And at the last meeting, which came up with this motion, the - some of the participants on the call nominated John to be the co chair. And he has agreed to do so one of the reasons being that John is currently also the GNSO council liaison to the ccNSO.

Wolf-Ulrich Knoblen: Okay.

Jonathan Robinson: Thanks. And I hear John has just joined on the Adobe Connect and we expect him hopefully to be on audio soon. But in any event I think we have the answer from Mary. So I think that puts us in a position, seeing no other hands up, to move to the vote on this motion.

So I think if there are no objections we will go to a voice vote on this motion as well. I don't sense a particular controversy. So if I could call for anyone who is against the motion?

Moreover if I could call for anyone who intends to abstain from voting on the motion?

And if I could ask those of you in favor then to say yes.

((Crosstalk))

Wolf-Ulrich Knochen: Yes.

Wendy Seltzer: Yes.

Jonathan Robinson: Thank you, Glen. So if you could then record that there were no votes against, no abstentions and we recorded then a yes vote from all participants.

Glen de Saint Géry: Thank you, Jonathan. I will. And just to let you know too, John Berard is on the line.

Jonathan Robinson: Thanks. Welcome, John.

John Berard: So, can someone tell me when the time on this call got changed? I totally missed it.

Jonathan Robinson: John, I don't believe this call has been changed. There is a - there was some possibility to change the time of the next call which we can clarify offline. But to the best of my knowledge the time of this call has not changed for some time.

John Berard: So 18 UTC is the time?

Jonathan Robinson: Yes.

John Berard: The time 7 hours behind that.

((Crosstalk))

John Berard: And, you know, I'm sorry, I thought the call was at 1:00 my time, I apologize.

Jonathan Robinson: No problem, John. One thing to check with you have the clocks changed in the US? Have you guys changed clocks already?

John Berard: Well you know how much we rely on Apple and Apple tells me that you guys are - that UTC is 7 hours ahead so.

Jonathan Robinson: Yeah, that's right. That should be right.

John Berard: Well, I apologize. I'm sorry I missed the motion that had my name in it.

Jonathan Robinson: No problem. I mean, I should warn everyone that there is a risk at this time of year. I mean, certainly I do know that there's not a synchronization in time between when the clocks change in the US and when they change in Europe so we have a kind of three-week window in October or thereabouts and in March where we have the risk of this kind of problem happening.

But in any event, John, you've got the job as Wolf-Ulrich says in the Chat in your absence so you'll be pleased to know that you may have got what you wanted or what you didn't want. But you are - we voted in favor of the motion to further develop the framework for cross community working groups.

John Berard: All right, thank you very much.

Jonathan Robinson: Right, the third and final motion for this evening's meeting is to approve the charter for Translation and Transliteration of Contact Information PDP Working Group.

I'll just wait for that motion to come up on the Adobe and it should be in front of you now. So the resolved clauses - yes, Yoav, I see your hand is up there. Let me just read the resolve clauses, Yoav, and then...

Yoav Keren: Yeah, sure, sure, sure.

((Crosstalk))

Jonathan Robinson: ...as soon as we've got the resolve clause on record. And I see we have - and I'm sorry, I should have called for a second. And in fact I see Zahid in the Chat has seconded the motion so thank you, Zahid. The motion is made, again, by myself and seconded by Zahid.

So the motion - the resolve clauses are that the GNSO Council approves the charter of - which is located at a link presented to us in the Chat and previously in documents circulated.

And we will need to appoint a GNSO Council liaison to the Translation and Transliteration of Contact Information PDP Working Group. And that the GNSO Council further directs the work of the Translation and Transliteration of Contact Information PDP Working Group initiated no later than 14 days after the approval of this motion.

Until such time as the working group can select a chair and that chair can be confirmed by the GNSO the Council liaison shall act as an interim chair. The working group shall follow the rules outlined in the GNSO Working Group Guidelines at the link provided in the Chat.

All right so let me call for a discussion on the motion. And I see that Yoav has got his hand up so we'll go to you first, Yoav.

Yoav Keren: Yes. So we have a different issue, different concerns regarding this motion. And we discussed it within our - we had very little discussion yesterday within our Executive Committee and didn't have enough time to discuss with the entire group. And we also wanted to get more of an understanding on the views of the Registries on this.

So I think we'll have to ask for a deferral of the voting for this motion for the next meeting.

Jonathan Robinson: Okay, Yoav. That doesn't - that's customary to grant a deferral on the first presentation of a motion unless there are extraordinary reasons not to do so. However, that doesn't prohibit any further discussion at this point. And you may - I don't know if you have anything else you'd like to add, in particularly any kind of rationalization for the deferral other than an opportunity to discuss further.

But if you have any other concerns you'd like to raise now by all means do so. Otherwise I'll go to Ching, who's next in the queue. Yoav, is there anything else you'd like to add?

Yoav Keren: Yes, I can - if you would like, you know, I'll share with you some of the concerns that I had. I took part in one or two of the meetings of the

working group. And actually raised some of these things, not all of them, but they were not - not discussed further or actually taken into consideration.

And other - when I've shared this with other people in - from the Registrars and they kind of share the same - the same concern. In general the feeling is that the charter is currently quite limited.

One of the issues that we found out is that there is an expert group that is going to discuss issues that - in regards to the translation and transliteration of the contact information - the Whois - we believe that the issue - these issues are strictly policy issues. They are things that need to be discussed within a PDP of the GNSO.

My feeling, and others also see the same that is, again, some kind of a bypassing of the GNSO policy development process and the GNSO in general. We don't see that - we don't think that that's a good thing.

And having that with a limited charter and I can go through different issues that I believe personally we still need to get into discussions is why we didn't have time for everyone to discuss this that should be included in the charter and more clear in the charter so that they are covered by - in the PDP.

Since they are not there we believe this might turn out that it will not be decided by the GNSO as a policy. So that's kind of the rationalization at this point. And we do need to further discuss this before we take a decision.

One of the options is maybe to send this back to the working group to make some changes and then move forward. We are not against the general issue of having this but we think the charter is currently not wide enough.

Jonathan Robinson: All right, well let's - thanks, Yoav, for making that clear and it's clear that regardless you feel there's a necessity to have further discussion with - either within your group or within other, you know, between your group and others. So let's take that on board and hear from others in the queue now that includes Ching so far and Alan Greenberg. So, Ching, go ahead.

Ching Chiao: Thank you, Jonathan. And thank you, Yoav, for the comment. And I actually share with your concerns in regards to the role of the EWG, the directory service group, the Expert Working Group that was set up by the ICANN - I mean, Fadi and also by the ICANN staff.

