

ICANN 56 - Helsinki
GNSO Council Public Meeting
30 June 2016

List of attendees:

NCA – Non Voting – Carlos Raúl Gutierrez

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Volker Greimann, Gore, Jennifer Gore

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan - remote participation

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoblen, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr -absent, temporary alternate Avri Doria, Stephanie Perrin, David Cake, Stefania Milan, Edward Morris, Marilia Maciel

Nominating Committee Appointee (NCA): Julf (Johan) Helsingius

GNSO Council Liaisons/Observers:

Olivier Crèpin LeBlond– ALAC Liaison

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

Rob Hoggarth - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Steve Chan - Senior Policy Manager

Berry Cobb – Policy Consultant

Lars Hoffmann – Policy Analyst

David Tait – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Terri Agnew - Secretariat Services Coordinator, GNSO

Brian Hellar - Meetings Technical Services Specialist

Guests:

Rafik Dammak – Non-Commercial Users Constituency Chair

Jamie Hedlund - Vice President, Strategic Programs, Global Domain Division

[Adobe Connect Recording](#)

[Adobe Chat Transcript](#)

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>>JAMES BLADEL: Okay. Good morning. We're going to get started here in just a couple of minutes.

Could I ask that the councillors could make their way to the table. And also, if you could, please log into the Adobe Connect link that Glen has sent. Yeah, once you've finished with your smoothies, Carlos.

If you could, Glen has sent around a message recently containing the Adobe Connect link for councillors, and it's important that you could go into that because, a) that's where the text of the motion and the documents will be and, b) that's where we'll manage the queue. So if you could get in there, that would be great.

Okay. Good morning. If I could ask, first off, do we have a thumbs up from the tech folks that we're ready to go? There's our thumbs up. Thank you.

So, Glen, if you wouldn't mind, could you please call the role?

>>GLEN DE SAINT GERY: Certainly, James.

Keith Drazek.

>>KEITH DRAZEK: Here.

>>GLEN DE SAINT GERY: Donna Austin.

>>DONNA AUSTIN: Here.

>>GLEN DE SAINT GERY: Rubens Kuhl.

>>RUBENS KUHL: Here.

>>GLEN DE SAINT GERY: Rubens, do you have the proxy for Valerie in case we have connectivity issues? Is that all right?

>> RUBENS KUHL: Yep, but I think Valerie is online.

>>GLEN DE SAINT GERY: She is, indeed.

James Bladel.

>>JAMES BLADEL: Here.

>>GLEN DE SAINT GERY: Jennifer Gore.

>>JENNIFER GORE: Present.

>>GLEN DE SAINT GERY: Volker Greimann.

>>VOLKER GREIMANN: I'm here.

>>GLEN DE SAINT GERY: Valerie Tan?

Valerie, can you hear us?

>>VALERIE TAN: Yes. Hi, Glen. I'm here.

>>GLEN DE SAINT GERY: Thank you very much, Valerie.

Philip Corwin.

>>PHILIP CORWIN: Present.

>>GLEN DE SAINT GERY: Susan Kawaguchi.

>>SUSAN KAWAGUCHI: Here.

>>GLEN DE SAINT GERY: Paul McGrady.

>>PAUL McGRADY: Here.

>>GLEN DE SAINT GERY: Heather Forrest.

>>HEATHER FORREST: Here.

>>GLEN DE SAINT GERY: Tony Harris.

>>TONY HARRIS: Present.

>>GLEN DE SAINT GERY: Wolf-Ulrich Knoblen.

>>WOLF-ULRICH KNOBEN: Here.

>>GLEN DE SAINT GERY: Marilia Maciel.

>>MARILIA MACIEL: Here. Thank you.

>>GLEN DE SAINT GERY: And Avri Doria who is the temporary alternate for Amr Elsadr who is absent.

>>AVRI DORIA: Here.

>>GLEN DE SAINT GERY: David Cake.

>>DAVID CAKE: Here.

>>GLEN DE SAINT GERY: Edward Morris.

>>EDWARD MORRIS: Here.

>>GLEN DE SAINT GERY: Stefania Milan.

>>STEFANIA MILAN: Here.

>>GLEN DE SAINT GERY: Stephanie Perrin.

>>STEPHANIE PERRIN: Here.

>>GLEN DE SAINT GERY: Julf Helsingius.

>>JULF HELSINGIUS: Here.

>>GLEN DE SAINT GERY: Carlos Gutierrez.

>>CARLOS RAUL GUTIERREZ: Here. Thank you.

>>GLEN DE SAINT GERY: Olivier Crepin-Leblond, the At-Large liaison. I don't think Olivier is here yet.

Mason Cole, GNSO GAC liaison.

>>MASON COLE: Here.

>>GLEN DE SAINT GERY: Thank you very much, James.

>>JAMES BLADEL: Thank you, Glen. And welcome councillors to our GNSO Council meeting for the Helsinki policy forum, and welcome to our guests.

Before we get started, as per usual, do we have any updates to our statements of interest?

Okay. Thank you.

The agenda has been posted both on the mailing list and is visible in the Adobe Connect room.

Does anyone have any amendments TOR changes or modifications to the agenda?

And it's behind me, sort of. Okay; great.

So we have a full boat of work to do today, and I believe we have an hour and 45 minutes, so we can dive right into the first item of business, which is agenda item number 2, to review the open projects and action list. Marika, is there a way that we can display that on the screen?

I'm sorry?

>>MARIKA KONINGS: What would you like first, the project list or the action items?

>>JAMES BLADEL: Which ever you have handy.

>>MARIKA KONINGS: I have both.

>>JAMES BLADEL: Okay. Project list, please.

And, Marika, if you don't mind, could you quickly walk us through the open projects? Anything that --

>>MARIKA KONINGS: Yeah, this is Marika. Walking through them will take quite a bit of time and maybe just a reminder for council members that we share both a clean and red-lined version of this document prior to every council meeting. And the red-lined version is really intended to flag to you any changes or updates to the different projects that are under way. So you have an opportunity to review those and then, as well, come back either to the council meeting or mailing list to ask any questions or request further feedback.

So it may be easier to turn it around and ask if there are any specific questions that council members have in relation to the latest version of the project list. And also, maybe as a general reminder, is this a useful tool? Is there anything you think is missing from here? Any other way in which we should provide this kind of information to you is, of course, always welcome as well.

>>JAMES BLADEL: Thank you, Marika.

Any questions regarding the project list from the Council? Maybe we just haven't had enough coffee yet.

I would recommend, as Marika said, to check on this periodically. If nothing else, at a minimum, in advance of council meetings, in case you spot something you'd like to ask questions on or get some more information.

Could we load the action items list, please.

This one always gives me a headache because the font is so small.

