Transcript GNSO Council Teleconference
24 September 2015 at 18:00 UTC

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http://audio.icann.org/gnso/gnso-council-24sep15-en.mp3
Adobe Chat Transcript
http://gnso.icann.org/en/meetings/transcript-chat-council-24sep15-en.pdf
on page: http://gnso.icann.org/en/group-activities/calendar#sep

List of attendees: NCA – Non Voting – Carlos Raúl Gutierrez – absent apologies
Contracted Parties House
Registrar Stakeholder Group: James Bladel – absent, apologies proxy to Volker Greimann, Volker Greimann, Yoav Keren
 gTLD Registries Stakeholder Group: Jonathan Robinson, Donna Austin, Bret Fausett
Nominating Committee Appointee (NCA): Thomas Rickert - absent apologies, proxy to Jonathan Robinson
Non-Contracted Parties House
Commercial Stakeholder Group (CSG);Phil Corwin, Susan Kawaguchi, Osvaldo Novoa, absent apologies, Tony Holmes – absent, apologies proxy to Osvaldo Novoa, Brian Winterfeldt, Heather Forrest
Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Marilia Maciel, Edward Morris, Stephanie Perrin, David Cake, Avri Doria – absent apologies proxy to Stephanie Perrin
Nominating Committee Appointee (NCA): Daniel Reed
GNSO Council Liaisons/Observers:
Olivier Crépin-Leblond – ALAC Liaison – drpped off call
Patrick Myles - ccNSO Observer - absent apologies
Mason Cole – GNSO liaison to the GAC

ICANN Staff
David Olive - VP Policy Development   - absent apologies
Marika Konings - Senior Policy Director
Mary Wong – Senior Policy Director
Julie Hedlund – Policy Director
Steve Chan – Senior Policy Manager
Berry Cobb – Policy consultant
Nora Abusita - VP, Development & Public Responsibility Programs
Margie Milam- Senior Director of Strategic Initiatives
Larisa Gurnick - Director Strategic Initiatives
Charla Shambley - Strategic Initiatives Executive Assistant, Strategic Initiatives
Lauren Allison - Development and Public Responsibility Program Manager
Lars Hoffmann – Policy Analyst
Glen de Saint Géry - GNSO Secretariat

Nathalie Peregrine - GNSO Secretariat
Terri Agnew - GNSO Secretariat

Guests:
Jennifer Wolfe – GNSO Review Working Party Chair
León Felipe Sánchez Ambía – Co-chair CCWG Accountability

Glen de Saint Géry: Thank you very much. Good morning, good afternoon, good evening everyone. This is the Council call on the 24th of September. And shall I go and go a roll call Jonathan?

Jonathan Robinson: Yes please.

Glen de Saint Géry: On the call we have on the call and on the Adobe Connect we have Bret Fausett, Donna Austin, Jonathan Robinson. James Bladel is absent and has given his proxy to Volker Greimann. Yoav Keren and Volker Greimann. Thomas Rickert is absent. And Jonathan Robinson holds his proxy. Is that in order with you, Jonathan?

Jonathan Robinson: Yes, thank you.

Glen de Saint Géry: Philip Corwin we have not yet - Susan Kawaguchi. Yes Susan Kawaguchi is on the line. Brian Winterfeldt, Heather Forrest. Osvaldo Novoa - I don't see him yet on the line. But he holds the proxy for Tony Holmes who is absent today too with apologies. Marilia Maciel, Amr Elsadr. David Cake I do not yet see on the line. David if I've missed you please speak up.

Edward Morris. Avri Doria is absent and has given her proxy to Stephanie Perrin. Stephanie, are you on the line or on the Adobe Connect? I do not see you yet. Dan Reed. And we have apologies from Carlos Gutierrez who cannot be on the call. And he is the NCA non-voting member.

Patrick Myles has sent his apologies. And (unintelligible) had Thomas's proxy now because Carlos is unfortunately not able to be on the call (now)

For staff, David Olive sends his apologies. He can't be on the call. We have MarikaKonings, Julie Hedlund, Mary Wong, Lars Hoffman, Steve Chan, and we have Larisa Gurnick, Nora Abusitta. And David Cake has just joined the call. Thank you Jonathan. And that is over to you.

Jonathan Robinson: Thanks Glen. So we have a full agenda today, and so we'll work through that right away. We can get on with that.

So Item 1.2 as is always the case is an opportunity to provide an update to your statement of interest, which should be recorded and available in any event. So any updates to statements of interest?

Okay, seeing none, any comments or points on the agenda including items you might wish to raise under any other business?

Okay so you have seen the agenda previously published. We note the status of the minutes for the previous council meeting on 3rd of September. It will be posted and approved on 26th of September. Amr please go ahead.

Amr Elsadr: Thanks Jonathan. This is Amr. As I see going through ask if it's okay under any other business if we could possibly just spend a minute or two talking about the GNSO Council chair elections. Thanks.

Jonathan Robinson: Sure Amr. I'll put a note on that. Thanks. Okay now the opportunity now exists under Item 2 then to go through and just check off anything on our running list of open items, action items and so on. We don't deal with the - that's actually the project list. It's up on the screen at the moment.

So the list of actions is up on the screen now in front of you and we have an opportunity to review those. The first item deals with the planning for the Dublin meeting. And since this isn't an item on the main agenda, I'll just pass over to Volker if you would like to make any remarks or comments on this.

Volker I think it sounds like it's going reasonably well at this stage. Any comments or points you'd like to make?

Volker Greimann: Not really. Like you said we're making good progress on the agenda and I'm not sure if we have the finalized agenda yet to be distributed yet. I think we still need a few confirmations but the draft agenda I think could already be sent out. It's already in a very good stage. And with the invaluable assistance of Glen we've got there in time again. So that's something that you should be seeing on the list very soon.

We have the usual events, the updates, the meetings for the (GDD) with Fadi, everyone that we're usually meeting. And again if you have any topic that you would like to raise during those meetings please inform me privately or on the list so that we can include them and inform our guests of the topics that we're expecting to discuss. That's about it.

Jonathan Robinson: Okay great. Thank you Volker and I'll expect that you'll raise your hand if you do have any points - questions or points on these items as we go through.

With respect to the work on the CWG on enhancing accountability, that work we'll come to in the body of the main agenda. In fact Thomas Rickert is not available today and his co-chair Leon Sanchez has kindly agreed to update us on an area that's developing rapidly.

The next open item is the work on the outstanding IGO/INGO/PDP recommendations. And I understand there's no change or particular update on that at this stage. We are where we were previously unless someone corrects me on that. So I'm not going to dwell on that for the moment.

There are numerous items that we've managed to complete. And you can see those for yourselves on the list. I'm not going to read them out

specifically. Looking at the item on the GNSO liaison to the GAC, we're going to work on some dates for that.

It's worth noting that we also wanted some - I think we asked for some report back from the GAC GNSO consultation group on any suggestions for evaluation of the role. As it happens the group was supposed to meet, the consultation group, this week but there were numerous conflicts and difficulties so that meeting has been postponed until next week.

So we wait to see that and I think this - so this item will be updated shortly, both with the dates and we can - a provision of an update from the consultation group. And I note in the chat that Mary does confirm - Mary Wong from staff confirms that there is no update on the outstanding IGO/INGO/PDP recommendations at this stage.

We've published the GNSO Council chair election procedure. I note that there's a request here raised, and I'm going to adopt that in - under AOB so we'll come back to that.

An open, an ongoing item to keep an eye on developments in the IATF and as they might relate to the work of the GNSO. And that's got David Cake's name next to it. Checking if we have an update on the curative rights protection in the main agenda. So that's escaping me for a moment. I don't think we do. Or do we have it (unintelligible)?

Is there any updates that Philip you would like to make? I mean we've heard from you on this in the last couple of meetings but I see it's not on the main agenda. So let me...

Philip Corwin: Sure. This is Phil. I'd be glad to speak to it for a moment.

Jonathan Robinson: Go ahead. Thanks Phil.

Philip Corwin: Yes I wish I had better news on this, but when we discussed this in Buenos Aires, we actually thought we might be close to a final report by Dublin but our working group is increasingly frustrated and stuck in place.

The problem is in securing a legal advisor with expertise on the accepted scope of sovereign immunity for IGOs. With the assistance of staff, we located three experts who were interested. We about two weeks ago asked for formal proposals.

One came back and said he was unable to deal with the scope of all the questions we had. There's only about four questions. It's not horribly complicated but requires expertise and knowledge.

Another said that his schedule is filled up and he was now not able to do it in any kind of near term way. And the final one could do it and had the expertise but estimated that it would cost three to four times the amount that ICANN had budgeted for legal input. It's not a large amount that they have budgeted. I don't want you to think its six figures or anything.

So that person suggested another academic at a D.C. university law school. And we're exploring that but we - this group simply cannot proceed responsibly and complete its work without that legal expertise. We simply can't make it up on our own.

Staff had suggested we might look at narrowing the questions but as I said there's only four of them and it's the questions that the group felt that had to be answered.

The other frustration is I had informed you that we had gotten notice that there was a meeting in Paris in mid-July involving the chair and some other GAC members, some IGOs, a board member or two and others. And we've been waiting two months for a telephone conference to get a download of what happened at that meeting.