I was - I share your concern as well about how this issue can be dealt within a normal PDP and the intervention of the EWG how this would impact the outcome of the PDP. I would recommend that we both take this issue back to our own stakeholder group and also to review that.

But having said so I do see a good progress made by the drafting team of this PDP charter. I would also encourage that either for contracted parties and also non contracted party really to look into the issues that indicated in the past in the IRD Working Group report and as well as in this PDP charter about the two fundamental issues that we need to resolve to help ensure the new gTLD, I mean, the operator - especially the IDN operator.

They will have a clear guidance about how they are going to perform their Whois in the - for lack of a better word, IDN environment. I'm not going into the - too much of the details. But in general is two main parts as you can get from this report. One is that what exactly or whether do we really need the translation and transliteration?

I think this time is for the stakeholder groups to review from your own perspective, I mean, whether this is good for the registrants and also for the various groups.

And the second thing is - the second - then item would be how would the cost should be burdened by registry, registrar or the registrant. I think this is, in general, a very big questions. And at this moment I think it's very useful the working group point out this issue but still for many of us here it's lack of clarity and we envision lots of work and also data needs to be actually collected.

So having said so I will encourage that we really take this back but really also help the working group to move forward to make some constructive progress in the next few months so that we don't put, you know, our business also as well as the registrant into a potential risk. So that's my point. Thank you.

Jonathan Robinson: Thanks, Ching. I just would make a comment then before we move along in the queue that Julie has pointed out in the Chat there is one issue we need to consider in this discussion and that is that the drafting team is - follows on from the issues report and the issues listed in the issue report. So we need to be aware that there's a requirement that the work of the drafting team is consistent with that of the issues report.

So in considering the scope of the - work of the drafting team we need to reflect that against the work of the issue report. And also we should consider both of those together.

Alan, I see your hand is up. And, Marika, I note that your hand has gone down which suggests that it was the same point as Julie's made in the Chat. So let's move on to Alan.

Alan Greenberg: Thank you. I apologize, I'm very vocal today and I'm not trying to dominate things. My understanding with regard to the last point is that the issue report recommended areas to be chartered but I didn't think the charter was restricted to that. But that's something Marika can probably speak to better than I can.

I'm speaking as one of the lead people in the ATRT reviewing the Whois report. And although I'm not speaking on behalf of the ATRT it's with that background.

First of all we were told, and you can take this for whatever it's worth, that the Expert Working Group was only chartered recently because the PDP had not been initiated and there was a belief the two groups had to work in parallel. So there is certainly some intent to work in parallel. Exactly how that would work I have no real clue and I haven't been involved in the process.

One of the things that was clear in the ATRT review, however, and there were several recommendations in the Whois report that were - with respect to internationalized registrations was we're in the situation right now where ICANN policy requires registries and registrars to

create 7-bit ASCII Whois entries from names where the registration data is collected in IDNs and in non-ASCII forms and haven't provided any guidance at all to the registrars and registries for how to do that.

And although I understand Yoav's and Ching's comments that there are some potential problems in how this may have been chartered - and I'm not aware of those details - there is some urgency in providing guidance because in the absence of any guidance whether they're rules or simply suggestions each of these registries and registrars really has to set their own.

And that's putting a task on them which is not necessarily easy for them to satisfy either. So thank you.

Jonathan Robinson: Thanks, Alan. And recognizing that urgency was one of the motivators that's got me to put the motion on the table, you know, put the motion to the Council for this meeting rather than miss the deadline.

My sense is that this has been a useful discussion to flush out some of the issues. I don't think it's 100% clear at this point whether there is going to be a request to refer this back to the drafting team or whether the concerns expressed can be allayed and some modifications can be made. So it's not 100% clear to me what the course of action is.

But certainly we have a request for a deferral, an opportunity to discuss further. And I guess, you know, these processes always can, you know, we have to get things done properly so that everyone is satisfied. But bear in mind that anything that sort of loops us back to

either via a deferral and/or to a further work by a drafting team sort of frustrates our progress.

So there seems to be a sound motivator and at least a solid concern here and we need to deal with that. So let's go ahead, talk about it in the respective groups and between the groups and try and make as much progress behind the scenes as we can with constructive ways forward between now and the next meeting.

I'll just pause for a moment before we close this topic and see if there's any other comment anyone would like to make and failing that we'll consider this closed for the moment and the motion deferred.

All right so that's the third item, the motion to approve the charter has been deferred until the next meeting and there'll be further discussion in the groups on this.

Our next item is Item 7...

Glen de Saint Géry: Jonathan, this is Glen. We have Christine Willett on the line.

Jonathan Robinson: Thank you. Welcome, Christine, and thank you for making yourself available. I did send an email to that effect earlier but it's great to have you here and give us the opportunity to go into the discussion then on - under Item 9, which is our opportunity to discuss the policy issues surrounding string confusion.

Christine Willett: Thank you, Jonathan. Happy to be here.

Jonathan Robinson: Thank you, Christine. So let me - I'm just wondering if anyone - Jeff, I know you - I haven't necessarily prepared you to introduce this topic. I don't know if - but you did introduce it to the previous Council meeting. I don't know if you would like to say anything more on it at this point.

I sent a note to the Council earlier letting Christine know that we had discussed this at the previous meeting. We've sent a letter to the Board and the New gTLD Program Committee outlining the Council's concerns that the outcomes of the current work on string confusion appear, at least to us, to be inconsistent or potentially inconsistent with GNSO policy recommendations previously.

And then there was a suggestion online that we talk with Christine about this. And really the two questions I put to Christine were whether - maybe, Christine, you could talk to those. Let me just see, are there any other comments from councilors on this topic before we hand over and give Christine the opportunity to update us with the latest position on this?

Seeing no hands up in the Adobe I'll hand it over to you, Christine, to update us on the sort of questions I posed to you earlier and any other thoughts or input you feel you are able to give us on this topic.

Christine Willett: Sure. Thank you, Jonathan. So I got a few different sets of questions and thoughts on what is being discussed within the Council. So I'm hearing two things. One is a question about inconsistency or apparent inconsistency of decisions in the string similarity area. And I'm also hearing about inconsistency vis-à-vis the GNSO policy. Is there one or both you'd like to discuss?

Jonathan Robinson: Christine, I think we'd like to discuss both. I think it would be good to discuss both. At face value I think the issue is, at face value, there are - it appears that the outputs from the - on string confusion are not self-consistent so they would strike a casual observer as being inconsistent.

And then there - so the - and then the fact that they appear inconsistent makes them then seem inconsistent with the output of the GNSO on the policy and - that applicants should expect consistent predictable results. It's really those two.