Okay. So taking a look here, it looks like we have a number of completed items here. Obviously the Helsinki meeting planning, if we haven't finished that action item, it's probably too late to be relevant.

The SSAC follow-up. As many here are aware, I did close the loop with Patrik, per our discussion in late April, early May.

If we can scroll down a little bit.

We have outstanding PDP recommendations. I think we're still waiting for some action there.

I'm noting here if we have anything that's about to transition, either from an open status to a complete status or if we have new items that are being added here. I think the CSC, we have a discussion on that later in our agenda. And the same for CWG on IG.

There's a motion related to the IANA transition coming from Paul. And I think -- And then the FY17 transition costs. That was the message and PDF document that I sent to the list this morning. I don't expect that folks have had a chance to review that yet, and certainly it didn't make the document cutoff for consideration at this meeting. However, we could flag this as a potential topic for discussion if we have time, but I would encourage folks to take a look at that in the interim between now and our next meeting, because it will definitely be something we'll have to -- we'll have to make some decisions on in July.

Any other questions regarding any items on the action list or the action list itself?

Man, it's a very low-key crowd this morning. So okay. Thank you.

So I believe the next item on our agenda, then, is we can move into the consent agenda, which is easy. We have nothing on our consent agenda, so we can skip down to the motions that are open for a vote. And that's -- There are three.

Item number -- I see it's listed here as item number 4. Let me just check that real quickly here. Yes, that's correct.

Item number 4 is a motion to integrate the PDP improvements into the GNSO policy development process. And for this, I would like to turn over the microphone to the maker of the motion, Donna Austin.

Donna.

>>DONNA AUSTIN: Thanks, James. Donna Austin.

Sorry, Marika, do I have the motion available somewhere? There we go.

Thanks.

So this is largely an administrative motion to wrap up a number of outstanding items associated with PDP improvements that's been going on for some period of time. So just read the resolved? Yep. So resolved, the GNSO Council adopts the final status update and considers the GNSO PDP improvements project hereby complete. The GNSO Council directs staff to move ahead with the identified next steps, including integrating the inclusion of the proposed PDP charter as part of the preliminary issue report, development of draft guidelines for the use and application for face-to-face facilitated PDP Working Group meetings for Council review and adoption, and developing a survey to assess the familiarity that the community has with the different newcomer and training tools as well as their perceived usefulness.

>>JAMES BLADEL: Thank you, Donna.

Do we have any discussion on this motion before we proceed to a vote?

Going once....

Okay. And if there are no objections, then perhaps we can proceed to just a voice vote as opposed to a roll call vote.

Glen, if you don't mind.

>>GLEN DE SAINT GERY: All those in favor of the motion, please show your hands.

Valerie, you're on the phone. You can't show your hand. Will you please tell us whether you're in favor of the motion?

>>VALERIE TAN: Yes, I'm in favor.

Thank you.

>>GLEN DE SAINT GERY: Thank you.

Anybody would like to abstain?

Anybody who is not in favor of the motion that I perhaps didn't see a hand?

James, the motion passes unanimously. Thank you.

>>JAMES BLADEL: Thank you, Glen.

If you could record that vote and the results in the minutes. Thank you.

Okay. The next item, also a motion that is open for a vote, is item number 5. This is a -- item number 5 is the approval to form a drafting team to develop implementation plan for new GNSO procedures -- sorry, new GNSO powers and obligations under the revised bylaws. And this is essentially to kick off the work, and it's going to be a substantial amount of work, to implement all of the new functions that are expected of the GNSO under the new ICANN 2.0 that's resulting from the IANA transition and the new bylaws on CCWG on accountability. And the maker of the motion is Paul McGrady, and, Paul, if you don't mind, I'd like to turn the microphone over to you.

>>PAUL McGRADY: Thank you, James. Paul McGrady.

So, something is going to happen this September, I heard?

[Laughter]

So this is just about getting ready; right? And as we all know from our sitting in on other sessions -- for example, the GAC session -- they also are getting ready. And so the purpose of this is just to help the GNSO get the ball rolling to become a fully functioning member of the empowered community in the event the transition happens on schedule.

So do I read the whereases as well or just the resolved?

>>JAMES BLADEL: Just the resolved is good.

>>PAUL McGRADY: Just the resolved. Okay. So, resolved, the GNSO Council requests ICANN staff to issue a call for volunteers for a drafting team that will work with ICANN staff to fully identify all the new or additional rights and responsibilities that the GNSO has under the revised bylaws, including but not limited to participation of the GNSO within the empowered community, and to develop new or modified structures and procedures, as necessary, to fully implement these new or additional rights and remedies.

Volunteers for the drafting team will be identified by GNSO Council members. Volunteers should express interest and can demonstrate reasonable knowledge of or experience with the process of revising the ICANN bylaws or GNSO operating procedures. The drafting team shall reflect the current composition of the GNSO, and as such, the GNSO Council may review the number of volunteers identified by the GNSO Council members. GNSO Councillors are requested to identify volunteers by letter to the GNSO Council chair by 22 July 2016.

The drafting team shall provide the GNSO Council with an implementation plan which will have the consensus of the drafting team, including any recommendations for needed further changes to ICANN bylaws and/or GNSO operating procedures to enable effective GNSO participation in ICANN activities under the revised bylaws not later than 30 September 2016. As part of the process of its consideration of implementation plan to be approved by a GNSO supermajority vote, the council may

further request that the drafting team work with ICANN staff to develop new or proposed modifications to existing procedures and structures to implement the revised bylaws for the GNSO. Any such new or proposed modifications to existing procedures and structures to implement the revised bylaws for the GNSO would also require a GNSO supermajority vote.

Just by way of background, this puts us on a pretty fast track, but we think the fast track is necessary under the circumstances. And this particular motion had the benefit of having a couple of days of being kicked around council, and it was refined in a way that was meant to be inclusive but at the same time flexible and nimble enough to get the work done within the short time frame.

So I would like to thank my fellow councillors for all the terrific input and I would like to beg forgiveness of staff that had to put up with me with me putting forward my first motion on council. I learned a lot.

Thank you.

>>JAMES BLADEL: Thank you, Paul. And as long as we're throwing around thank yous, thank you for taking the initiative on this. From our interactions with other SOs and ACs, it seems like the GNSO is way out in front on this. We're -- in some ways, we're blazing the trail and I think setting an example for other groups to follow.

So thanks for taking the leadership on this.

Okay. Open for discussion, please. I know we have a question from Marika and then Marilia, and then Heather.

>>MARIKA KONINGS: Yes. So this is Marika. So I know we had a lot of discussion about this yesterday, and I apologize for not having caught it earlier, but there's a small issue that staff has found with the language as currently written in relation to requiring a supermajority vote. It's come to our attention that actually the way the bylaws are currently written, it's only those items that are specifically called out in the ICANN bylaws that can require a supermajority vote. And as such, we would actually suggest may be just reflect the intent here.