And in August we were told that because of vacation schedules that wasn't possible. But now it's almost the end of September and staff has still been unable to arrange for us to get a call so that we know what that group is thinking of doing.

So I wish I had happier news. It's very frustrating. I'll be joined in Dublin by Petter Rindforth, former council member and my co-chair, to report on whatever happens in the next three weeks.

But it's my unfortunate duty to report that we've made zero progress since Buenos Aires for lack of being able to receive the legal expertise and advice that's essential to our work.

Jonathan Robinson: Thanks Philip. The former is somewhat more understandable than the latter. I'm really amazed that you can't at least just get an update on what went on at that meeting in Paris. But anyway I'm sure you'll continue to persist.

Philip Corwin: We are continuing to press for it.

Jonathan Robinson: Yes. All right I think that was clear and understood. Somewhat disappointing to be no further. Next item is a letter from - a response to the ICANN board chair. And thanks to those of you who responded on list and for the help that I got in drafting that. So that's gone off.

And actually you'll remember that part of that was requesting any update on the development of the public interest framework. And to that extent or at least connected to that Nora is with us this evening, so - or the evening my time at least - in order to give us an update later on the agenda. So we will come to that.

So I think that deals with the action item list. And the document that was flashed up earlier, the project list, I will encourage you to be aware of that and make sure - we don't give it a lot of attention at council meetings but staff diligently do maintain that and keep it up to date as a summary of the work that's going on.

If you ever need that or you need to use that as a device to explain the (summarial) activities that are going on under the sort of overall management of the council, the GNSO policy work.

Let's move on then to Item 3, the consent agenda. And there are two items on there you will have noticed. One which was previously on the meeting at the last meeting, and that's 3.2, which is to approve the transmission of the recommendations report relating to the final report from the translation and transliteration of gTLD data working group.

That's the transmission of those - that recommendations report to the board. So we've seen that and we've had in fact the due notice, which is why it was pulled from the consent agenda previously. So I don't expect there's any issue there.

And then under 3.1, we are here approving the addition of the GNSO operating procedures of a proposed process for the selection of Board Seat 13 by the Contracted Parties House. Now this is technically the business of the Contracted Parties House. But nevertheless it is a requirement that the council approves that.

So I think there's a similar document outstanding from the Non-Contracted Parties House which we'll see in due course. And it's simply a requirement of the GNSO operating procedures that we provide this process and transmit it and approve it as determined by each house.

And so in this case it's been determined appropriately by the Contracted Parties House. So any questions or concerns or issues with those two items on the consent agenda? All right, go ahead Amr.

Amr Elsadr: Thanks Jonathan. I have a question on the second item on the consent agenda regarding the recommendation and report to the ICANN board on the translation/transliteration final report and recommendations. This is just a procedural question really.

The motion, the GNSO Council motion, to adopt the final report and recommendations included a resolve clause (unintelligible) that...

Jonathan Robinson: Amr unfortunately we lost your audio there. Don't know if there's... Glen could you confirm that - my end I think we lost Amr. I think I'm still on. Can you just confirm that Glen?

Glen de Saint Géry: Yes indeed we've lost Amr, but you are still loud and clear Jonathan.

Jonathan Robinson: Thanks Glen.

Glen de Saint Géry: And may I also take this opportunity to say that Marika has been having terrible connectivity problems and I don't see her on the call list.

Jonathan Robinson: Okay.

Marika Konings: Glen this is Mareka. I am on the call. I'm just not on Adobe Connect.

Glen de Saint Géry: Okay. Thanks Mareka. Good to hear. I'm sorry.

Jonathan Robinson: Okay, Amr are you back with us by any chance? Seems like we have a lot of technical gremlins floating around at the moment.

Glen de Saint Géry: We are trying to get him back on.

Jonathan Robinson: Thanks. It's just that I don't really want to proceed with the vote on the consent agenda. There's an outstanding question.

Glen de Saint Géry: We're trying to get Amr back on. He was disconnected.

Jonathan Robinson: All right, what I think we should do is we'll move on to Item 4 and we'll come back to just a vote on that consent agenda in a moment once we have Amr back on specifically because he was midway through a question relating to that item 3.2.

So Item 4 deals with the public comment period for new gTLD subsequent procedures preliminary issue report. And here you'll be aware that we discussed this at the previous meeting and decided that we would - that there were various views.

And the only way to resolve this council position on this would be too really - we weren't in a position to do something without - to just have a series of opinions or views without - if we really wanted to make a formal council position on it, it would require a motion.

And so the motion was duly prepared and presented by David Cake, vice chair from the Non-Contracted Parties House. David is there anything you would like to say about this? Is there any comment or point you would like to make on the motion?

David Cake: Not particularly. I think it's a reasonably straightforward motion.

Jonathan Robinson: Okay so thanks David. It is crystal clear I hope and perhaps just if you could just present exactly what (unintelligible) and put it to discussion.

David Cake: Yes. I mean just to note this was a request from staff that - I mean clearly council is fully - I think it's fully appropriate. So just to read that out, it's a

motion to request an extension of the public comment period for the preliminary issue report on new gTLD subsequent procedures and request be extended from its current 40 days to 60 days, so simply an extra 20 days on the public comment period on it.

Jonathan Robinson: And David just to note Mary's point in the chat, the staff assists with the preparation of the wording of the motion. It's not (unintelligible) as such.

David Cake: Yes, yes, yes. Yes. Several GNSO (members) have requested this deadline it seems to ensure that we get all the public comment period in on these items.

Jonathan Robinson: Yes. And so the outcome of this as we discussed previously would be that if the council were to vote the motion down and not accept it, the public comment period would remain at 40 days unless other groups made specific and strong motivations to staff to extend the public comment period, in which case staff may well be minded to do so in any event.

If the council votes the motion up and votes to extend it to 60 days -- and we discuss some of the reasons and timing around that with (Steve)'s presentation at the last meeting -- if the council votes to support that, I would imagine it would be - that staff would take that pretty much as a direction to extend it to 60 days.

So the council in essence, while it's not written in any procedure as such as the right - as it can determine an extension. But if we vote the motion down it's not a given that it won't be extended. So any comments on the motion or the issue at hand? Volker?

Volker Greimann: Thank you Jonathan. I think we've discussed the merits and the positions at length at the last council meeting. I still have a bit of a misgiving about the council deciding without request from the - or a formal request from the community. (Unintelligible) that...

Stephanie Perrin: I'm on a GNSO council call for ICANN.

Man: Oh I see.

Volker Greimann: Hello?

Man: Double duty.

Stephanie Perrin: Sorry?

Jonathan Robinson: We have a live mic. If you could please mute your microphone.

Man: (Unintelligible)

Volker Greimann: Like I said, I felt it would be more appropriate for not the council but those stakeholder groups or...

Man: (Unintelligible).

Volker Greimann: It's not the place of the council to make a determination just after the public comment has been - there has been no formal request for extension. Therefore I'm personally not in support of the motion. I will probably abstain from this unless the discussion takes it another way.

Jonathan Robinson: Thanks Volker. Any other comments or points in relation to the appropriateness of the motion or the substance behind it? Any other thoughts or points anyone would like to make?

And please note Steve Chan's point that as we are the public comment period will run until the 10th of October. And then the summary we can expect on the 9th of November, which is the November motions and documents deadline which coincides with the motions document deadline for the next council meeting.

If it is extended as envisaged by the motion to 30th of October, the public comment sorry would be done on the 29th of November in time for a 7th of December motions and document deadline.

So in effect if we ask for this, we move it from one council meeting to another, although frankly I question whether a 9th of November public comment summary and analysis will be sufficient then to be converted into a motion on that same day. Volker your hand is up again. Go ahead.

Volker Greimann: Sorry, old hand.

Jonathan Robinson: Thanks. And then Steve Chan, you have a hand up.

Steve Chan: Thanks Jonathan. This is Steve from staff. And I just want to reinforce that point you're making right now that that 9 November delivery date is dependent upon being able to do the public comment summary analysis and the final issue report in the 30 days, which I would say is probably dependent on the level of public comment that is received and as well as the level of adjustments that are needed for the final issue report.

So even though it says that it would allow us to perhaps meet that deadline, it's not necessarily a guarantee. So I just wanted to reinforce that point. Thanks.

Jonathan Robinson: Thank you. And that's helpful Steve, thanks. And I understand Bret would like to speak as well, although he's unable to currently raise his hand in Adobe. So go ahead Bret if you're able to come in on audio.

Donna Austin: Actually Donna (unintelligible), Donna Austin.

Man: I think it was Donna who asked to speak.

Jonathan Robinson: Thanks. Okay go ahead Donna.

Donna Austin: Thanks Jonathan. Donna Austin. So to Steve's point, we had some discussion about this motion on our Registries Stakeholder Group call yesterday. One of the concerns that we have is that we accept that the sense of the council discussion the last time we discussed this was to extend it 60 days. So we would support that.

But we would like on record that we don't want the time frames pushed out any further. So what Steve has just said is a concern to us. The issue report was supposed to be posted on the 8th of August I think it was. So that slipped out 23 days to the 31st of August. We're now moving it out another 20 days.