And then I think that would probably start us off on a good footing if you could address those. And also if you could bring us up to date whether there's any current intention or view from within ICANN staff to deal with these apparent inconsistencies or whether you - it's your current view that you simply have to live with them as outputs of the process?

Christine Willett: Certainly, okay. So then what I'll start with is the - as you mentioned at the apparent inconsistencies of the objection determinations to the casual observer.

So staff is - we are reviewing all of the determinations as they come out. We are certainly engaged in reviewing these to understand the rationale being put forth.

As we look at these determinations we see that there are different arguments being posed by the objector and/or the applicant being objected to in many of these cases. So you've got the different

arguments being made relying upon different expert analysis being offered up as evidence.

In some cases, in many cases, the applicants had the opportunity or the objectors had the opportunity to request consolidation of those cases, the AGB allowed for consolidation of cases but it did not require consolidation of objection cases. I believe the word in the AGB is encourages consolidation but it was not required. And in fact we understand that some applicants expressly chose not to opt for consolidation.

So when you take into consideration that there are different arguments with different evidence or expert analysis as well as different experts what we're seeing is that reasonable people are reaching and can reach different conclusions based on different sets of information.

The Guidebook didn't prohibit what could be considered in terms of confusability as it pertains specifically to string confusion objections. So the panelists, the dispute providers in all of the objection cases, but in this case specifically for string confusion objections, they were provided with the information from the Guidebook about the probability of user confusion.

So they were not restricted just to visual similarity, if you will, as was the original string similarity panel. So we're seeing these determinations and we are continuing to monitor them. And the NGPC had this topic on their agenda for their last meeting on the - or previous meeting on the 28th of September.

So they are continuing to monitor this. So there's - as the determinations continue to come out this is something we are all staying on top of from that perspective.

In terms of consistency with policy, you - as most of you know, I came late to the party. The Guidebook - the policy was developed, the Guidebook as the implementation of that policy was developed. And the program team is working to execute to that implementation of policy as it's described in the Guidebook.

So we feel that the dispute providers are working as per the tenets of the Guidebook, which is the instantiation of the original GNSO policy recommendations. So from a consistency perspective we are seeing different results in the objection determinations and we're continuing to monitor those.

And part of what we will be looking at is the consistency with the GNSO policy as well as the implementation of that policy in the Applicant Guidebook.

Are there any specific determinations or inconsistencies that anyone on the Council would like to discuss or raise to our attention specifically?

Jonathan Robinson: Thanks, Christine. I'll put that to the Council. My sense is that we want to stay at a level which is the level of principals. And in particular that we should like to move to is - and let me say thank you for being as candid as I think you can be. I understand there's constraints on, you know, this is work in progress.

But I've got Jeff Neuman's hand up so let me defer to Jeff to see if he has any additional point to make or questions to ask. And I'd encourage anyone else to speak up and then, you know, perhaps after that we could think about turning our attention to what, if anything, we think the Council can do or initiate. Jeff.

Jeff Neuman: Yeah, this is actually not a - not an answer to the question Christine asked but it's more a process question. So you say you're monitoring what's going on so just as a process - I guess here's my question.

Are those decisions considered final by ICANN staff and therefore are you proceeding to contracting or contention resolution or whatever it is on the basis of that decision being final? Or are you waiting for some approval by the Board? Or what's the process by which you guys are operating after a decision comes out?

Christine Willett: Thank you, Jeff. So we are not taking individual objections to the Board or to the New gTLD Program Committee for confirmation or review. We are trying - we are operating at a measured pace as we - as application proceed through the phases of the program.

We recognize that there have been reconsideration requests on the basis of the objection determinations. So as long as staff is aware of any objector or applicant invoking accountability mechanisms like the reconsideration request we will look at those on a case by case basis before we proceed with applications through to contracting.

The - it's an area that we are continuing to discuss exactly if anything further is needed before specific applications are allowed to proceed on. So it's an area of ongoing review.

Jeff Neuman: So if I could just ask a - kind of a follow up with maybe more specific - you know, obviously if the GNSO Council is going to do any work on this - and I'm not saying they are or not - I guess the Council would like to know what's being implemented and when so - I mean, I'll just throw out a hypothetical.

If there was a string similarity case or a legal rights objection case, whatever it is, and it actually ruled that there was no confusion and therefore the next logical step would be going to contracting with one of them what you're saying is that ICANN has not yet defined a process of taking that one to contracting at this point and you're still holding off on it?

Christine Willett: So there's the matter of proceeding to contracting or inviting an applicant into contracting which is the beginning of an exchange of many, many documents and several weeks, possibly months, of work. There's a distinction between that and execution of an agreement.

And we look at all activities and ongoing accountability mechanisms related to either the specific application or the related objections and objector applications for a specific string before we proceed to contracting that is one of the criteria we're looking at before we execute agreements.

Jeff Neuman: So before executing but you still may send out a request - a contracting request. I guess we're just trying to figure out timing and if there is any work, again, not suggesting the Council is going to do any work, but just trying to figure out what the timing is and what your plans are for moving forward.

I think we've probably got the best answer we're going to get from you and so I think - thank you.

Christine Willett: Thank you.

Jonathan Robinson: Christine, it's Jonathan. I have a question. And it's a pretty direct question. It's really if you - it's your feeling that the Council could - if you have a sense that the Council could do anything to help here in the sense that your hands may be tied by the constraints of the Guidebook and your interpretation of that implementation to date. And of course there's the policy points that we made in the letter.

But the question is, I mean, can we be of assistance by going back and - is there any way from your point of view that you feel that the Council could be of assistance here in terms of reconciling what are apparently inconsistent decisions by, for example, forming some form of taskforce or group to rapidly look at where there are inconsistencies.

And I see there's a point from Alan, for example, where some have made reference to trademarks and some have not or, you know, so I wondered if you have any feeling or are able to respond to that at all.

Christine Willett: So what I can say is that staff are considering multiple options to ensure consistency of the determinations of the results. Not that the community in its entirety will be happy or satisfied with any result; there will always be winners and losers of course.

But from a consistency and understandability perspective we're looking at multiple options. And this is something that the NGPC is most

definitely got on their - they have it on their radar. So they will - it's my understanding they will continue to look at this very closely in coming weeks and months.

If there is a suggestion or an alternate method or a change to interpretation of the Applicant Guidebook, not saying that we would suggest that, but if we would suggest to some sort of change to or extension of proceedings that are in the Applicant Guidebook perhaps that's something that we could engage with the GNSO on either staff or the NGPC might - I use the word consult loosely - I hope that doesn't have an official ICANN meaning - but consult with Council on as we consider other various alternatives to making sure that these conclude in a way that everyone understands and we feel is explicable if not entirely satisfactory at least understandable.