So instead of saying, for example, in this first sentence "as part of the process of its consideration of the implementation plan, intended to be approved by a GNSO supermajority vote." And then the last sentence as well, for the GNSO would also require -- the GNSO would also intend to adopt it by a supermajority vote."

So basically just to make sure that it aligns with the bylaws, there is the intention of everyone to adopt it by a supermajority vote, but it cannot be required as it's not specifically called as a vote under the ICANN bylaws.

>>JAMES BLADEL: Thank you, Marika. And at the risk of splitting hairs here, it's the word "require" we have a problem with. The intention of what we want to do, which is to subject these -- the output of this drafting team to a supermajority vote, is aboveboard. It's just the word "require." So we're just trying to kind of steer around that. Is that -- Am I understanding the issue correctly that you're raising?

>>MARIKA KONINGS: Yes, that's absolutely correct.

>>JAMES BLADEL: Okay. I'm just -- I want to make sure the folks that discussed it yesterday -- particularly Ed, Marilia, Paul -- that everybody is still okay with some of these because this may translate into an amendment. Next step is Marilia.

>>MARILIA MACIEL: Thank you, James. This is Marilia speaking for the record. I just would like to echo your thanks to Paul for putting the motion forward and to Paul himself for accepting the amendments proposed yesterday as friendly amendments and to Heather for being the person that kind of unlocked us yesterday and proposed a very good way forward. So thank you all. I think that we're happy with the solution that we found, so it was really a good collaboration yesterday and proves that the meeting that we had before discussing the motions is really valuable to us. Thank you.

>>JAMES BLADEL: Thank you, Marilia. Heather? No? You're good? Okay. So I guess then the question is, if we have -- it sounds like we have some suggestion from staff on a way around this use of the word "require" that still gets us what we want. I don't think anybody has talked about backing down from the supermajority threshold. The question then is that I would put to Paul and Susan, the maker and seconder of the motion, if that is an acceptable modification or if you'd like a little bit more time to think about that? It doesn't -- I don't want it to sound like we're doing surgery here on the table. Yes, Marika.

>>MARIKA KONINGS: Yeah, this is Marika. Maybe it's helpful for Susan and Paul to see the language that at least has been suggested by staff. I can put it in the council Adobe Connect room in bold so you actually see what it looks like. I don't know if that's helpful.

>>JAMES BLADEL: That would be helpful. And while we're doing that, Rubens has raised his hand. Rubens, is it on this topic you would like to comment?

>>RUBENS KUHL: Yes.

>>JAMES BLADEL: Okay. Please go ahead.j

>>RUBENS KUHL: Rubens Kuhl, NIC.br. I'd just like to support Marika's friendly amendment. As currently written to be approved foresees an outcome. So we are approving a motion that already foresees the outcome of a vote that we will have in the future. So by allowing that to be intended, actually allows us to vote when time comes.

>>JAMES BLADEL: Thank you. I think it's important that we don't bake in language that presumes an outcome. And I don't think that was our intention yesterday either. So we were just -- we were just moving pretty fast. Yeah. Go ahead, heather.

>>HEATHER FORREST: Thanks. Heather Forrest. I understand the bylaws say we can't require, but are we over-wordsmithing here? Can we say will be approved by a GNSO supermajority vote and then in the end again will be adopted by a supermajority vote. If we don't use the word "required?"

>>MARIKA KONINGS: I'm actually looking back to my colleague Erika Randall to give us some guidance on that one. So the question is whether "will" is sufficient to convey that it's not required but it's the intent.

>>JAMES BLADEL: Yeah, or shall be subject to or something. Do we have that language coming up? Is it somewhere in -- it's in the Adobe. Okay. Thank you.

>>MARIKA KONINGS: Yes, it's in the council Adobe room. It's bolded and underlined, so you see that the change has been made. And I see Erika is coming up, so hopefully she will save us.

So this is Marika again. So the feedback we've received that it's better to leave it as "intended" as "will" still gives the impression that it's a requirement so ...

And this conveys the intention.

>>JAMES BLADEL: I -- okay. Now that we've satisfied ICANN's lawyers, I guess we look back to the folks who made the motion and I think they will have the last word on whether or not this is an acceptable change.

>>PAUL McGRADY: I apologize, it's embarrassing to be a Luddite at an ICANN meeting but I don't know where it is at in the adobe room.

>>JAMES BLADEL: Maybe you can look off of Susan. There's two rooms. You might be in the public room as opposed to the councillor room.

>>MARIKA KONINGS: So Paul, if you look at the resolved 4, the language that has been added is bolded and in the last sentence the word "to require" or "require" has been removed.

>>JAMES BLADEL: Yeah, Heather. Go ahead.

>>HEATHER FORREST: Can we, rather than say be intended to be adopted by, it's just long and chunky. Can we say that for the (indiscernible) SO -- sorry. Can we say intends to adopted? Why do we have to say to be intended to be adopted by? We'd have to say GNS -- the council intends to adopt. So let's -- as such as new --

Sorry. I can't win. Heather Forrest. In the beginning of the sentence the GNSO Council intends to adopt.

>>JAMES BLADEL: I see where you're going now, Heather. Yeah.

>>HEATHER FORREST: Just simplify.

>>JAMES BLADEL: Yep. Marika, if you can let us know when we're done editing and -- we're done editing? So Paul, do you have the text now? Okay.

>>PAUL McGRADY: First of all, thank you for your patience. I failed to close out Hall B from the meeting just before and so I was toggling back and forth and got completely lost and in the wrong space. This seems fine to me because it reflects what we talked about, which is our intention to, you know, make sure that whatever we come up with, everybody is comfortable with before it's adopted. And this seems fine. Thank you.

>>JAMES BLADEL: Okay. Thank you, Paul. Susan, do you concur as the seconder? Okay. Okay. So both the maker and seconder of the motion have accepted that change as friendly, and while it might not be my choice of grammar it works and it passes ICANN legal scrutiny so let's take it and run. Any other discussion points or comments or questions regarding this motion? I think the queue is clear, so if there are no objections, again, we'd like to proceed to a voice vote. No objections? Glen, if you don't mind.

>>GLEN de SAINT GÉRY: Certainly, James. All those in favor of the -- what? Voice vote. Oh, voice vote. Voice vote. Avri Doria.

>>JAMES BLADEL: I'm sorry, Glen. Voice vote we just -- like the way we did the previous one as opposed to a roll call vote. Maybe I'm using my terminology incorrectly.

>>GLEN de SAINT GÉRY: That's perfect, James. All those in favor of the motion please show your hands. Thank you. Is there anyone -- is there anyone who would like to abstain? No abstentions. Is there anyone who would like to vote no? Valerie, what do you vote, please?