And I am concerned by what Steve has just said that depending on the comments that come in that we might have another slippage in the timeline.

So we would want - the Registries Stakeholder Group would like on the record that while we support the extension to the 60 days, we did not want any further slippage in the time frame for - on this issue in particular.

So we understand that this is going to be a long journey with the PDP. But if we keep seeing incremental slips of 20 days every time there's another slip in the process, then we think that we're pushing this out unnecessarily.

So from the Registries Stakeholder perspective, we support the extension to the 60 days but we want on the record that we don't want any further slippage in relation to what is normally identified as PDP time frames and timelines. Thanks.

Jonathan Robinson: Thanks Donna. I had a few technical gremlins of my own there for a moment. So I note that Mary put in the chat that staff will do their best of course to meet the deadlines.

And I think really in some ways a question I'd have for staff - and maybe I could pose this - is if the extension is set up and the council votes to support it and staff work with that extension, can you - presumably that gives you some time to start to do preliminary work, although you never know when the public comments are complete, and they are often back ended in a period.

You could presumably start to do some work prior to the public comments closing. I'm not sure who from staff feels qualified to answer that but that may help as well to - and if you have a view, that would be useful. Mary.

Mary Wong: Thanks Jonathan. Hi, this is Mary from staff and Jonathan you're absolutely right. Obviously we don't wait till the last day of the public comment period to begin working. So we will obviously do as much as we can. That of course also depends on not just how many comments are submitted but when they are.

So if we do see a late last rush of a bunch of comments, then there may be a limit to what we can do. So I guess what we're saying here too is, you know, regardless of what happens with this motion, if the community could help us help you in other words. So the earlier the comments are in, I guess the faster we can get to work.

Jonathan Robinson: Thanks Mary. I see we don't have a lot - doesn't appear that there's anything particularly more anyone would like to say here. I suppose I'll take the rare moment to just reflect what I understood from the registries discussions. And there were certainly some pretty mixed feelings about this. Many were not keen to set the precedent of and/or accede to the extension.

But there was some sympathy with or recognition that there were others in the broader community - the GNSO community - who would like to see that happen.

And so to Donna's point, there was the willingness to accept that but the pretty strong feeling that this shouldn't be something that was the basis for yet more and other delays. So I guess really reiterating and putting it just a subtly different perspective on it than Donna did.

Okay it seems to me that we can put this to a vote now and get on with voting for the motion. So the motion as you see gives us the opportunity to - if we support the motion - to extend the public comment period to 60 days.

So Glen if we could put the motion to the floor, I think possibly - maybe we should do a roll call on this one. It's probably a good idea to do a roll call on this one. I'm not really sufficiently clear on where people stand on this. So let's do a quick roll call Glen (unintelligible).

Glen de Saint Géry: Thank you Jonathan, but before we do that can I just make sure that Osvaldo Novoa is not on the call because I do not see him in the Adobe Connect room but I may have missed him. And I do not see him on the call either. Can we just call out to ask if he is on the call because he holds a proxy for Tony Holmes?

Hearing nothing I will then proceed and note that Osvaldo is not on the call. Volker Greimann.

Volker Greimann: I abstain.

Glen de Saint Géry: Thomas Rickert - Jonathan would you please vote for Thomas?

Jonathan Robinson: That's tricky. I think I'll also abstain. I'm not sure where Thomas stands on this. I'll abstain.

Glen de Saint Géry: Thank you Jonathan. Amr Elsadr? Amr? Amr, are you...? I see Amr is disconnected. I'll come back to him. Susan Kawaguchi?

Susan Kawaguchi: Yes.

Glen de Saint Géry: Daniel Reed?

Daniel Reed: Yes.

Glen de Saint Géry: Bret Fausett?

Bret Fausett: Yes.

Glen de Saint Géry: Yoav Keren?

Yoav Keren: Yes.

Glen de Saint Géry: Tony Holmes is not here and his proxy has been given to Osvaldo. And Osvaldo is not on the call. We will mark that as absent. Philip Corwin?

Philip Corwin: Yes.

Glen de Saint Géry: Edward Morris?

Edward Morris: Yes.

Glen de Saint Géry: Donna Austin?

Donna Austin: Yes.

Glen de Saint Géry: James Bladel. Volker will you please vote for James?

Volker Greimann: James abstains.

Glen de Saint Géry: Thank you. Brian Winterfeldt?

Brian Winterfeldt: Yes.

Glen de Saint Géry: Stephanie Perrin? Stephanie? I see that she is on the call. I'll come back to you. Jonathan Robinson for yourself.

Jonathan Robinson: I vote yes.

Glen de Saint Géry: David Cake?

David Cake: Yes.

Glen de Saint Géry: Avri Doria, Stephanie Perrin. Are you back on? Would you please vote for Avri and for yourself? Is Stephanie in the Adobe Connect room?

Stephanie Perrin: Hello, sorry for the...

Glen de Saint Géry: Yes.

Stephanie Perrin: Sorry for the delay. Can you hear me? Yes for me and yes for Avri.

Glen de Saint Géry: Thank you very much Stephanie. Noted. Marilia Maciel?

Marilia Maciel: Yes.

Glen de Saint Géry: Heather Forrest?

Heather Forrest: Yes Glen, thank you.

Glen de Saint Géry: Thank you. Osvaldo Novoa. I still do not hear Osvaldo on the call or is he perhaps in the Adobe Connect room? No, I do not see him there either. So that is an absent vote. And Amr Elsadr, will you please vote?

Jonathan Robinson: Amr voted yes in the chat Glen.

Glen de Saint Géry: Oh thank you very much. So the tally of the votes is in the Contracted Parties House, 57.1% yes and in the Non-Contracted Parties House 84.6%. In other words there were (12) yeses in the Contracted Parties House, three abstentions.

And in the Non-Contracted Parties House, 11 votes in favor and 2 abstentions. Would you like people to provide a reason for abstaining Jonathan?

Jonathan Robinson: I think that is what's normally expected, so it would be good to get that briefly.

Glen de Saint Géry: Thank you.

Volker Greimann: For my part I think I've stated why I abstained. I felt that the council has not been presented with a compelling reason for extending. And if an extension had been wanted by constituencies or stakeholder groups, they should have made those requests formally and then obtained an extension that way. The council itself does not need the extension (unintelligible).

Glen de Saint Géry: Thank you Volker. And Jonathan, because you did not know which way Thomas wanted to vote.

Jonathan Robinson: Yes I think that's really - I just wasn't sufficiently directed so I wasn't confident enough to provide anything other than abstention. So, you know, that proxy was given at the last minute due to some technical issues. So if you could just record that I didn't have a knowledge of Thomas's intentions.

Glen de Saint Géry: Thank you Jonathan. So the motion carries, I believe at 57.1 and 84.6.

Jonathan Robinson: Correct, simple majority and it carries.

Glen de Saint Géry: Simple majority.

Jonathan Robinson: Thanks Glen. So...

Glen de Saint Géry: Thank you.

Jonathan Robinson: let's just come back to the consent agenda then which we were held up. I've confirmed with Amr that he is happy for us to go ahead and put that to a vote, notwithstanding the fact that he had a minor question there. So let's just vote on the consent agenda now.

Here I will simply ask if there is anyone has any objection to the consent agenda please make yourself known now. And anyone who would like to abstain from voting on the consent agenda please make yourself known now, including those who hold proxies for others.

Glen if you could record then that all those present including the proxies are in favor of the consent agenda being passed.

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

Jonathan Robinson: Okay with that we move on to Item 5, which is an opportunity to hear an update on the work that's going on with the vice president of ICANN's development and public responsibility programs, Nora Abusitta. And Nora has kindly agreed to provide an update to us.

And of course this links to the item that we talked about previously where there was an exchange of correspondence to and from the board which included reference to public interest.

And we referred back and said well any guidance we can receive would be useful. And so let me without further ado hand over to Nora to provide the update. And then we can have a Q&A on the back of that. Nora, over to you.

Nora Abusitta: Thank you Jonathan. Can you all hear me clearly?

Jonathan Robinson: Yes I think we can hear you okay. Thanks Nora.

Nora Abusitta: Great. Well thank you for inviting me to speak today on the topic of public interest as it relates to ICANN's mission and mandates. I've had several discussions with many of you over the past year almost about this topic. It keeps popping up.

And now as you may recall just for background there was an attempt to try and develop a definition for public interest during the strategy panel that was led by (unintelligible). And for one reason or another -- we had long discussion about this - the definition was just not very accepted by community members.

And so - but in parallel we kept hearing from the community either references to public interest or kind of requests to tackle this very important term before we keep moving forward with referencing it and not really knowing what we're talking about.

So from my discussions with community leaders and community members it was clear that yes there is a need to tackle this again. Yes this should be done by the community to completely bottom up with representation from all stakeholder groups and all geographies. But we don't have time or bandwidth for it.

And so what we did in the Department of Development and Public Responsibility is we thought that while everybody's busy working on all these very interesting other tracts, we can start looking internally at ICANN and we should try and understand what public interest within ICANN (unintelligible) means to our operation.