Jonathan Robinson: All right. That's helpful, Christine. And I understand we're putting you in a position which is challenging. But it's really my concern, as - in my capacity as chair of the Council is, you know, I don't want to be involved in working with the Council if - should the Council decide to initiate some work that is essentially potentially ultimately pointless.

And that's really what, you know, I sense that there maybe some good will here to try and assist with, as you said, you know, perhaps in interpretation of the Guidebook or extension of the proceedings. And if the Council could initiate work that was productive that would be useful. On the other hand everyone is very busy and there's no point in initiating something.

So I've got a hand up from Jeff. I've got a hand up from Thomas and I've got a couple of comments in the Chat. I'd encourage anyone, you

know, to put their hand up. So let's hear from Jeff, Thomas and, Brian, by all means, if you're on the audio feel free to make the point or I'll take it off the Chat. Jeff.

Jeff Neuman: Yeah, I mean, I just wanted to - just for Christine just the reason why the Council kind of took this up in the first place at the last meeting was really because before any of these decisions actually came out, and you're probably aware of this but just to reiterate, before any of these decisions came out there was an interview with Akram and Akram said, yeah, if we have any of these things where decisions appear to be inconsistent, he said, there may be reasons for that.

But he said it is something that he would envision going to the GNSO. And that was printed and it was disseminated and that's really, you know, kind of what - why the GNSO sort of took this up, it was almost like an invitation.

Then the decisions came out and the way they did and so it was kind of almost like okay well now we're expecting to hear from ICANN staff or the Board for the GNSO to get involved. Again I'm not saying whether that should or shouldn't be done, I'm just - it's kind of the background.

Christine Willett: Sure.

Jeff Neuman: The second thing is just to be clear, if there is any involvement of the GNSO I think what we're talking about is involvement of the GNSO community, not necessarily the Council.

The Council, you know, we're the managers of the process, the policy process, we're not the kind of legislative body. So just to clarify for if anyone's listening and then prints something oh the GNSO Council is going to do this, I mean, I think what we're really saying is that is whether there's anything for the GNSO community to do. Thanks.

Jonathan Robinson: Yeah thanks, Jeff. And I'll just endorse that point before we go to the next in the queue. It's a very important point and the prospects of initiating some work within the GNSO to assist with this if that's the decision that the Council chooses to take. Thomas Rickert.

Thomas Rickert: Thank you very much, Jonathan and thanks, Christine, for answering our questions. The question that I have for you is whether the ICANN staff, maybe in consultation with general counsel, has put some thought into the legal limitations of responses that might be given to this very challenge.

Again, we do not know yet whether the GNSO will take up work on this but should we do so I think that we need to have a clear understanding of what legal limitations of our policy responses might be because I guess nobody wants to spend time on something that is ultimately moot because there are legal restrictions that might expose ICANN to liability or such. Thank you.

Jonathan Robinson: Christine, are you in a position to respond or answer to Thomas's question?

Christine Willett: So, thank you, Jonathan. I'm not in the position to offer any legal advice or perspective myself. But this adds clarity to the notes and

briefing you had sent me earlier, Jonathan so I have more understanding of the legal perspective you're looking for.

Perhaps this is something Marika or I can work with Marika on taking back to ICANN legal team to get the appropriate response for Council.

Jonathan Robinson: Okay great, that would be excellent. Then, you know, I think we've - this is now something we need to, having taken your helpful and constructive input, Christine, I think it's something that the Council needs to pick up on a discussion as to whether we would like to do anything more.

So unless there are any other questions for you I think we should - I know you've got other things to be getting on with is probably an understatement. So can I just pause for a moment and see if anyone has any further questions or items for Christine in which case we can continue as the Council and spend a few minutes deciding what, if any, action we propose to take next. Any other comments or questions for Christine?

So hearing none, Christine, that - I'll thank you again. And, yes, if you could come back to us with, you know, the constraints that you feel there may be to what we can do and - in consultation with general counsel that would be very helpful.

Christine Willett: Absolutely. Thank you so much for having me.

Jonathan Robinson: Thanks, Christine.

Christine Willett: Okay. Bye-bye.

Jonathan Robinson: Bye now. All right so I think I'll put that to the floor now. And I'm not sure if anyone feels in a position to suggest things. I mean, I've seen, you know, one suggestion from Brian in the Chat is, you know, will it be helpful if we set up a proposal for an appeals mechanism?

I think this is one of the issues where there are apparent inconsistencies between panels. And the question is by what mechanism might those be reconciled, some form of third panel or appeals mechanism?

Does the Council feel that this is the sort of thing where we should initiate some work within the GNSO, having heard what we've heard from Christine, having written what we wrote to the Board.

Are there any - is there anyone prepared to stand up and say yes they feel that this is something the Council should initiate the work of a working group or some form of - I know in the Registries group, speaking what I heard within the Registries group, there was some discussion of whether there was the scope here for a form of implementation review team to deal with this and dig deeper into the implementation. So any thoughts, comments or points on where we might go next with this?

Brian.

Brian Winterfeldt: Brian Winterfeldt, Intellectual Property Constituency. I think it would be helpful. I think it seems, from listening to Christine, that obviously this is something that is very challenging and I think there's a lot of concern within the broader GNSO community. And I think there's a lot

of knowledge and experience that could be brought to the table to think about how to deal with this issue that may be helpful to staff.

So I would be supportive of, you know, putting together, you know, some kind of group to, you know, pull the ideas from the community and to see if we can't make some helpful suggestions on what may be an appropriate appeals mechanism might look like, what concerns we'd like to see addressed or maybe even just the ability to point out some pitfalls that we see potentially to make sure they're avoided.

Jonathan Robinson: Thanks, Brian. Zahid.

Zahid Jamil: Yeah, I just want to second that. You know, all my comments in the Chat basically saying that I think it's, from what I heard from Christine was I think it may be helpful if we could help staff out in the implementation process so having a small group go ahead and come back with options and suggestions would be great so definitely support that. Thanks.

Jonathan Robinson: So my sense is that the staff and perhaps even the Board are caught between a rock and a hard place here of the constraints that they've got. And in fact from what Christine said it appeared to support that there are limits based on the Guidebook, the interpretation of the Guidebook. And it may well be that this kind of group could be helpful.

Can I get - I mean, it's great to hear that from Brian. Brian, your hand is still up. I'm not sure if you want to make a further comment and, Zahid. It would be good to get an indication if there was additional support other than from Brian and Zahid, the IPC and the BC, on doing this

work. Is there anyone else who would like to speak up in favor of or against doing this kind of work? Thomas Rickert.