>>VALERIE TAN: Hi, Glen. I'm in favor as well. Thank you.

>>GLEN de SAINT GÉRY: Thank you very much, Valerie. James, the motion passes unanimously.

>>JAMES BLADEL: Thank you, Glen. Thank you, Paul and Susan, for authoring and designing that motion, and thanks to the councillors who -- and to staff for helping it along. Now that it's been adopted, if you could reflect that in the minutes, Glen, and we will take it as an action item following the Helsinki public forum to start to convene, put out a call for volunteers and convene that team.

Okay. Moving right along then to agenda item number 6. This is a -- another motion for a vote which will extend the term of the current GNSO liaison to the Government Advisory Committee, the GAC. Our current liaison is Mason Cole. Mason -- we've asked and Mason has agreed graciously to stay on through the Hyderabad meeting, ICANN 57. And the reason for this is we want to have a little bit more time to conduct a call for volunteers to assess and select Mason's successor. We had some discussion about this on the list a couple of weeks ago, and we have a motion that we discussed yesterday. If there are no objections, I've made the motion. I think I still need a second. Is that -- Volker seconded. Okay. Is that okay, two registrars? Maybe it's okay, just bad form. Okay. But thank you, Volker. And if there are no objections, I'll just go ahead and read the whereas clauses. As soon as I find my space in the Adobe room. Okay. So resolved one whereas the GNSO Council hereby confirms the extension of the term of the current GNSO liaison to the GAC, Mason Cole, until the end of the ICANN annual general meeting in Hyderabad.

Resolve two, the GNSO Council instructs the GNSO secretariat to inform the GNSO stakeholder groups and constituencies of the extended selection timeline. And now I will read the new timeline. Nominations accepted for candidates, the 1st of October. Council chairs consider candidates and notify first choice, 20th of October. Chairs submit a motion to council for consideration by 29 October, for consideration during council meeting to be held on the 8th of November. And the GAC leadership notified of the new liaison by 9th of November. And resolve 3, council instructs staff to include consideration of a uniform selection process as part of the work associated with implementing the post-transition bylaws. This last part is a recognition that this -- the filling of this liaison position is expected to be not the end but the beginning of filling of a number of liaison positions, CSE liaisons, and future use potentially for things like review teams as well. So the idea that we should begin work on a uniform selection process might be a good idea.

So I'll then just open up for discussion, if anyone wants to discuss the motion. I think they gave us decaf by mistake, Glen.

[Laughter]

So okay, if there are no discussions, then I guess we can simply move to a vote, and I'd like to move again to a vote, voice vote, show of hands, whatever we want to call it, if there are no objections.

>>GLEN de SAINT GÉRY: Thank you, James. All those in favor of this motion, please show your hands. Perhaps anyone who would like to abstain? Anyone who would like to vote no? Valerie, could we have your vote, please?

>>VALERIE TAN: Thank you, Glen. I'm in favor.

>>GLEN de SAINT GÉRY: Thank you very much. James, the vote passes unanimously -- the motion passes unanimously.

>>JAMES BLADEL: Okay, thank you, Glen. And if you could record that in the minutes, we will get that selection process that's outlined in resolve 2 underway.

Okay. Next in our agenda -- we are just moving right along -- is agenda item number 7, and this is a discussion point. This is regarding the board request regarding the Expert Working Group's final report on internationalized registration data. And just as a reminder, I sent a note out to the list, I think about two weeks ago, with a proposed plan -- sorry, let me back up. Reminding council that we received in May a request from the ICANN board to review policy implications from the report of the Expert Working Group and the proposal was to refer this to the chairs of the translation/transliteration PDP and ask them to make an assessment of whether or not those concerns were considered or addressed in their PDP report and otherwise make recommendations if they were not. I didn't see any traffic on the list so I assume that that means that I sent it on a weekend or maybe, more likely, everybody's just okay with that. I'm hoping it's the latter. But we probably should at least have a discussion here, and if there are any questions or comments or concerns or otherwise endorsements of that approach and we can just simply move forward with that proposed plan. So I'll open the queue then, if there are any discussions on agenda item 7. David.

>>DAVID CAKE: I think this was the board request or specifically said that the -- the new IDS -- next gen IDS working group should pay attention to this one. Anyway, I can report we have.

>>JAMES BLADEL: I think there were -- I'd have to go back to the actual proposal. I think there were three components. The first one was sending a note to the board acknowledging receipt of the request. The second one was referring this to the co-chairs of the translation/transliteration PDP, and I think the third one was also referring it to the co-chairs of the RDS working group. So I think all three of those components were part of the proposed path forward to resolve the request that we've been asked to do by the ICANN board.

>>DAVID CAKE: As the -- it has definitely been noted by the next gen IDS.

>>JAMES BLADEL: Thank you. And I'm sorry that I'm -- I'm doing it from memory, so I probably missed that point in the introduction. No other discussions? If there are no other concerns, then I

think we'll just proceed with that plan, and Glen, if you could just make a note that we'll -- we'll proceed with that approach and Marika will get to work drafting a letter which, of course, we'll circulate to the council list before transmitting to the board and to those various co-chairs of those groups.

All right. Agenda item number 8, and this is an update on the process to select primary and alternate delegates from the GNSO to the CSE, Customer Standing Committee. I'm probably going to need to turn this over to Donna sooner than later because she is the subject matter expert on the CSE and the selection process. I know that Wolf-Ulrich has been involved as well. I didn't see him. Is he -- oh, there he is. Hey. If you don't mind, Donna, could you walk us through this discussion point?

>>DONNA AUSTIN: I'm actually going to hand it off to Wolf-Ulrich because we've -- the GNSO Council has put together a selection committee to deal with this specifically. So I'll hand it over to Wolf. Thank you.

>>WOLF-ULRICH KNOBEN: Thanks very much, Donna, and James. Wolf-Ulrich speaking.

From the interesting discussion we had yesterday evening, I learned that there's still confusion in the room about this process. And I learned also that to some extent, I'm still confused in some details.

So I'd like to guide you a little bit through that process for some minutes and hope to hear from your questions as to where the problem may be. And if you understand all correctly and if you are -- if you know the right way to do that.

So first thing is we are under heavy time pressure because just starting from the end is, the end date is the 15th of August where the Customer Standing Committee is to be established. That is a requirement coming from all the efforts CCWG has undertaken and with regards to the (indiscernible) placement of the NTIA oversight to the IANA functions.

So, Julie, can you step forward? Thanks.

What is it about? So the Customer Standing Committee is always to monitor the performance of the IANA naming functions in the future, and there are a set of targets, set of Service Level Agreements where the Customer Standing Committee is looking at, and then doing its work about.