So what does it mean for the Department of Development and Public Responsibility? What does it mean for GDD? What does it mean for (Susanna)'s department on operations? And we felt like this background work or research would be very - it would come in very handy once the community was ready to organize itself and started looking at the definitions.

So where we are now is we're almost done with doing the internal research and we have a better understanding of how staff see the term, how it affects their day-to-day work and how they see their own work within this broad public interest reference.

The advice I was seeking from you and from this group is how best to move forward because we do understand that the need remains for a proper definition that everybody's in agreement on. We realize that nobody has the bandwidth right now but we also want to make it clear that we've done the background work and we're happy to do more research for when you're ready.

So I'd be interested to get your insights really on what more can be done from our side in the interim until the committee is ready to tackle this. And you know we've heard some ideas about how the conversation with the community can and should start, but I think it's really premature now because I don't think anybody has the bandwidth.

So what I hope to get out of this conversation is first of all of course I'm happy to answer any questions, whether about the prior definition or our findings so far from the research that we've done or even suggestions about what other research we should do.

But I also would like to hear from you and get guidance on how best to carry on with this work.

Jonathan Robinson: Thanks Nora. Let me hand over to the floor and see what others have got to say in terms of questions or comments. And I see a hand up from Stephanie. Stephanie go ahead.

Stephanie Perrin: Hello.

Jonathan Robinson: We hear you now Stephanie. No longer. We heard you say hello. If you could come in Stephanie.

Stephanie Perrin: Hello? Hello?

Jonathan Robinson: Yes we hear you say hello. Go ahead.

Stephanie Perrin: Ah good. I'm terribly sorry for the delay there. I wonder if you could share with us - I take it you haven't written a report - Stephanie Perrin for the record by the way - you haven't written a report of the research. Do you have a bibliography?

It would perhaps help us to at least have the categories of the research on this topic because there is the definition of public interest in legal precedent which will vary jurisdiction by jurisdiction. There are differences in policy. There are telecom definitions. You know, where does one start quite frankly? Thanks.

Nora Abusitta: Thanks Stephanie. We have a good list of documentation that we can reference. And I'm more than happy to send you the link. Actually one of the questions I had for you was if you think it's appropriate for us to create a page, maybe a Wiki page or something where we can just put all the research that we've done, all the references that we've found, so that you can kind of reach in and get it when you have a moment. We're happy to do that as well.

And we haven't done external research yet, but the documentation that's focused completely internally should be ready also and a report in the next few weeks.

So let me know if you'd like me to just send you the documentation individually or if we should just create the space that's available to all. I mean I'm happy to do it either way.

Jonathan Robinson: Thanks Nora. I guess I was going to - my question that I had was - and I see Stephanie says a Wiki page would be helpful. Certainly it feels to me like publishing and exposing your areas of research or any information you can would be helpful.

I was going to ask what you thought that sort of deliverable of your work would be and when we might expect to see that. I think you hinted at that a moment ago but it would be good to clarify that.

Nora Abusitta: Our deliverable as we see it is to produce a report that at least explains how the definition of public interest affects currently -- or public interest in general - affects ICANN's internal operations.

We can take that further and start circulate - so the way we've done the research is we've had meetings with department heads and then we circulated a questionnaire. We can take it a step further and start looking at different community groups and kind of carry on the same research but I didn't feel it was appropriate because I didn't want to go too far.

For me it was very important to at least understand as staff what it all means. So first deliverable is that research on public interest within ICANN's (remit) for internal operations. We can extend that a little bit if this group feels it would be useful.

Jonathan Robinson: Great. Thanks Nora. I see there's a couple more hands come up now. So let's hear from Marilia.

((Music))

Jonathan Robinson: Looks like we have another gremlin there so I'll go to Donna until we...

Marilia Maciel: Hello? Hello?

Jonathan Robinson: Hi Marilia. We hear you.

Marilia Maciel: Hi sorry. I lost audio for a minute. Thank you very much Jonathan. This is Marilia speaking for the record. And thank you very much Nora for being here with us today.

Actually I have two quick questions. One of them is related to the fact that regardless of the fact that we don't have a clear common definition of public interest, part of the organization and the GNSO in particular has been asked by the board to look into public interest strengths for instance. And without this definition we feel like we need more guidance to our work.

I just would like to know if when the board talks about public interest strings, are they talking to you and your department working with them to try to come up with a definition? Because this demand is coming from them to us so we imagine that they have a clear idea of what they're talking about.

The second question is related to development. And I say that this is one of the important points of the report. And this is one of the topics that I believe we'll be discussing in the process of reviewing the last round of applications for new gTLDs in preparing for the next one.

I think that this is one of the points that we need to improve to make sure that the (DNS) industry would be (intelligible) development. And I don't see right

now work that is being developed in this direction in particular. So just to ask you, you know, future plans, if you plan to expand to this areas to talk about the development in the (DNS) industry and how we can contribute to your reflections on that. Thanks.

Jonathan Robinson: Thanks Marilia. Go ahead Nora.

Nora Abusitta: Thank you Marilia. Two very important points. The first we are currently reviewing the GDD understandings and implication and relation for - in relation to public interest and the definition.

Ultimately the challenge is its like chicken and egg, right? We (unintelligible) but we're not quite sure what it is. And when you talk to different groups it means different things. And we're finding that even internally it means different things.

To be honest, my expectation is that ultimately we may have to agree on a very broad definition that covers everyone. And then for every track we will have some nuances that are relevant. So for GDD it may not - what applies to GDD may not apply to my department for example.

But we are taking a close look at GDD right now to see at least what the understanding and implications of the definition are.

For the second point, one of the challenges that was met by (unintelligible) was that they came in thinking that they're here to look at a definition for public interest and then they realized this was too broad and that there's a lot of development work that needs to be done by ICANN almost to streamline the projects that could qualify as development.

And so one of the recommendations was to establish my department. We are constantly looking at how we can expand our work to areas that are very relevant to ICANN (dreams). So one of the areas that you mentioned is

certainly what we're looking at. But we are unable move forward too much because of certain budgetary restrictions.

But I'm hoping that, you know, from the conversations around this definition there will be another push to create new programs that are much more specialized, that we tackle specific issues within our agreement.

Jonathan Robinson: Thanks Nora. It looks like a final question will go to Donna - question or comment.

Amr Elsadr: Jonathan this is Amr if I could also get in the queue please.

Jonathan Robinson: Amr you were in the queue. You go ahead first. I thought you had dropped your hand. Go ahead and then we'll...

Amr Elsadr: Actually I think I was behind Donna, but I've been disconnected from the Adobe Connect room so I'll just go ahead after Donna goes.

Jonathan Robinson: Let's hear from Donna and then Amr and then we'll close the queue at that point. Thanks. Donna go ahead.

Donna Austin: Thanks Jonathan. Donna Austin. Nora I think probably what you just covered in your response to Marilia was close to the question that I was going to ask. You know, is it your expectation that you'd have one interpretation of what public interest means? And I think it's very difficult in the ICANN construct.

I think from a registry operator perspective, most of the requirement as it relates to public interest has come down from the GAC. So registry operators have in their registry agreement a number of public interest - the term public interest commitments. And that has slowed down from GAC advice.

So I think from a registry operator perspective the link has to be made back --
and certainly from the GDD -- that link has to be made back to what was the
GAC kind of intention with their advice when they refer to public interest.

And I think that's going to be a challenge because different governments are
going to have different ideas of what public interest means to them. So it's a
good piece of work but I think it's going to be a very challenging piece of work
to come up with definitions or interpretations that are going to be acceptable
across the community. Thanks.

Nora Abusitta: Thank you and this is really the challenge that we're seeing right now. And so
we thought at least by trying to understand what it means internally we'll give
the community the realities that we have to deal with. And then we can
expand that to see what it means for the different stakeholder groups.

But at the end of the day I think what I've seen across the board is that
there's agreement that we have to stick to our agreement, right? ICANN is a
very technical organization. If we are to start operationalizing public interest
and development programs we have to stick to what we do.

We can always get creative and collaborate with others, right? But I think
everybody realizes that we have a very narrow remit that we need to stick
with.

Jonathan Robinson: Thanks Nora. Go ahead Amr.

Amr Elsadr: Thanks Jonathan and thank you Nora. I was actually going to say something
along the lines of what Donna said and I really do agree with everything she
did say. I know that you also mentioned that when checking internally on
what the public interest means to different departments within ICANN
sometimes you get different answers.

And I'm sure as you also said, you get different answers from the community, different groups within the community. I'll give you one better. In the NCSG we can't seem to agree on how we feel the - defining the term public interest should be handled.

Personally I'm very much in favor of keeping it as a subjective sort of phrase. When you look at public interest in the ICANN universe it does pop up in a number of places like the by-laws. It pops up in the registry agreements, in the applicant guidebook, although the applicant guidebook there was - it was mentioned as part of a limited public objection on new strings and that was kind of tightly defined in scope and what that meant.

But the thing is I do appreciate where you're headed with your work right now. And what I feel would be an appropriate next step following that - and I wouldn't expand on your work just yet - but I think what an appropriate next step may be is once we kind of have your report on where public interest is mapped out across ICANN maybe we should actually just decide whether it is actually desirable to define it or not or maybe actually limit the use of the definition to a certain sphere of use within ICANN because I think it may be very problematic to establish a definition which may have a wide variety of impacts across different uses of the word in different contexts.