Thomas Rickert: Yeah, I guess that's the first question that needs to be answered is actually the question that I asked earlier. I guess it would be an embarrassing exercise for the GNSO to put effort and resources into coming up with a solution that might ultimately be dropped because there are legal hurdles or practical hurdles, you know, from an administrative point of view to our work.

So I guess that if we could ask general counsel to get back to us with a clear view on what the scope of our responses might be or to put it the other way around, what the limitations or potential solutions are then we could work in that framework. And I would be more than happy to put my time into assisting to find a solution here if I can. But I guess that we should have some certainty with respect to the potential use of what we're doing.

Jonathan Robinson: So I'm going to frame that in another way. You're - and I hope I'm getting this correct that essentially you're saying, yes, in principal we could go ahead and do something useful but subject to the condition that we are given advice that this is potentially usable work. And so I think that seems like a potentially sensible way forward. Yeah.

How do we establish that? I mean, we've asked the question of Christine. I guess there's an opportunity here to actually take some action and formalize that question and in the form of a follow up to the letter we wrote previously which is to say we have decided, and this is our - I'll put this forward as a suggestion for the way forward.

We have decided that the GNSO Council would like to initiate some work within the GNSO and in conjunction with staff subject to advice that this is potentially usable in the implementation and that the sort of self - ensuring self consistency of the decisions on string similarity.

Zahid Jamil: Jonathan, this is Zahid. Can I get in the queue?

Jonathan Robinson: Please do, Zahid. Fire away, there's no one else ahead of you at this stage.

Zahid Jamil: Okay. Sorry I have to install the community app so I don't know - I can't see both screens. Yeah, I think it may be helpful because, you know, I've gone to the time constraints and timelines we're faced with. It might be an idea to go ahead and form that group and either let that group or through the chair of the GNSO Council, have a letter of that nature sent to staff.

In a sense that group's initial consultation will be on just this first issue, you know. We're about to embark on this, is it possible for us to get some feedback from the legal counsel whether or not our work is going to be helpful while we continue to also think of suggestions. Because - and this concept of time. Thanks.

Jonathan Robinson: That's a good point, Zahid. I mean, it's not - we needn't spend a lot of time. Jeff, go ahead, I see your hand is up.

Jeff Neuman: Yeah, I mean, I think it's on - we need to be clear that we don't want to delay things, we don't want to push anything back. We need to be - if we do get involved, again, I'm kind of deferring to everyone else here, but we just can't get in the way. There's so many other things that have

just been putting roadblocks in. So I just want to be very clear that whatever the time schedule is we need to meet it to make sure there's no further delay.

Jonathan Robinson: Okay so I've heard - I think we need to bring this item to a head now. I mean, I've heard constructive suggestions as to what we think we might be able to do and I've heard suggestions that we start that work but ultimately it's subject to - a serious effort is subject to the legal advice that we seek.

And Jeff's point that this should in no way be seen as adding further impediments to the success of the program but rather is focused on, I guess, resolving where there appear to be potential problems.

All right, any other further comments on that? I think we have a way forward. And we'll try and capture that within the minutes and seek the advice we need. And that probably brings this particular topic to a close.

All right, thanks everyone. We'll close that topic and move then on to - I think I'll skip over Item 8 as I suggested at the outset and we'll come back to Item 8 providing we have sufficient time during the course of the meeting.

So Item 9 is there's been a procedure put in front of you which is essentially similar to that we used before which is a procedure to move - to work through the election of GNSO Council chair in Buenos Aires.

As you will be aware, the Council chair is up for election on an annual basis so at the annual meeting. And here is, in front of you, is a

nomination and selection procedure which, as I say, is essentially similar to that which we dealt with in the run up to the Toronto meeting last year.

So really I guess I should call for discussion or comment or question on this procedure and failing that any discussion or - we'll call to approve the procedure. So are there any comments or questions on the procedure as it's been presented to you in advance of the meeting and on the - in the Chat room - sorry, in the Adobe Connect now?

Okay, seeing no hands up I'll take that as - that there is no objection to the procedure as it currently stands. So I think I'll make a call to approve the procedure then. Can I ask if anyone is against or the procedure? Would anyone like to abstain in support of the procedure?

All those in favor please say yes.

Zahid Jamil: Yes.

((Crosstalk))

Wolf-Ulrich Knoben: Yes.

Jennifer Wolfe: Yes.

Jonathan Robinson: Okay, Glen, if you could record that we had no one against and no one abstaining and so we have support for the procedure as previously presented to the Council prior to the meeting and in the course of the meeting today.

Glen de Saint Géry: Thank you, Jonathan, I'll do that.

Jonathan Robinson: Item 10 deals with the protection of IGO and INGO identifiers in the policy development - in all gTLDs, the policy development process on this. And as you'll be aware the working group is chaired by Thomas Rickert. And he was keen to give us an update. This is a multifaceted issue that's taken - that has a high profile throughout the community and has taken quite some time from various volunteers.

So, Thomas, over to you to give us an update and any input you feel you need at this stage.

Thomas Rickert: Thank you very much, Jonathan. And thanks to the Council leadership for giving me the opportunity to update the Council on this PDP. As you know I've updated the Council earlier on and so I guess you will well recall the complexity of this matter from a legal point of view but also because there are multiple views represented in the working group so the work is and was a huge challenge.

And I'm very pleased to let you know that we have published a draft final report for everybody's reading pleasure. And the public comment period is now still open. It will close tomorrow and then the reply period will start.

And I have asked the Council leadership to give me the opportunity to speak to you today because I think that our PDP is somewhat unique in various areas.

And I would very much like to bring that to your attention because we are working against a very tight schedule so our plan, as a working

group, is to have our work concluded so that the GNSO Council can vote on it in its Buenos Aires meeting.

And before that we planned another discussion on that on the 31st. And we will also discuss this during our weekend session in Buenos Aires. And I guess that we should, as a Council, do what is in our capabilities to avoid a delay with this project.

And I would like to remind everybody that you should be talking to your respective groups if you haven't done so virtually immediately in order to reduce the risk of not sufficient time being allocated to this later and that we might ultimately see this motion deferred at the Buenos Aires meeting.

Now I guess that what we have come up with - and you see the recommendations in the Adobe - is quite complex and unique also in a sense because usually what you are used to dealing with is a recommendation or a set of recommendations coming out of the deliberations of a working group that the Council can say yes or no to.

In this specific instance the group did not find a unique response to the various questions that we've been chartered with. You will remember that we have been tasked with looking at potential protections for four categories of organizations which is the RCRC, the IOC, the IGOs and the INGOs.