So the -- The Customer Standing Committee shall consist of representatives of all SOs and ACs, and when it comes down to the GNSO as an SO, so we have two separate -- separate lines where we can file members or liaisons to the Customer Standing Committee. One is through the Registry Stakeholder Group which is separate part, and then the rest is for the GNSO noncontracted parties' house, plus the registrar part from the contracted parties' house. Also to sort out, find out a candidate for liaison of the GNSO.

So we have different participants or members in the CSC. The member -- so-called members, the difference is that they are appointed in different way and they do have the voting rights on the Customer Standing Committee where the liaisons are normal participants. They have the same rights to participate but not to vote on that.

There's not a requirement to provide liaisons. It's just an opportunity, but it's a good opportunity. And I would like to make the point here and advertise for -- to apply for that job from the GNSO.

Next slide, please.

So from the timeline. Coming back. So 15th of August, the CSC shall be established. And to fulfill that, we have already -- ICANN has already sent out and then it went to the GNSO -- through the GNSO Council chair the call of expressions of interest for that liaison. This is out. The deadline to send applications to the GNSO secretariat is the 15 -- is the 15th of July? Yeah, the 15th of July. And so in between, up to the 15th of July, so there is some preparatory work to be done.

We have a -- the GNSO has established a selection committee from the GNSO Council so we can see the four colleagues here. David Cake, Heather Forrest, Susan, Rubens and myself. And we had a chance to sit together the first time yesterday to outline the frame for this work to be done to select or to evaluate the incoming applications.

The next step to be done is -- that -- well, that we have done yesterday is we have established and we have agreed upon our internal evaluation process for the candidates. What we already have is a kind of evaluation tool, and then we agreed upon how we are going forward in order to provide the candidates to the council.

What we have to do is, from the incoming applications, to sort out or to rank four candidates and put them forward to the council for -- which has to then -- or is going to select two of these four candidates. And in a third -- in a third step from these two, the very last one is going to be chosen, but this is after a coordination round with the ccNSO.

Let me come to the next slide, please.

So this is the steps. The SC is the selection committee. Today we're updating you here. Then after the incoming -- the incoming applications, the evaluation is going on. And these send the four top candidates of these applications, if there are more than four, to the GNSO Council. And the GNSO Council is then going to select a primary and secondary. And after that, there will be a coordination round together with the ccNSO and the Registry Stakeholder Group in order -- with regard to so-called diversity aspects. Because in the end, the GNSO and the ccNSO have to approve the entire slate which is provided by all SO/ACs to the CSC. And in order to do that, two candidates are needed in order to have the probability to sort out or to solve the potential diversity aspects or issues with regards to the membership of CSC.

So in the end, the GNSO Council approves -- has to approve together with the ccNSO all the CSC members.

Can we come to the timeline, then?

Yes. So appointed to the middle of that timeline, we start from 15th of July. 15th of July, the Expression of Interests are due. So this is the deadline for filing applications. Then the internal process of selection and ranking is starting. And there is the consultation process with the ccNSO.

The 21st of July, the GNSO is going to have a council meeting and it is intended to provide a motion to -- for the -- with regard to the four candidates to be selected -- or to be discussed in order to give the council a chance to select two candidates.

In order to fulfill that -- So we will provide the motion to meet the internal rules, our internal rules, we have to provide a motion by 11th of July, which means we cannot come up at that time with the names of the candidates because the deadline for applications is 15th of July, but we will do that step by step after the 15th of July. And we hope, because we have our process internally is a little flexible, that we can do that very quickly after 15th of July, within some days. So that is ready. Time -- Should be time enough to discuss that internally within your respective stakeholder groups.

But I would like to -- to point to that because yesterday we have discussed that because of this timeline, there is no time in order to, for example, to defer that motion because of not having had time enough to discuss it internally.

So we are all under pressure and we try our best to give you time to internally discuss the slate of candidates.

After the -- our -- the GNSO motion, then, internally with the ccNSO, which is also establishing a kind of selection committee, I hope so, we will have this coordination round so we can come up at the end of July with the very last motions with the overall slate, with the entire slate for the CSC. And this should then be decided on a separate council call which is dated to 9th of August in order to have time enough for the 15th of August to provide all the necessary things; that the council can decide on 9th of August by telephone call, by specific telephone call about the entire slate.

I do hope I have given you an overview of that. So it's a tight schedule, and, well, I'm open to any question and to -- any question you may have.

Thank you.

>>JAMES BLADEL: Thank you, Wolf-Ulrich.

Can we back up to the slide with the timeline, quickly? Thank you.

And thank you for the overview. And we'll open up a queue in just a minute.

I just want to boil it down to a couple of just salient takeaways here. The first one is that this is a two-step process. First we have to approve the primary and alternate GNSO liaisons, and that will be done via a motion that has essentially, you know, primary name goes here, secondary name goes here, because we won't know those people when the motion is due. We will then amend the motion prior to voting so that we can get those -- get that up for the 21st meeting.

And then, after all the liaisons and members are put together, the entire slate is subject to a GNSO vote, and because that falls in our gap, our summer gap between the July and September meetings, we've proposed or at least we're anticipating that we'll need some sort of off-calendar meeting. And the hope at this point is that that's not a meeting or a call. That that's simply an email ballot; that the motion is made on the list, the voting occurs on the list, and everybody, you know, relax at the beach or the pool without having to get on a GNSO Council call. That's the plan, but I think the key is that it's a two-step process, and the timeline, as you can see, leaves very little cushion for any of this to slip, because right as the selection is done on the 21st, we move immediately into consultations with the ccNSO.

So we'll open it up now for discussion or questions. I just wanted to highlight those couple of points because this is going to be a very time sensitive process and it has a couple of different moving parts we're going to have to hit.

So let me just jump back over to the queue here. And I think I have Phil. And I have Phil.

Phil.

>>PHILIP CORWIN: Yeah, thank you, James.

And I'm just -- I don't have any concerns here or objections but just trying to make sure I understand all this.

I do want to note one thing before I get into request for clarification, which is the timeline shows a GNSO Council special meeting for approval on August 9th. I don't know about other people, but I'm going to be on vacation in a rather remote part of Maine on August 9th and I don't know what if any connectivity I'll have. So I hope we can do something a little bit earlier in advance because I can't guarantee I can be in a meeting on August 9th.

My -- I'm a little -- My confusion is -- whoops -- on the side note that talks about election of primary and alternate, use of the word "delegates," but we're actually talking about members who are voting members of the CSC, and liaisons who are essentially observers on behalf of certain groups. And I think I understand that the GNSO is going to be selecting some liaisons to monitor the group but also is going to have some role in final approval of members of the group. And I'm raising this, and tell me if I'm right or wrong.

And also, in addition to what the GNSO is doing, does the Registry Stakeholder Group get its own liaisons as customers of -- as part of the customer group that are separate from the GNSO?

So I'm just trying to sort all this out to see what our role is and what's in addition to our role.