For example, within policy development we did have this issue with the letter from the board on a current issues report. So I think in the registry agreement's also an issue. So personally I think it would - a good next step would be to decide whether we actually think it is desirable to define public interest or not. Thanks.

Jonathan Robinson: Thanks Amr. I note Donna's comment about the mapping across the ICANN would be a useful exercise. I had said I would close the queue but my vice chair David Cake has come in. So David looks like a last question or comment from you and then we really must move things along. David.

David Cake: Yes my just brief comment was - and I think I've said this a number of times - is that the outcome of this process we shouldn't necessarily be thinking in terms of defining the public interest but in understanding a process for how we deal with public interest concerns within ICANN processes.

It may well be that trying to define the public interest is not the appropriate way to deal with that at all. That's my comment. Thanks.

Jonathan Robinson: Thanks David. Nora did you want to respond at all or shall we move things on at this stage?

Nora Abusitta: I think it's - all these comments are very clear and I've had the discussion with David - and I mean our concern from an internal standpoint is I need to be able to say yes my department is working within public interest because we do X, Y, and Z.

And so the exercise that we're doing right now, even if it doesn't lead - even if the community decides okay we don't need the definition any more - I think it would be very useful for us.

But yes I've noted all your comments and we will provide you with our work and then we can revisit and see, you know, where the community would like to go with this.

Jonathan Robinson: Well thank you very much for providing your time and energy and interaction with the council. That's helpful, especially in the context that we might get asked to reference some of our work in a public interest context and I think we can consider ourselves better informed to the discussion. So we look forward to hearing further updates on your work right through exposure to your research and ultimately the output that you produce. So thank you very much Nora.

Nora Abusitta: Thanks Jonathan. Thanks everyone.

Jonathan Robinson: Okay, great. So now we move onto Item 6 and this was an update on the discussion paper on GTLE auction proceeds that is subject to public comments right now and for which there will be a public webinar coming up with - as you will recall this is work was essentially in many way initiated by the council and got other groups to join us in forming a cross community working group or at least expressions of interest in that. And that was followed by a high interest session in Buenos Aires as well as a GNSO facilitated work shop. And both of those led to the conclusion that it would make sense at all if the input to date into a formed discussion paper so that this is good really well aired prior to kicking off the actual working group.

I am not sure whether Marika is in a position to make comments or remarks on that. But I think you are on audio. Mareka, let me hand over to you and give you the opportunity to make any comments or input that you'd like to make on this paper before have any Q and A.

Marika Konings: Yes, thank you Jonathan. Apologies for not being able to (unintelligible) we can act on them. I am struggling with intimate grumblings here but hopefully you can hear me okay on the audio.

I think Jonathan already said quite a few things I was going to say as well. Basically, your discussion paper is a continuation from the discussions that happened in Buenos Aires where on the one hand we had the SO 80 high interest topic discussion that focused on this aspect which was then followed by a workshop on the topic which included, amongst others, a number of the TTLB registries. We shared their experiences in dealing with the excess fund. The main objective the paper itself is to provide the community in one place all of the information that has been shared and gathered today and basically allow for further input on how to proceed on the next steps in relation to this topic.

There were some questions that were raised on the council, as I tried to explain as well and the discussion paper does need to do open forum for suggestions and alternative approaches to a cross community working group which what has been suggested to deal with this topic and which was also floated in the Buenos Aires discussion. Many, taking into account, that not everyone may have been able to provide their input or feedback as to part of this conversation that happened in Buenos Aires. But at the same time I think we're also recognizing the paper that funds those discussions. It does seem to be broad support at least from those that participated in those conversations across community working group approach which has the result of the most likely step going forward. Of course, unless the community decides that based on the input receive that maybe another approach that is worth considering.

So the paper (unintelligible) a number of specific questions that are really intended to serve as a starting point to help inform the next discussion of the drafting team that's expected to be created that would develop a charter for a cross community working group. And some of those questions ask how can any effort insure that conversations are focused on the development of a framework instead of only talking about how to spend the money and what kind of intelligence is gathering of expert involvement is nee3ded. What kind of information should be available at the outset to insure that there's a broad knowledge base and as well benefit from other similar experiences. And I mentioned before. One that the CCGLB community, for example, has been doing and what kind of external expertise may be needed. For example, if you think about fiscal questions that may come up. And also questions related to broad involvement in the initiative and what if it is expected or desired involvement and the role of the board regards to participation. But also how does the community expect the board to consider or deal with any recommendations that may come out of these efforts.

And the conflicts of interest? How should those be dealt with? Participation and our reach - how can we insure broad participation and engagement in

this effort? Is there linkage with other efforts that should be taken into account? For example, (unintelligible) that's being conducted by the CCWG and accountability which may affect the current scope admission as defined in (unintelligible) bylaws as well as the work that Lenore has just been referring to concerning the public interest. (Unintelligible) questions and relation to implementation - what is the expected scope of a CWG with regards to implementation once the proposed framework has been agreed upon.

So as I mentioned these points are really intended to discard service at the starting point for further conversations and input as well as identification of any other point that may need to be considered that we didn't slack in the report.

And as Jonathan mentioned that the public commentary appeared is currently open on the paper and it's really intended to get further and input and feedback on these points as well as anything we may have missed. I have noted looking at the input that has come in so far in response to public common form that most of the input seems to be specifically on how should the money be spent on or what can it be spent on? And of course, we'll make of all of these suggestions. As you may have seen there's a specific annex that outlines all the ideas that we've been able to track to date and we'll add those to it.

And from our point of view those are really for the community to consider in subsequent steps of the process. And at this stage many would like to encourage contributors to focus specifically on the points made in the discussion paper, and use that as you focus your development of your contribution to the public common period.

You may have seen this (unintelligible) referred to that. We know that several of you have expressed some concerns in relation to the initial closing of the public common form which coincided with the ICANN meeting in Dublin. So

as a result of that we've expanded them. The public common forms to the 8th of November so that it closes two weeks after the ICANN meeting in Dublin. And we also scheduled a webinar to take place on the 7th of October at 1300 UGC which hopefully will allow us to breathe interested parties on the cons of the discussion paper and encourage input through the public common form. So I think I have a snapshot and hopefully provide you with an overview of the objective as well as the (unintelligible) discussion paper is and I'm happy to answer any questions that you may have.

Jonathan Robinson: Thank you Mareka. Any comments or questions? I'm taking today after your previous hand from the previous section? Is there anyone who would like to make any comments or questions at this point in relation to this piece of work that's going on? Yoav go ahead.

Yoav Keren: Yeah. The only thing that bothers me in this paper is that if I look at the generally again talks on process, there's no issues or ideas raised at this point. The only thing that I hope that we're not going to spend too much time and not too much money with all kinds of experts and groups and committees and whatever in talking on how to do this instead of just talking on what to do with the proceeds. I think that those need to take the discussion one step forward as soon as possible and to try to do some good with this fund that I cannot get already. That's it.

Marika Konings: Can I respond Jonathan? Thanks Yoav for the point you made. And one of the things that Elise came back from the discussion I think in Buenos Aires from different SO and AC leaders (unintelligible) an important part of the conversation. But I think at the same time everyone was also allowing and insuring that, of course, needs to be a proper process and framework in place for having those conversations. As I think that's basically what we're trying to do now is to make sure that there's a proper basis and everyone knows what the steps are to get to the point where we can say, okay, this is how money can be spent or should be spent and these are the objectives that are being set for spending money. So I think that's what the focus is on now but I don't

think it's any way intended to build some kind of elaborate process and to able to do that but it's just to make sure that the framework in place is correct and everyone is able to find themselves in that and be able to participate and contribute.

Jonathan Robinson: Thank you.

Donna Austin: Just to Yoav's point, I think, and this may be a question for Mareka, my expectation is that this is going to take some period of time to develop the process to have to allocate the auction proceeds. I wonder if there's any value and having a parallel track that actually talks about what the community thinking is about what they consider would be worthy projects to spend the money on. And that can somehow and form perhaps the way that the current track is thinking about the process. Because I think it would be useful to understand what some of the community thinking is about how to spend the money in order to develop a process to how you do that. If we're talking about big chunks thing allocated to certain projects that that may have a different impact on how you actually allocate the sum. So I haven't really thought that through. It's just responding to what Yoav suggested that perhaps there is some value in having parallel tracks. And I do take Mareka's point that you are keeping track of some of the community's suggestions on how to spend the money. But perhaps given the amount of time that it will take to develop the process there might be some value in having that parallel discussion about what the community thinking is on how to spend the money. Thanks.

Jonathan Robinson: Interesting addition to where the thinking was. Philip, go ahead.

Philip Corwin: Just briefly. What I thought that the session and Buenos Aires and what Marikajust reported is that a lot of the community are much more interested in raising ideas for how to spend this money on various pet projects or causes and they aren't constructing a framework for how it should be used and in what manner did I don't have any specific projects in mind. I think Rachel, questions we get into is that whether we're going to disperse these funds all

in one fell swoop for variety of different projects. I have no doubt the community could come up with another idea is to quickly spend the 58 million and a short period of time to do whether it's going to be some kind of endowment fund that will fund some one or two now areas over a long period. I think we all need to be very cautious about sticking the first principles and getting a good framework for how general categories of how this money might be used and over what time frame it should be disbursed before we let folks rushed forward with all kinds of ideas about spending. That's all I have to say. Thank you.