We've also dealt with both protections or potential protections at the top level and the second level. We've dealt with the question of granting protections for full names and also for acronyms. We've been discussing exemption procedures. We've been discussing the potential

inclusion of strings in the trademark clearinghouse. And for that we've even taken a differentiated look at sunrise and claims service.

We've talked about fee waivers. We've talked about the possibility of opening up existing or future rights protection mechanisms such as the URS and the UDRP for beneficiaries of potential protections that might not be able to use these curative mechanisms.

So you will see that this is multifaceted and that we - that we, with a very diverse group, haven't been able to say yes or no to each and every of these aspects. And this is why we've broken down the recommendations actually into 38 different items.

I mean, the structure of that might look quite deterring to you now but basically what you see in the document, which is in the Adobe Connect is basically what I told you now for the Red Cross. And you will see equivalent sets of recommendations for the other three types of organizations and then a set of general recommendations.

So this just to give you a rough idea of what we did. And this document that you see in front of you in the Adobe spells out the level of consensus that I have identified at the end of our deliberations so far.

But certainly we would be very thankful if you and your groups actually did comment in the public comment period if you wanted to. And if you looked at the various recommendations in the document in order to be well prepared and ask all the questions that you might have so that we can have this subject dealt with in Buenos Aires.

I would also like to remind you that I guess the importance of this matter, you know, which looks like a minute detail to some, stems from the fact that this PDP work has been tagged a case study both by the GAC as well as the Board.

But also - and I guess this might even be more important to the people that have been in the working group - you know, we've been complaining about volunteer fatigue over and over again. And I guess that this group has done a sterling job conducting to our weekly conference calls and putting their time and energy in order to come up with a robust set of recommendations that look at the question of special protections for different types of organizations in a quite holistic way.

And I would really love the Council and the wider GNSO community to acknowledge these efforts by, you know, joining us in being very quick and bring this work to a close in the foreseeable time span.

So you would very much help us by making it possible for us to have this decided on in Buenos Aires. This would avoid frustration with the volunteers that have been working on it and it would also work that it would also help that work inside the GNSO can be conducted in an efficient and expedient manner even though the subject is highly complicated and challenging.

Now the last point that I wanted to make is that I've heard people criticizing ICANN for publishing the list of protected designations for Specification 5 a couple of days back. And they've claimed that the work of this PDP working group is now moot.

I would say though that the Board has made it very clear that they have granted provisional protections pending the outcome of our PDP. And certainly there is a probability that the protections now granted provisionally might end up being the protections that are granted forever or that these protections might be perpetuated.

But I guess that particularly those who are criticizing the scope of protections that might be granted should also help us concluding our work quickly because if there is a probability of the outcome being what it is at the moment we will turn that into certainty if the GNSO and the Council doesn't act on it.

So far we've seen two comments in the public comments forum. I guess that does not really reflect the level of attention inside the GNSO community but I guess that it clearly shows that the groups and the individuals need some time to take a look at things, digest them and then come up with questions or positions they have concerning the proposed recommendation.

So I guess we will see a more public comments in the reply period. And we will deal with them as they come in. So my updating you and our discussions at the end of this month should not be mistaken as prejudicing the outcomes of the public comment. So in no way should they do this.

But I just want to ensure that everybody in the Council and in the wider GNSO community is aware of what we're doing and that they have sufficient time to take a look at them. And then certainly in Buenos Aires when we have the public comment and the reply period closed

and when we have worked through all the public comments and came up with a final report that's what is ultimately being voted on.

So again this shouldn't prejudice any outcome of our deliberations and our work but I would very much appreciate if you could join us concluding this project successfully. And with this I would like to invite you to ask me all the questions you might have.

Jonathan Robinson: Thanks, Thomas. It's Jonathan speaking. Thank you for a well structured and sort of comprehensive overview of the work. And, you know, I'll underline the position of the exposure we have to this and the desire to form a fair but efficient outcome.

And so I understand exactly why you're driving to try and get - and I know our own stakeholder group has grappled. There's a lot of work in this that I've seen from the Registry Stakeholder Group in dealing with getting through the volume of work.

I see John Berard, you have your hand up. Please, go ahead, John.

John Berard: Thanks, Jonathan. Thomas, two things, first the BC, just within the last few days, had a policy meeting. And I can assure you that the Business Constituency is well aware of the effort being extended on this matter.

We certainly are appreciative of what you and our other colleagues have done with regard to getting us as far along as we have gotten. And we are I think sensitive to the politics that surround the effort. So I appreciate the progress and the face of politics. And I think that my Business Constituency colleagues feel the same way.

Secondly, we do intend to offer a robust comment on this. And so I just wanted you to know that we are going to try and do our part as we have seen you do yours.

Thomas Rickert: Thanks, John. Much appreciated.

Jonathan Robinson: Any other comments or input for Thomas? Okay, Thomas, thanks again for that update. John, if you could lower your hand. And let's make sure we go back to all of our groups and constituencies to encourage them to give the input into the public comment that this work needs in order to move it forward and come to the sort of - to a conclusion.

Right, I think we can go back then to - we will close Item 10 onto the protection of IGO/INGO identifiers and move on to Item 8, which we skipped over earlier.

Now this item is a prospective PDP for relevant policies on issues not dealt with during the course of developing the 2013 RAA. You'll know that we've had a paper on this summarizing the outcomes of the 2013 RAA. And this really sets the scene for the potential work of the PDP.

We discussed a related topic in - that we discussed PDP improvements. And one of the topics we discussed in our last meeting on PDP improvements was the prospect of incorporating a charter, a draft charter, in the issues report - on this - in a general sense.

And there was quite strong feeling from the Council that that wasn't - it was something that wasn't necessarily desirable in general. But you

will see that notwithstanding that point there is this - there does seem that there is the prospect of a draft charter flowing from this work relatively easily.

So I think what we have to consider here is whether or not we can take a draft charter, which would be in a sense a form of experiment in dealing with the PDP in this case in that way or whether we need to commission a drafting team to develop a charter.

So I would like to offer the opportunity for an update from staff and any questions on the staff paper and then any comments on the way forward. So let's first of all hear from staff. I know Mary is on the call. I'm not sure if Margie is. If you'd like to make any comment or input on the paper and indeed. So, Mary, is there anything you would like to add to the work that's been circulated so far?

Mary Wong: Thanks, Jonathan. And Margie sends her apologies for not being able to be at this meeting. Obviously she will continue to be available as a resource going forward to the GNSO on this project.