Thank you.

>>JAMES BLADEL: Thanks, Phil. I'm going to see if I can hit those three questions, and then I'll probably wave in Wolf-Ulrich and staff and Donna and anyone else who wants to weigh in.

The first one is it does say special session or special GNSO Council meeting on August 9th. But again, I think the goal here is to have a window -- and I believe it's -- is it four days? Four-day window to vote by email. So I don't know if that addresses your connectivity problem, but it wouldn't be a real-time meeting. It would be an email vote sometime in that window.

The second question is -- I'll probably defer to some of the others about whether or not we approve both the members and the liaisons, but I think you are correct that the gTLD registries as well as the ccTLD registries select their members. What I'm not clear on is if we're approving them in that second phase where we're approving the entire slate or if we're only approving the liaisons. So I guess that would be my question, too, and I think that's your second question.

Wolf-Ulrich, maybe you can shed some line?

>>WOLF-ULRICH KNOBEN: As I learned, we're going to approve all of them, including the -- It's -- Well, but what we are not doing is -- well, to go into it from the election committee, to go into any discussion at all about, you know, what the risk is going to doing -- to provide, yeah? We are just talking about the liaison from the election committee. So we are just talking about this one person the GNSO has to send as a liaison.

So then the council as a whole is going to approve the overall slate, including the members.

But, Donna, please.

>>DONNA AUSTIN: Thanks, James. Donna Austin. So Phil, I think the answer to your question is the registries and the ccNSO have processes where they will select the members and then the ccNSO and Registry Stakeholder Group have to have a consultation to discuss the membership slate. So there will be four TLD representatives on the CSE. So the Registry Stakeholder Group and ccNSO have a consultation on that and approve that membership slate.

Then the GNSO and ccNSO agree to the full slate which includes the liaisons and it -- and the membership is actually the four members are part of that slate. And what the ccNSO and GNSO are doing in terms of the finalization of the slate is really making sure that there's a balance there in terms of diversity and skill set. So that's what they're looking at in the overall slate. So the intention is that the liaisons that are identified by the other SOs and ACs, they will provide their primary and alternate, and the idea is that the alternate is there if there needs to be some kind of manipulation, for want of a better word, to make the slate look -- you know, address the diversity issue. Does that answer your question, concern?

>>PHILIP CORWIN: Yeah, I think it does. I have a much better understanding now, and thank you for your responses.

>>JAMES BLADEL: Thanks. I have Heather and Keith.

>>HEATHER FORREST: Thanks, James. Heather Forrest.

>>JAMES BLADEL: And Paul. Sorry.

>>HEATHER FORREST: Phil, thank you for your question because it spurred a comment in my mind that I'm afraid it's taken until now, and I'm on this group, to formulate in my mind, which is to say you asked about the Registry Stakeholder Group seats on this and it's not clear to me -- we have Rubens on our group, and Rubens you're a member of the Registry Stakeholder Group. So explain to me, is that a problem, let's say, in light of the formation of the group? Thanks.

>>JAMES BLADEL: Rubens, you want to respond? Mary also had her hand up. I don't know if it was relative to this. Okay. Rubens.

>>RUBENS KUHL: Just to note that the liaison you will be selecting can be from the registry. So because there are Registry Stakeholder Group already appoints members. So the GNSO is a non-registry. So it doesn't affect -- impact whether -- who gets selected because the Registry Stakeholder Group will only appoint from their membership and the liaison can be from their membership.

>>JAMES BLADEL: Heather, does that -- and Wolf-Ulrich, you have some --

>>WOLF-ULRICH KNOBEN: Yes. Wolf-Ulrich speaking. Heather, I understand your question. With regards to the composition of the selection committee, is that your problem? So with regard that Rubens is on the selection committee for the GNSO liaison as representative of the risk -- of the

Registry Stakeholder Group. So yesterday in our meeting when we set our rules here internally, so we -- we were of the opinion though that this doesn't matter. So because while -- though the council has decided which members should be -- should comprise from the selection committee and we are going well to -- not to vote on that. So we would find a -- we are going by consensus, for consensus to that, and I do not expect that from the Registry Stakeholder Group they are going well to over -- or to vote against unless there are really arguments from the -- from the skill set point of view with regard to the candidates but not anything else. What we discussed at first -- we had two things to discuss, the skill set of the candidates and then maybe the other requirements, which are the diversity requirements and so on. So I don't expect that.

>>JAMES BLADEL: Thank you, Wolf-Ulrich. I next have Keith, Paul, and Phil. So Keith, you want Paul to go first?

>>KEITH DRAZEK: Yeah, Paul had his card up first, and then I'll go.

>>JAMES BLADEL: He did. Okay. So Paul, Keith, and then Phil.

>>PAUL McGRADY: Thank you. Paul McGrady. So this is why I think ICANN should commission of it's official opera "Der Feast Or Famine" because it seems like we either have no process or a dizzying timeline. So I'd like to thank Wolf-Ulrich and Donna and the others on the team for presenting this. It's pretty complex, and you guys have made it as easy to understand as possible.

Everybody sort of hinted around already the question that I wanted to ask which is when you say diversity what does that mean? Does that mean diversity of skill set? Does that mean geographic diversity? Does that mean diversity within stakeholder groups or constituencies, does it mean gender diversity? What does diversity mean in this context? Because that's a -- that's a big word that could mean a lot of things, and I want to make sure I understand what it is we mean when we say diversity.

>>JAMES BLADEL: Donna, did you want to take that one?

>>DONNA AUSTIN: So Paul, the -- within the IANA transition proposal itself there was a charter developed for the CSE, and that's the guiding document that we've used to develop this process. It's - - and I can't recall the language offhand, but it's not specific about what that diverse situation is. I think there is a mention of, you know, geography. I think it's specifically geography and skill set. It's not about the -- we've tried to address the diversity of, you know, representation through the stakeholder groups or SOs/ACs with the ability for each SO and AC to appointed one liaison, if they wish to do that. And the reason that the registries -- the Cs and Gs actually have four slots is because they are the direct customers of IANA and this is, we think, the -- the Customer Standing Committee is an important role and it -- it is the direct customers that should have the technical experience and knowledge of IANA that can stand up the committee and be able to, you know, understand whether IANA is actually performing to the extent that they should be. So the -- the diversity of stakeholder groups is actually addressed through the composition of the CSE itself. And in looking at the diversity of the CSE as a whole, I think the idea was to look at geography and skill set. So I think that there are two kinds of diversity. Thanks.

>>JAMES BLADEL: Yeah, Susan, quick response?

>>SUSAN KAWAGUCHI: But the application includes an optional selection of gender and also, you know, what house you're from. So we can look at those. We'll have that information to look at.