Jonathan Robinson: Thank you Philip. I am going to close the queue. I have a couple of my registrar colleagues putting their hands up. So Yoav and Volker, let's hear from you? Yoav and Volker, if you could be brief? I'm just mindful of the rest of the agenda that we've got to get through. Go-ahead.

Volker Greimann: Yes, I'll be very brief both to Marika and what she said. I am not in any way against having a good framework for this. This is very important to have a good process. I'm just saying let's not dive too deep into the process and forget about the important stuff is what good can be done. And I really like Donna's idea and I hope that maybe it's possible that it won't stay as just an idea that actually something that we can push forward and have this parallel discussion. Thanks.

Jonathan Robinson: Thanks Volker.

Man: Well, I for one feel that unless that money isn't really burning in all of our communities pockets or unless everybody agrees that certain leeway forward really needed the process to avoid conflicts down the road. So having a good conflict in place is the foundation for spending that money. Unless of course there is a genius idea that everybody could agree on what we really need to get rid of that money right now. It's not going anywhere. Inflation is there but that's not too much of a (unintelligible) I think. Let's get this right.

Marika Konings: Can I maybe make a last comment?

Jonathan Robinson: Yes, please do Mareka.

Marika Konings: Yes and thanks. And I really appreciate everyone's feedback and input and I
                    really hope you are going to make those same comments as well in response
                    of the public comment form. In response to Donna's idea, and I think part of
                    that we of course have already started as one of the annexes. Safety
                    outlines, all of the ideas have been made to date. And we'll of course expand
                    on those as rejections come in to the public comment form. And maybe there
                    can be a running list that is being developed and you could even consider a
                    wiki page with people can keep on making suggestions. And then indeed
                    when the weather framework is in place a specific criteria has been identified
                    you can see an effort where those ideas that have been suggested
                    unmatched again to the criteria that the community identifies and see which
                    one of those could qualify. That may be a way of using what all the
                    suggestions that are being made and are being put in to not have to wait until
                    the end of the day when you have a framework and then start asking people
                    for their suggestions and ideas. So again it (unintelligible) to provide your
                    input and response to the public comment forum and then you will have a
                    chance to review the feedback that comes in and decide our next steps.

Jonathan Robinson: We could encourage the groups. I think this is a useful mechanism using
                    the comment to get that feedback and of course we initiated elements of this
                    in the first place. So let's make sure we speak into the process healthy and
                    alive. I'll was on rapidly to Item 7 which is a discussion and hearing around
                    the final reports of the independent examiner on the GNSO review. I hope we
                    got Senator Wolf or Larisa here. I think Larisa might be here too to present
                    this guy come to us. And so it would be very interesting to hear that - a very
                    interesting study to this. We've got the final report and the council's had a
                    liaison function where our ask counselor, Jennifer Wolf, who was the primary
                    liaison to the group. And so it will be very good to hear what the group is at.

With a final report settles and to think about what the next steps might be. So let me handed over to you Jen.

Jen: Thanks very much and thanks to everyone on the agenda today. We have just a few slides prepared to guide in this discussion that the first thing just to update you on what our timeline has been and where we are right now. We started our work back in May 2014 with the formation of the working party. And we've been working closely with the Westlake team throughout the process. Westlake was engaged in June 2014 and has continued until September with the final report was issued just last week. Throughout the August of 2014 to June of 2015 timeframe we had been working to gather data, work in consultation at ICANN meetings. And we at the working party has worked very hard to try to get as much about we just possible and have to down the participation that we need to have good outcomes from the review. And from January to March of this year we have been working with Westlake and looking at the working tax and as it has evolved into the draft recommendations and ultimately the final recommendations. And there were some changes made to the final report that was issued last week that the working party was not able to see. And there have been some issues that have resulted from that which I will explain in more detail. If I can have the next slide please?

The report that Westlake issued had 36 recommendations. They covered for areas. One was participation and representation that the other was continuous development including the PDP process. The third was transparency and the fourth was alignment with ICANN's future. The good news is that there was throughout the public comment period and throughout all of the feedback provided by the working party for most of the recommendations there was widespread agreements and discussion on how we might move that forward it to implementation. Unfortunately, Westlake made a pretty dramatic departure from the draft reports until the final report on Recommendation 23 which, I'm sure, will talk quite a bit about today. And the big change that they made is that completely change Recommendation

23 in it now states in order to support ICANN's multi-stakeholder model all fees should have seats on GNSO counsel allocated equally as far as the numerically predictable by their SG's. So as you might imagine that has created some concerns. We just received this report last week. We scheduled an emergency call on Monday to discuss how to respond to that prior to the organizational effectiveness committee meeting which is taking place on Monday of next week. And through that we have worked this week to create a draft response which was circulated earlier today. I apologize for the late notice on that but we just got noticed last week and have worked very hard to try to prepare something in the last few days.

I'd like to go ahead and cover the next two slides and then come back to this issue on Recommendation 23. If you can put the next slide. What we are hoping to do as the working party, I think there will probably be agreement with this, is our goal is really to take those of the 35 recommendations and prickles down into a few categories. Things that we can look at in terms of the cost benefit. Are the easy to implement? What's the impact? What's the capacity of the GNSO right now to handle any of those should it need additional working parties? Was the alignment with the strategic direction? Any dependents or impact on other groups or just need for additional information. So I would plan and our hope is the working party is to take those are the 35 recommendations where there was widespread agreement and start breaking those down into chunks that we can build an actual workable plan and an implementation plan that we can bring back to you as a recommendation on how to go forward. If you could go just to the next slide?

And 10 in terms of our timeline we are looking at Westlake presenting their final report on Monday, September 28, and that's where we had the deadline of whether or not we can provide this response, I guess I would say a recommendation number 23. By October we're going to be working to have our recommendations on the other 35 recommendations as I said. There's a lot of really good recommendations that we want to work our way through. By October 16 the OAC will consider the feasibility and a recommendation to the

board. And then in February 2016 ICANN board will initiate some sort of action on the final report. So we see our work flow between now and February as really taking it upon ourselves as the GNSO working party to help make recommendations for implementation of those other 35 recommendations.

So I'd like to circle back now to the written statement on Recommendation 23 that was circulated earlier. And just to provide some context. We have had about 10 to 12 people participating on the working party calls. It is not been fully representative of all the GNSO so my only concern in issuing this was sending this out to the OAC is that we haven't had for participation from the entire DMSO. So what I'm hoping today is to get your feedback and direction on how we proceed with this draft response on Recommendation 23. Do you think its okay to send it as is on behalf of the working party? Do you think it needs more discussion amongst the entire DMSO? Do you think we can send it with some qualifier that there's been a small group? And the more full report will be forthcoming. I'd really like to get some feedback from counsel on what you think is the appropriate next step with that communication. I'll go ahead and posterior. The last couple of slides are just some recaps of work that has been done. But I want to make sure we have time to get the feedback on this issue.

Jonathan Robinson: Thanks Jen and thanks for all your work within the working party. So clearly there's an interesting dynamic here. You've done lots of work and we've delegated that work to you and now the question is do we continue to do so given the concerns you have mentioned and how do we work with this? Volker, your thoughts?

Volker Greimann: Yes, just one question. As I understood the final recommendation was completely changed. What was the justification given by Westlake for that? Well, this is in response to public comments received. Why did they feel they have to insert this new recommendation at this stage and other earlier stage to give the community the opportunity to comment on that? Because hearing

this in the final reports defeats the purpose of having previous reports if you can't anything you want, change everything you want, especially with controversial topics?

Jonathan Robinson: Would you like to respond Jen?

Jen: Sure. Just too generally answer the question the response was that it was after reviewing the public comments and then also it was their discretion based upon all of the research that they had done to be able to make that change. But I a hundred percent agree. That's where those of us on the working party were very frustrated that we felt like we had really carefully and in tandem with Westlake all along and then that change was made at the end. I do just want to highlight was just that one recommendation all of the others we have a lot of good feedback and a lot of data points to use so we don't want to throw out the entire report because of this one issue. That's why we singled out this one issue to make sure that we responded to OAC and let them know. We're very happy with all the other 35 recommendations but we're concerned about 23.

Jonathan Robinson: Thank you. Let's go to Amr.