I don't really have anything to add since the staff paper outlines the background as well as the issues that stem from what is the remaining issue that wasn't dealt with during the RAA negotiations.

And in that staff paper I suppose the specific part I'd like to draw folks' attention to is the issue charter which lays out the specific subtopics and some possible questions that could be explored by the working group.

And in that respect, Jonathan, going back to your comment about the draft charter if you've looked at the draft charter you will see that what

it does is it captures those policy questions. And I suppose that we would like to know, as staff, if there are any questions from councilors at this point about the paper or what we've said in it as well as, as you said, Jonathan, looking forward to the way forward.

Jonathan Robinson: Thanks, Mary. And I should just clarify one remark I made before I referred to the PDP as a prospective PDP, actually this is a Board-initiated PDP so it is not a prospective PDP, it's not accurate to refer to it as that.

So really the option here is for us to - to take the draft charter and potentially have a motion to approve that draft charter at the next Council meeting or this is the way I - it seems to me that the way forward is to have a motion to approve that draft charter as prepared by staff on the back of the staff paper and the issues contained in the staff paper or to commission a drafting team.

Now in principle the points made by the Council at the last meeting were that this was a preferred mechanism but there is an opportunity to, in a sense, go forward faster by working with the draft charter that cascades out of the staff paper.

So I'd really like to get some feedback on the way forward and how we move this forward, how strongly councilors feel about whether or not we can have a - whether we can work with the draft charter as prepared by staff on the back of the paper and the issues contained therein or whether it's felt strongly that we need to set up a drafting team to prepare the charter.

Wendy, I'm not sure I understand your comment in the Chat. By all means come in on the audio if you can and I see I have a hand up from Alan as well. Alan, go ahead and then Wendy, by all means, come in on the audio if you can.

Alan Greenberg: Thank you. I guess I'm not in a position to speak on behalf of the ALAC on this because we haven't discussed it. But the ALAC was a substantive part of the group that created the initial laundry list of RAA changes, some of which have been passed into this list.

And my gut feeling is that it would be appropriate to go out to the stakeholder groups and At Large and anyone else interested and say is there anything else that needs to be tackled or should be considered in this list of revisions? This is likely to be the last major RAA revision in at least a little bit of time. I'm not sure anyone has the stomach to say there's going to be another one a year from now.

There may well need to be because of things that become apparent. But I think we want to make sure this one is potentially inclusive. And so I think at the very least you need an opportunity to go out to the stakeholder groups and various constituents and ask is this laundry list enough before Council decides to simply use it and go ahead with the PDP or not. Thank you.

Jonathan Robinson: So, Alan, just can I clarify two things. One is a point, I mean, we're not working on the RAA per se, we're working on the policy issues that were not dealt with from this laundry list within the work that was done on the RAA. But are you suggesting then in going out that this is the work of a drafting team?

Alan Greenberg: I'm suggesting that if indeed there is a feeling among some stakeholder groups, some constituents that there are things that staff did not include that based on the previous discussion should have been included, there's an opportunity to say that before it's cast in concrete.

Jonathan Robinson: Thanks, Alan.

((Crosstalk))

Alan Greenberg: If there are things that are different then yes we'll probably have to form a drafting team.

Jonathan Robinson: So we consult on the - your suggestion is we circulate the list and to the extent that it gets - that there are no additions we could potentially work with that as the charter.

Alan Greenberg: I would think so.

Jonathan Robinson: Wendy, your hand is up. Thanks, Alan.

Wendy Seltzer: Thanks. Wendy Seltzer here. So I'm not prepared to adopt this - or approve this as a charter. I can see if there are friendly suggestions that we could make in the time before the next meeting.

But I suspect that then everybody would want to do that and we'd be doing - effective a small scale drafting team so I suppose that's an alternative to spinning up a full scale drafting team to let the staff take amendments or work with people who are interested in making small or large changes to this before presenting it at the next meeting.

But barring that I don't see an alternative to sending it to a drafting team starting with this work. But not merely approving this as written.

Jonathan Robinson: You'll see the comment, Wendy, that Marika has made that - indicating that a drafting team has potentially up to, you know, 100 days or typically around 100 days is the timeline. And that's really the motivation here is to whether...

Wendy Seltzer: That's why I was asking indeed whether there was some way of doing a fast track addition of amendments.

Jonathan Robinson: Yeah.

Wendy Seltzer: I'm not intending to delay it by 100 days but I'm, at the same time, not comfortable with what's in there now.

Jonathan Robinson: I understand and that's helpful. You know, that's helpful guidance. Thank you, Wendy. Is there any - I would really appreciate any other guidance from councilors on this to - in order to try and chart a way forward, if you'll excuse the pun. It would be very helpful to get any other input. Volker, I see your hand is up. Thank you.

Volker Greimann: Well as a member of the RAA negotiation team on the side of the Registrars I really feel that we have done a lot - a great job of tackling most, if not all the points on the - that were set before us in the various - from the various sources, from ALAC, from the community, from law enforcement in some form or another.

And the only real open point that remained is the one that's discussed in this paper. So I'm, for the Registrars, I'm willing to say that we are willing to move this ahead and start with this one. There is another process we have and an amendment process that can be worked at some point but let's first see how the new RAA works.

That's going to be a lot of work for all of us to implement and to see how the changes to the environment happen. And I would really suggest that we adopt a wait and see approach for those that can wait in the Whois privacy issue that needs to be tackled should be tackled right away.

Jonathan Robinson: Right, I see a hand up from Brian Winterfeldt.

Brian Winterfeldt: Brian Winterfeldt, IPC. I just wanted to voice support, Jonathan, for your proposal for a path forward. I think that makes a lot of sense and will keep this going towards something that we can hopefully all agree on.

Jonathan Robinson: So I need to be very clear; I'm not 100% clear on - thanks, Brian. I'm not 100% clear on what, Volker, you were suggesting. And I need to be sure what - I mean, because as I understand it the PDPs they've been initiated by the Board. It's really about the scope and content of what's in the PDP that the charter will set out.

We have, in effect, a draft charter prepared by staff. And really the only question is whether we go to a drafting team to finalize this charter or set the PDP off with the charter as drafted or there was a variation suggested where we circulate more broadly the work of staff and see whether we get any further comment or input on that. And failing any

further input or comment that that becomes the basis for the work of the PDP.

So I need some - I need - I must say I'm not 100% clear what was being suggested so I'd like to call Volker back to just make sure that I've understood - and Brian what either of you in order are actually advocating.

Volker Greimann: Volker speaking. I felt that the draft paper that was prepared by ICANN staff is a very good summary of the remaining open issues that remained after the 2013 RAA.