>>JAMES BLADEL: Thank you, Susan. Okay. Next in the queue, sorry, I have Keith, Phil, Mary, do you -- you want to preempt this, for Mary? You want to go at the end? Okay. But I also saw something from Carlos. Did you want in the queue, Carlos? Then it's Keith, Phil, and Mary. Keith. And wolf-Ulrich.

>>KEITH DRAZEK: Thank you, James. Keith Drazek, Registry Stakeholder Group. So Donna actually covered much of what I was going to say, so I'll be brief. In response to this general question about the role of the GNSO Council in finalizing this process, I'll just read directly a short section from the final CWG report. It's actually exhibit G, section 337. It says, "The full membership of the CSE must be approved by the ccNSO and the GNSO. While it will not be the role of the ccNSO and GNSO

to question the validity of any recommended appointments to the CSE, they will take into account the overall composition of the proposed CSE in terms of geographic diversity and skill sets." So I think that -- that as briefly as we can state it is the role, and I just do want to reiterate that Donna's points about the rationale for the gTLD registries and the ccTLD registries having two each members is because they are the customers of the IANA department. And this is a -- really an operational and technical check to ensure that IANA is performing up to the expectations of its customers. Thanks.

>>JAMES BLADEL: Thank you, Keith. And thank you for having chapter and verse ready to go. Okay. Next is Phil.

>>PHILIP CORWIN: Yeah, and for this I want to use kind of Congress language a little colloquy. Who's the subject -- subject matter expert on this on staff? Who I can engage with.

>>JAMES BLADEL: On staff I'm going to have to say Julie.

>>PHILIP CORWIN: Okay. Let me just state this as simply as I can, and you tell me if I'm right or wrong. And then if I'm right I'll -- show I understand. If I'm wrong, you'll correct me and then I'll understand it.

This is a committee of customers of the new PTI which is being set up as a new California not-for-profit corporation to administer the IANA functions under contract to ICANN as envisioned under the transition plan; is that correct?

>>JULIE HEDLUND: Yes, that's my understanding.

>>PHILIP CORWIN: Okay. And the gTLD registries and the ccTLD registries will pick members of this CSE. Will anybody else be picking members or just those two registry groups?

>>DONNA AUSTIN: So the only other possibility for a member was if the -- if the IAB wanted to appoint somebody because of the .ARPA registry.

>>PHILIP CORWIN: Okay. And then the GNSO and the ccNSO will be picking liaisons to be --

>> (Off microphone).

>>PHILIP CORWIN: Who are -- okay, that's my next question. Who else is picking liaisons? ALAC, anyone else?

>> SSAC.

>>PHILIP CORWIN: SSAC.

>>DONNA AUSTIN: So the liaisons are appointed -- appointed by their respective SOs/ACs. So SSAC, RSSAC, ASO, ALAC, GAC, GNSO. So they all have the ability to -- to appoint a liaison, but it is not mandatory. They do not have to.

>>PHILIP CORWIN: So if they choose to exercise that, there will be a possibility of more liaisons than members of this CSE. The members are the ones who have the more clout or whatever.

>>DONNA AUSTIN: Correct.

>>PHILIP CORWIN: So I think that's it. I think now I understand it as well as I'm going to. And I hope by asking these questions and having this dialogue it's helped others understand this. Thank you.

>>JAMES BLADEL: Thank you, Phil. Thank you, Julie and Donna. Next I have Mary, Wolf-Ulrich, and Keith, are you back in the queue or is that -- the Adobe as well. Thanks.

>>MARY WONG: Thanks, James. This is Mary from staff. So this is a staff suggestion, recognizing that you are more than likely to do a vote on the 9th of August rather than a special meeting and recognizing that 9th of August may be a difficult date for some, including Phil and others. Our suggestion nevertheless is to go ahead and schedule a special meeting. It's always easier to cancel than to try and put one up at the last minute. That is partly because of the various requirements that you need to go through in order to do a vote outside a meeting. But also because after the meeting

that you will have on the 21st of July, you will probably have a better idea where things stand. And even making a decision at that point to not have a special meeting and to go for the vote would still be in time.

>>JAMES BLADEL: Thank you, Mary. Wolf-Ulrich.

>>WOLF-ULRICH KNOBEN: Thanks. Wolf-Ulrich speaking. Well, that fits to my point as well. May I ask you to go to the next slide, you know, which shows a comparison of the timeline of the ccNSO and what's going to happen after -- after the first motion made by the council on 21st of July and then to the -- up to the 9th of August. You see a slight difference in the process between ccNSO and -- and the GNSO, that is that comes from the ccNSO is a complicated structure with -- would like also to cover their geographical diversity aspects in between so by -- by consulting all of their regions.

So nevertheless, I come back to the point that we should have the aim to, at first, well, to come to the vote on the 21st of July and not to find arguments or to avoid arguments to defer, which may be possible because of our own rules that we have. But that shouldn't -- shouldn't be avoided.

So, therefore, James, I would like to ask you if you could find the kind of feeling here from the council with regard to that date, you know, and whether there might be obstacles from some of the stakeholder groups to see that the time between the 15th of July or -- the 17th or 18th of July and the 21st may be too short to consult within the stakeholder groups. Because we shall have these three to four days only to give them for internal consulting.

So that should be kept in mind, and we should be clear about that, that it there shall not be any deferral of the motion -- of the motion on the 21st of July.

Thank you.

>>JAMES BLADEL: Thank you, Wolf-Ulrich. And that is something that we discussed a little bit yesterday because there's just no daylight in the schedule. Deferring a motion would actually kick it formally into September, which would cause us to miss several dates. So we would have to set the expectation that that just wouldn't be possible under this timeline. We would essentially go into the CSC with no liaisons if that were done. So I think we would consult as a leadership team with the chairs, but probably any request for deferral would be unlikely.

So with that in mind, please make sure that we have that small window between the time the motion is ready and -- I'm sorry, from the time that the names of the primary and alternate liaison candidates are announced and the time that the vote is required, which as Wolf pointed out is probably going to be about four days. Make sure we have an opportunity to discuss those internally with the SGs and Cs. And I think, hopefully, having a few weeks' notice that that's going to occur will allow you to make the necessary preparations.

Okay. next we have Paul, and then just a couple of housekeeping announcements because we do have to move forward.

Paul.

>>PAUL McGRADY: Paul McGrady. Thanks, James.

So this is -- Clearly there's a need for speed here; right? And because of that, I think that this need for speed and the way that this -- the process, the timeline, the fact that even we are presupposing that this is the council's role in this new world, is what was driving a lot of the prior motion; right? That we sort of figure out how we -- how the GNSO and the GNSO Council adapt to a post-transition world.

But I would like -- I would like to say that there is a sense, these from the IPC side, that because of the need for speed, we're not raising those concerns or questions, but we would like to put a -- like a little -- drop a footnote and say that when it comes to appointments of these sorts of positions and the role of the GNSO Council beyond policy-making and those kinds of things, that we still want a robust discussion of that as part of that drafting team that we've just formed; right?