Amr Elsadr: Thanks Jonathan. Thanks Jen for the briefing. This is Amr. I have one comment that I would like to make and I would also now like to go back to Volker's question on why they included this recommendation. From my perspective as a member of the noncommercial stakeholder group, as soon as Westlake began they were really working their way up to this recommendation. And we had issues with the starting with working text that was made available earlier this year, I believe in January as Jen mentioned. And the NCUC and the NCSG has been very engaged in this discussion. The Westlake team also attended the NCUC meeting during constituency day in Buenos Aires. And all the feedback that was provided to them was very well documented including spreadsheets of all the comments that were received during the Buenos Aires meeting and submitted them to the public comment

and forum for the reports for the draft report and recommendations. So I joined my voice with Volker's and saying I'm very confused why they did this. The other comment I wanted to mention is yes, the working party did great work with the Westlake team and working with them up to the draft report. But unfortunately it seems to me that there was no collaboration between the working party and the Westlake team on or reviewing the comments and reviewing the report between the draft report and the final reports. So Westlake did this on their own. That's one of the reasons why the working party was court of guard with the Recommendation 23. So yeah I would like to think that if this review was a GNSO initiated review I'm not a board initiated one. The GNSO would have directed the Westlake teams work with the working party on reviewing all the comments that Ed received and all the research that was done before issuing a recommendation like this one. But unfortunately that was not the case. Thank you.

Jonathan Robinson: Thanks Amr. Any comments or responses Jen?

Jen: No, he's absolutely right. Unfortunately there was not time for us to have a meeting with Westlake before the final report was issued. That happened over the August break where everybody was gone and we tried to get a meeting and we couldn't get anyone to participate. So there was the opportunity we just didn't have response from those on the working party to participate in that. And yes you're right, if there could have been some additional time may be but we didn't have the opportunity to respond to the final report before it was issued or discuss - the public comments.

Jonathan Robinson: Ed?

Edward Morris: Yeah, thanks. I would take issue with your claim that you have good data points. We've done a number of public comments on this. The study is a disaster. I need a recommendation by public comment. We should ignore it. Non-random sampling techniques. Snowballing techniques. Mid study changes. That brings this question of bias. But I don't want you to have to

defend that at this point. The question I have for you is this. Accept my judgment that it's a bad study. It was designed poorly. Who do I blame? Cause I don't want this to happen in the future. I've done a DIDT and amazingly enough to me that cause I've done a ton of DIDT's. Never get information. ICANN gave me a bit of information about the contract we had with Westlake and it's very broad. This supposed to look at communication, governance and management. So what I'm asking you today is if I'm going to go after somebody for designing a study so poorly that I can't even accept the recommendations because they are based upon such poor data. Who do I go after? Is it you in the working group? Did you tell Westlake, hi guys? No, we don't need a random study. Just do what the heck you want. Or did Westlake come back to you and say this is the type of study we want to do this is how we're going to do it. Cause one of the other things that comes into issue here is there has been some quiet allegations on this and other matters that ICANN tends to choose the lowest bidder. There were multiple bidders for contracts such as this. And that's the quality of the work we're getting is not necessarily the quality we need. So I want you to comment on those questions and the ideas I've expressed.

Jen: Sure, and I'm happy to answer the questions that I can't and I'll ask Larisa and staff to supplement what I can't answer to. The working party was not involved in informing the RST or in the selection process. We were there to provide inputs and to try and guide the process. We did not have authority to determine how the study was conducted what was done. We do try and help with outreach and to ensure that we had as much participation as possible but that was the objective participation. And I don't know if you want to pull up the next slide on there that might help show some of the things that we did as the working party. But if you have questions about the fundamental underpinnings of it you can certainly - we can talk to staff, we can look at that certainly as there will be of the reviews in the future that we want to try and learn as much as we can. I don't know, Larisa, if you want to respond to the RST process or how that works. But certainly as an independent examiner that's what they were are. They're independent and this was intended to be a

360 review. And I think that is what they did. They did actually serving all facets of the organization. They sent the methodology and we were there to help follow through and help make it as effective as possible. We did not have purview over what their methodology was or what the RC was and I don't have access to their contract.

Edward Morris: Actually you do. If you look at the DIDT we have a portion of the contract. It doesn't go into that (unintelligible) now. But I just want to make it clear that the technique itself - when you look at the chart you have there that's constituencies and stakeholder groups, 72% believe that the constituency is X, Y or Z. Those numbers have no validity. A, because the sample size is so small; and B, is because it's not a random center. So what you guys have done and what Westlake has done is to take this nonrandom sample that is statistically invalid, make conclusions upon that and then make recommendations based upon the bad data. That's troubling to me.

((Crosstalk))

So is a Westlake design. The problem is Westlake. It's not you and I should it really be tried to blame ICANN in terms of the procurement.

Jonathan Robinson: That's a good point because you've got really in front of you the remit of the review working party. And they, for example, did not select the vendor and had quite clear set. Anyway, I think your points on record and clearly made. I'm very mindful of time. I want to make sure that others get to speak as well. So let's hear from Stephanie next.

Stephanie Perrin: I don't want to belabor this all go into methodology. I just want to make a point that it really undermines trust in this model. I agree this was supposed to be an independent review but that does not mean bringing in a new recommendation that has profound structural implications without it being adequately consulted as a recommendation in the comments period. I think

that ICANN, and it starts for greater accountability, need also to hold its contractors to accountability. Thanks.

Jonathan Robinson: Thanks Stephanie. And I have Mary Wong from Staff Point in the chat. Where Westlake is engaged - an independent examiner and the board or structural improvement committee does not have to accept all of Westlake's recommendations. So I guess the question really, given the points that have been made including various have been made by the different counselor during the discussion. Notwithstanding the more general point about scope, methodology and other points which have their place, I think right now the issue before us is, do we, as the council, do we accept the working party writing back their reservations. In particular, with regard to Recommendation 23, which is a thing that caused the real concern recently or is this something that the council wants to pick up on. My inclination is to say that we've delegated within the remit and the purview of the working party. They are best equipped to make this response. Do others support that? And can they say that they aired this with the council and the council has no objection to them going ahead sending this response regarding Recommendation 23. Cause I think Jen, that's what you're asking us. How do you perceive now, in particular with it concern of Recommendation 23 which has come up from your point of view in the 11th hour. And my sense is, and maybe you can confirm this, that you asking essentially are we okay for you to send that response?

Jen: That's right Jonathan. That's what the working party wanted was just to make sure that we had brought this before council that there was no objection to a sending it. We have put it out to the working party list. There has been no objection from anyone on the working party lists. We knew the council was meeting today so we wanted to take that opportunity to apprise you of it and ensure that you had no objection to us sitting that. And I do just want to reiterate, I know a lot of people are concerned about the methodology. I understand all those issues. However, we have 35 recommendations that are mostly good recommendations that most of the people involved and most of

the public comments were supportive of. So again, I realize some people want to attack some components of this but we do have some good recommendations that there seems to be widespread support of and we do want to move forward as the working party at creating an implementation plan and moving that forward. So I just wanted to make that point as well why I had the moment.

Jonathan Robinson: Thanks Jen. I think we should pick up again and just make sure that there's clarity on the role and the work of the working party and the implementation. But for now I don't think we need to do with that for now. I think what it sounds like to me you really need to help with in and around to sending this message so that Susan and Tamara may well be wanting to respond to that. So Susan go ahead.

Susan Kawaguchi: Susan Kawaguchi and for the record. I'm a little bit concerned in giving our blessing for this to be sent because we haven't had time to review this with our constituency. And I do know that we have had an active member on that working party. So I'd be hesitant as the council to just sign off and say yes. I understand the concern with Recommendation 23 but I'm not sure that the BC would argue against Recommendation 23 either. I absolutely need to go back and Phil and I need to talk to our constituency. So I'm not sure what that would do if we delay, I don't know if it's possible to delay just for a few days to talk to the constituencies and then come back. We don't have another meeting until Dublin.

Jonathan Robinson: Thanks Susan. That's a really good point and I appreciate you making it. So Jen can you give us a feel of the timing here. How soon, as you know and as Susan has reminded us, there's only just come in before the council and the case seems solid. It's certainly worth potentially pausing to check back with our different groups. What time with you ideally like that's what I understand to be either a further concern or no objection from the council to the working party corresponding directly with Westlake on this? What's your timeframe?

Jen: The organizational effectiveness committee's meeting on Monday. We had discussed this as a working party if there were concerns or objections understandably. And I know was last-minute. We just got it last week ourselves. But if there was objection to it or concern I should say, that we should simply notify only thing that we have concerns about Recommendation 23 and that we are working as a community to develop a formal response. And then we can set a timeframe in which to fight that response. Larisa I don't know if you want to add anything on when would be the next opportunity for us to prevent that information to the OAC?

Larisa Gurnick: This is Larisa Grinic. Jen, I just wanted to reiterate what I think you already touched on that on the next OAC meeting which is happening next Monday. This is the first time that there will be briefed on the final report. The committee asked for a feasibility assessment and some input on implementation to be provided by the GNSO review board if you're working party and we were planning to provide that perspective from the community as well as staff to the OAC at the next meeting which would be in Dublin. And it's only after that, depending on their discussions and deliberations, that they would be a movement of the recommendations and the report to the full board of ICANN. So it seems that there's time particularly given concerns and questions about this one recommendation.

Jonathan Robinson: That feels like we have a clear position then in my mind and I'm just going to reiterate what I think we've got here. I think we've got the opportunity for the working party to say something for Monday the 28th. And say they have concerns. It's legitimate to say the working party has concerns. But the full process to deal with those is not yet complete and they will come back in full in the future. But for now I feel it's sufficient to say, and not out of scope, that the working party has does have some concerns. To let the committee go ahead and meet on Monday the 28th without any correspondence from the working party would be remiss. But I accept that others rightly want to go back to their groups and check whether this becomes in essence a GNSO

council endorsed position or how we deal with this. So with your permission I think what will do is suggest that the working party communicate the working parties you that there are concerns with Recommendation 23 and these are being discussed within the GNSO at present. And a full expression of those concerns may be forthcoming in the near future.