We've tackled all the questions that we were assigned to tackle. And the only one that we didn't feel comfortable finding a solution for was the (unintelligible) proxy accreditation program because we felt that this is not a thing that should be discussed between ICANN staff and registrars but should be something that would be a discussion for the entire community.

And that's why we and ICANN staff agreed to set that aside and have a preliminary solution in place for registrars directly but work on a more formal accreditation program for unaffiliated proxy service providers in the scope of the GNSO.

I would suggest that the PDP would focus on mainly this question, i.e. the relevant non addressed topics of the RAA negotiations would be mainly focused on the Whois privacy and proxy accreditation program.

Jonathan Robinson: Great. So to that extent the issues listed by staff are, in your view, a satisfactory charter for the PDP?

Volker Greimann: Correct.

Jonathan Robinson: Great. Thanks, Volker. And, Brian, if I could just make sure...

Brian Winterfeldt: Sure. Brian Winterfeldt, Intellectual Property Constituency. I agree with Volker. I think that the charter is certainly in draft form, certainly at least a very good start.

We have a couple suggestions. One would be considering re titling the PDP so it reflects the subject matter a little more clearly, something like privacy and proxy services accreditation. We strongly support expediting the work on proxy services accreditation.

I've noticed in the Chat room that there's been a compromise suggested of circulating the charter to all the groups and requesting input and proposed amendments in time for the next meeting.

And it looks like Wendy is supportive of that as well and the fact that she would like the ability to offer some amendments before we vote the charter up or down. So I think what I was trying to say was just something like that where we can hopefully get the draft charter in a form that everyone's comfortable with so that we can have a vote by the next Council meeting and keep this important work moving forward.

Jonathan Robinson: Great. Well thank you, all, for that constructive input. I really appreciate that. And I think we do then have a way forward which we'll capture and with the - a bit of wind behind us we'll have a motion to deal with this at the next Council meeting. So thank you, Volker,

Wendy, Brian and others who have contributed to that, that's very useful.

I think, Volker, your hand is up from previously I assume. Yeah, thanks...

Volker Greimann: Sorry, that's correct.

Jonathan Robinson: So we'll close this item - the discussion on this item now. I think we have a way forward and that was useful. The next item on our agenda is Item 11 which is the update and discussion led by Wolf-Ulrich, the Vice Chair of the Council, on our planning and organization for Buenos Aires - so the ICANN meeting in Buenos Aires in November. So I think over to you, Wolf-Ulrich.

Wolf-Ulrich Knoben: Yeah, thanks Jonathan. Well, the - yes the (path) schedule, as it is right now, is, well, submitted to the Council list as well and is here on the screen. It just very briefly, and in general, if you look at this time table so you may feel - get the same feeling as I have that it's a really tight schedule. So that came up from this very big list of items and going forward and backwards which we were of the opinion and to be discussed.

But so that is the first - that is - that's then the outcome of it at the time being. So before I go through to some of the details and I would like, well, to call your attention to that fact, to the number of items here and then think about later on and discuss that whether we could prioritize maybe whether from your point of view there's some items which are less important to all of you maybe and whether we could clean up the - and how we could clean up this schedule.

So to start with so - and if I go back to what we have talked about in the wrap up session in Durban with regards to the beginning of the weekend session, there was the feeling that the Council may have been - Council members may have been - to be too early with the open discussion on strategic items.

So I tried to put that a little bit later in the day to the agenda. I was wondering what is good enough, well, to start with in the morning, well, as a kind of warming up and then people coming in and they still have their jet lags and so on. So I think the - so that was my feeling.

And then since we have the Council election also during the Buenos Aires session the Q&A session might be a thing which is more in general and which could help us, well, to come closer to - to let me say - to the agenda itself. So that is why I put that at the beginning of the session.

So, well, then we have the different items (about) if you categorize them it's update a lot of - from working groups and from all the activities. And then we have the three or some of the bigger items which are the discussions with - with the Board and with the GAC and with Fadi as well and with the senior staff.

And I tried, well, to get that confirmed. It is not yet confirmed by all of them but I'm continuing to follow up here. That is a further block of items. And, well, this is - that's it, as usual so more or less.

And the question for me is now the number of items, the items itself, is that what you like to have? Is there something, well, which should be

removed? Is there something which should be extended, which should be shortened? Is there something left which should be put to the agenda?

And then we should talk about the question how we should fill the meetings with - as usual with Board and with GAC and with Fadi, what questions do we have to them? And then the question of timing how - and the series of the item is then to be solved at the end.

So I wouldn't go into more details in that. You can read by yourself. I would like to ask for discussion.

Jonathan Robinson: Thanks, Wolf-Ulrich. And I know this is a lot of work and it's - you really need help and input from others on this which you may not get completely now. But I would - it's actually not such a big deal to go through this, just this couple of pages. I'd really encourage councilors to do that and give feedback.

Has anyone got any feedback they'd like to give right away?

Wolf-Ulrich Knob: If I can could add one question - specific question as well, for example, I put also a slot onto the schedule, for example, from items like IDN variants. Also I was not very sure depending on the status we have at the time being with some items, for example, these items.

So I would like to get input for those items, for example, from people who are very close and who have big interest in those items whether these items and the timing of these items, the - is okay with that or whether is that or it's not of that interest in this regard so that we can shift it to other meetings, for example.

Jonathan Robinson: Wolf-Ulrich, in the - given that the time and that we're just heading up to the hour I think I'm going to have to take your input and encourage you to, you know, pose these questions on list, encourage other councilors to give you that feedback.

You know, we all participate in these sessions on the weekend and it's really important that they are well structured and organized. You've done a great job of getting us where we are so far so just really strongly encourage others to give Wolf as much feedback as possible as soon as possible because some of these things start to get locked down.

But given the timing as to where we are in the meeting I think we probably have to leave it at that. I don't see any other hands up with any particular comments now in any event.

On the next item, which is Item 12, we are not going to be able to cover this. And I had anticipated that. This is the prospective improvements to the policy development process.

But I'd strongly encourage you all to look at the table that Marika prepared on the back of what we asked her to do last time and come prepared to discuss and move this forward because it's part of a bigger theme for all of us is to improve the speed and effectiveness with which we work. And this is a Council-led with staff assistance initiative to try and improve where we can within the existing structure, the policy development process.

Can I call finally if there are any comments or input and there any other business? Has there been anything left out or anything significant that needs to be raised at this point? Seeing no hands in the Chat and hearing no comments I'll assume that we can therefore close the meeting at this stage.

Thank you very much. That was a constructive meeting and we moved some of the key items forward. And minutes will be coming out in due course as usual. Thank you all for your participation and involvement.

END