Okay, thank you Jen. I think that deals with that now and it's clearly a life issue. So keep us posted on the council list and will work with you and the working party to do with this. We had that draft for counselors to share with their groups and see whether they endorse it in current form or would like changes to it. So we'll continue to work with you on that.

Jen: Thank you Jonathan.

Jonathan Robinson: Well, thank you again. It seems like a lot of work has gone into this. We need to move rapidly onto Item 8 which is the update from the cross community working group that Leon has patiently sat with us during our meeting in order to be able to update us on. So many things Leon. I'm going to hand it over directly to Leon. I think what we need here - is what we've done just to put this in context is we have continually kept the council appraised of the work going on in the CCWG. So I guess what we need is a brief summary of what the pertinent issues are right now. What are you currently grappling with? In particular in relation to this forthcoming meeting on the 28th. And any overarching timetable issues because up until recently the council could recently have been expecting that the GNSO might be dealing with your final report in Dublin. And I understand it's now very unlikely. So let's hear from you Leon and try and get an update.

Leon: Thank you very much Jonathan. I'm mindful that we already over this hill so I'll be brief. So we closed our second (unintelligible) some days ago. We are now gathered here in LA to continue reviewing and hopefully finalizing reviewing the comments received in the second public comment period. And we received over 90 comments and from those 90 comments 19 was

supportive of the overall proposer while three work against most or all of the proposals. The principal areas in which comments were received were with regards to the single-member model, the voting allocations and the community form, the IRT, the (unintelligible), the principles, the stress test, human rights, the board recall process and the budget veto power. So these are the outcome the issues. While there are some hints of support or overall support in each of the community powers we still are receiving some common steps, some details or a lot of details should be fleshed out before achieving world consensus awful support to this proposal. So as I said we will be focusing here in LA on trying to bridging these gaps and asked whether we will be able to hand I will find a proposal to the charge (unintelligible) organizations in order to be voted in Dublin as you rightly said Jonathan. This is unlikely to happen. However, we would like to try to achieve this goal here in LA. It seems like it's going to be difficult to hand it to the (unintelligible) organization in order to be voted in Dublin.

So, yes, the timeline as originally planned is highly likely to be shifted some weeks or a couple of months more. So, of course, we will be updating you with the relevant information when the time comes. I think that this meeting we are holding here in LA will be of course crucial to the process. And as some of you may know or may be aware already there is also some comments by the board in which they are proposing an alternative model to what those issues (unintelligible) has proposed in the second draft report. And while we will be meeting with board members in LA, having them attend our regular session, it is important to state that this is not a meeting in which we would be negotiating with either the board or NTIA which would also be present here in LA. But we will be listening to the concerns of course. We have listened to all of the stakeholders in this process and will of course take into account the concerns and their comments. But I think it's important to highlight that this is not a meeting in which will be focused on negotiating any output. We are giving of course your concentration to our comments. And we will continue to listen and to take into account to everything that the community as a whole has two say to the CCWG. And with this we will hope

to find a way forward very soon so we can finish our document and then forward it to the (unintelligible).

To give you an example of some comments received with regards to the different subject that I highlighted with response to the memory model. We received some comments (unintelligible) community powers. But, of course, the community is asking for a little bit more details on these community powers before giving us their full report. (Unintelligible) new deadlines. Thank you.

There is also signaled for conference in simplicity. It is perceived that some parts of the proposal might be conflicts. So we received comments that are asking for a more simple solution. Their (unintelligible) to the IRS for example. We have support for the IRT enhancements but there are also some concerns, of course, on the details, on the cost part and (unintelligible). And there are some questions about who would have standing to invoke the IRT and how participation would be taking on the (unintelligible).

With regards to the gag rule there is overall support for an (unintelligible) team. And, of course, we received some concerns from government on possible limitations to gag deliberations. And this proposed (unintelligible) the cool add some level of complexity from their point of view providing these are (unintelligible) power over gag device. So this is the point of view from some government and we will be of course processing those comments and taking into account in order to build our next document.

On principles we have some concerns on contract enforceability. Some concerns on gag advice, overriding (unintelligible), if we don't (unintelligible). And (unintelligible) number seven -there are concerns with regards to the definition of private sector. We can that the definition that stems might not leave room to government. And there is also a terrible concerned that I get to be a constant regulator.

(Unintelligible) the human rights language is something that has been well received by the community. There is overall (unintelligible) including some kind of language on human rights to the bylaws. But of course we still have no agreements on what kind of language we would be introducing as the committee has signaled some concerns in this regard. So we will also be analyzing that (unintelligible).

With regards to the forward recall - there is wide support for this power but there's also some concern on the pressures. And standards to exercise this power and also the standards and requirements to uphold it. (Unintelligible) powers to the exercise.

And finally with regards to the approval and reconciliation power - there is general support to this power but there are also some concerns over possible paralysis if the community decides review many times or with very little standard to (unintelligible). And this could, of course, lead into some kind of paralysis with ICANN or the PTI. So I think I should pause here and I will open the floor now and handed back to Jonathan for questions or comments. Thank you.

Jonathan Robinson: Thanks Leon. That's pretty comprehensive and systematic update. Thank you very much. I will hand over to Phil right away. Just noting that it's five minutes to the top of the hour. Phil, go ahead.

Philip Corwin: Thank you. Very quickly I just wanted to mention two things. One, (unintelligible) long article about the CCWG process over the last month at circleid.com last night that some people at least have told he was very helpful in understanding where things stand. And second, if councilmembers are not aware, the NTIA posted a new blog post by Larry Strickland late yesterday in which he said two very important things. One, that the current proposal did not contain enough detail for the in CIA to evaluate whether it met the criteria. So basically saying we need a lot more specific detail before we get a proposal. And also advising the CCWG to make sure it has brought

consistent for support before something is forwarded to NTIA which, not necessarily but might imply that if extensive changes are made as a result of the review of the 90 plus comments that another commenter might be required to assure that there is consensus support for whatever comes out. So I'll stop there in the interest of time. But I wanted to point those out. Thank you.

Jonathan Robinson: Thanks Phil for drawing attention to the blog that's actually been pretty active on the web the last couple of days with a lot of commentary. I suppose the bottom line is that it does seem to be reaching some sort of inflectional (unintelligible) point. And to the extent that any of you are able to participate in and provide reasonable input item to your groups you represent or otherwise it seems like now is the time (unintelligible) in an informed way.

All right, I guess we're probably a little tired. Is coming to the end of the two-hour session. (Unintelligible) it's not desperately urgent. Is important that we do deal with it - the work on the ICANN meeting (unintelligible). I don't think we had this sort of work in progress. So I think it's probably necessary to pick up on the two items and any other business for the moment which are more urgent. And that is there is an opportunity for leadership training at the ICANN meeting in Dublin and we have not at this stage put forward a candidate for that. (Unintelligible) scroll the agenda. If we could scroll to IOB please.

I have noticed the outstanding item on the leadership training. And so I don't know if anyone from staff can speak to that or if there's anyone who can give a little bit of clarity on that just to make sure it's - and I'm sorry just before I go to Marikaon this, I forgot to thank you Leon in my rush to work our way through. Thank you very much. I did say things at the end of your presentation but we sort of moved off the item rather quickly because of the clock. I also thank you again.

Well, I'm going to say that there is an opportunity for leadership training for individuals who are within their particular groups on the council who has

board leadership responsibilities and stakeholder group's constituencies or on the council. There is an opportunity to participate in that. It's getting late in the day to get involved. Please check with the (unintelligible) and if you or someone you are aware of in your group is particularly motivated are interested and have some positive responses to this, please let us know as soon as possible so that we can look at the possibility of including you, and actually Philip has also put in a link to his blog.

Marikaremind me and point out that the GNSO council slots - is a slot that the council can take advantage of. It doesn't necessarily mean it's for a counselor but that the counselor can nominate someone for that slot. It's in addition to those that have been reserved for stakeholder groups and constituency reps. But we would need that name ASAP. So anyone on the council is aware of either themselves or a member of the council or someone in the council might reasonably put forward for this role please let that may be known on the council as soon as possible because the opportunity will evaporate shortly.

We're at the top of the hour which is somewhat unfortunate. I don't know why we had some myriad minor, minor issues this time. Normally we have a much more seamless performance technically at least. I think I'm going to have to call a meeting to a halt given that we've just passed the top of the hour and I'm going to ask Amr to please make his points and engage in the discussion on the GNSO council chair election online. And apologies that we haven't been able to include you on audio on that.

So thanks everyone. Apologies again for the little glitch is it seemed to have been haunting us. But I think we managed to get through quite some from stencil business. It's very much for all of the contributors and contributions from councils. And, of course we work our way toward our first meeting in Dublin. And please do pay attention and give any input that you possibly can in relation to the weekends work on the ICANN accountability work.

Thank you. We'll be in touch online and in person in Dublin.

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