So going along to get along, but we also don't want to give the impression that we didn't have concerns around this process.

Thank you.

>>JAMES BLADEL: Thanks, Paul. Noted.

In that same vein, one question I would have for Julia, Donna, Wolf-Ulrich, is what's the term for members or liaisons? Is this something we're going to have to do every year? Every two years?

>>WOLF-ULRICH KNOBEN: James.

>>JAMES BLADEL: Yes, Wolf-Ulrich.

>>WOLF-ULRICH KNOBEN: It's two years but it could be reelected three times -- up to three times. So it could be six years, then.

>>JAMES BLADEL: So with that in mind, and I'm kind of aiming this over at Paul and the IPC, I think the expectation is we would have a better process or a better answer, but this first time to get this thing up and running to meet the transition window, we may have to go with what we've got.

So okay. So I put myself in the queue to sort of close down, but I saw a couple other hands jump up. So I think -- And then now everybody is bashful.

Was it Keith? Did you have something you wanted to weigh in here?

>>KEITH DRAZEK: Thanks, James. There was a question about the term -- sorry. Keith Drazek. And I think the intention in the report was that the terms would be staggered of the total -- total group. So the initial -- half of the initial appointments will be for three years to allow for future staggering of the appointment cycle.

So some will be two years, some will be three, divided equally. But on an ongoing basis or a forward-looking basis, it's a term of two years.

>>JAMES BLADEL: Okay. Thanks, Keith.

Okay. So just a time check here. It's currently noon, which means we have 30 minutes to plow through the rest of our agenda, which may or may not happen, but we're going to give it a good shot. We have the ability to stay in this room and go over a little bit longer. We do have lunch coming in. I would ask that because of the fact that we planned on working through, that we would -- we would ask that councillors be given a shot to get a plate and come back to the table. And if we have a few items that we need to clean up while we're chewing our lunch or something like that, we'll do so as gracefully as possible. And then we move to the wrap-up session, I believe, at 1:30. So we can probably just seamlessly go from council to lunch to wrap-up.

Okay. So let's -- Thank you, by the way, for everyone. This is -- as you were aware from our discussions last night, this is a very complex and very time sensitive project. And so I hope that everyone appreciates the importance and the urgency of hitting these dates. And I appreciate the fact that we're all doing what we can to make sure that this doesn't slip. So thank you.

Okay. So next is agenda item number 9, which is activities of the CCWG on Internet governance. We're going to have an update from Olivier and Rafik. Is Rafik here? I haven't seen him in Helsinki. Is he -- He's here in Helsinki?

>>OLIVIER CREPIN-LEBLOND: Rafik is hiding behind.

>>JAMES BLADEL: Come on up to the table, Rafik. Michele, if you want to make some room there? Oh, he's got some spots.

Okay. And if we could ask for a brief update from the CCWG Internet governance, and then we'll open the floor for some discussion.

>>RAFIK DAMMAK: Okay. Thanks, James, to be worried about my presence, but I'm here for you.

[Laughter]

Okay. So this is our second report since Marrakech meeting, and trying to summarize several activities that we had in the Cross-Community Working Group on Internet governance.

Since then, we had -- we were present in the WSIS forum, and the working group organized and delivered workshop there. I think they talk about, if I'm not mistaken, it's more about the process for the accountability. And we had several -- several members from the ICANN community to participate as speakers. That was a good opportunity for the working group to introduce more what's happening in that space for those who are not familiar with ICANN processes or they are not a regular participant.

On the other hand, we were quite active in following the discussion, and it's in the CSTD session. And CSTD working -- sorry. CSTD session and the plenary session in May. And this was kind of with liaising with the ICANN staff who is active in those spaces and also through active member of ICANN community who -- who are also participating in that area.

So the discussion there was about the outcome of WSIS, WSIS+10 review which happened in December 2015, as a session in the United Nations General Assembly.

So in that time also we kind of followed, I would say, the document, the outcome from the General Assembly, and also the establishment of working group on enhanced cooperation. And so as working group, we try to get more updates to understand what's happening there and what are the areas of interest for ICANN since we have some representation there, at least, from ICANN staff.

As other activities, this is for the second time that we having this, is to prepare for the IGF and to submit a proposal for an IGF workshop. The IGF will take place in Guadalajara this year in December. And as theme for the workshop is really talk about the IANA stewardship transition, ICANN accountability, and the multistakeholder model used in ICANN.

So we are really talking more about the process there and not the content of, I mean, the recommendation and so on.

So we made the submission by the deadline. I think now it will be -- all the workshop will be under evaluation. Maybe those involved with the MAG, they can give more insight about that process.

Okay. And here moving more about more kind of internal discussion within ICANN. And as Cross-Community Working Group, we had a discussion with Markus Kummer, the chair of the board Working Group on Internet Governance, that was established a few weeks ago. And as Cross-Community Working Group, we thought how we can cooperate and liaise with this new -- newly established working group and to avoid kind of any overlap, and so on.

And we had a good discussion, first by -- through a conference call and first to get an understanding always the purpose and what this working group try to achieve. And then, also, we had a chance to talk with them during Helsinki meeting. And so there is kind of agreement that really we show cooperation between the two working group. For example, the Board working group is not planning to submit workshop proposal or to organize conference and so on, so we create -- we have the bridge between both of them.

And, so, okay. And we also had a face-to-face meeting with the new CEO and president of ICANN organization. And it's really more to -- we gave him kind of historical background about the Cross-Community Working Group, what we try to achieve, what we did before, and to get a sense from him what he can expect from us and how we can work together.

And, like, we stressed also how we are liaising with -- now with ICANN staff who are involved on behalf of ICANN organization in different Internet governance fora and spaces.

So -- And as ongoing and forthcoming activities, we are still continuing to plan for IGF activities, in particular for any ICANN related session, and to see what we can do there. And taking in account the IGF process. For example, the IGF retreat which is going to happen next month, which is about the improvement of IGF, also the open consultation that I think is also in July.

And here we are trying to liaise with those who happen to be member of the Cross-Community Working Group and also member of the MAG.

And as continuation what we are doing, what we did before, is to plan for the session in next ICANN meeting in Hyderabad, probably to have like a town hall format, and try also to discuss with those from ICANN community who happened to be involved in other spaces, in particular with IGF, to engage with them and to share information.

>>JAMES BLADEL: So, Rafik?

>>RAFIK DAMMAK: Yes.

>>JAMES BLADEL: I didn't mean to cut you off but I note that we have loaded the written update. It seems like we're tracking fairly closely to some of the information that I think we already had. And just in the interest of having a short period of time, I'm wondering if we can go into the discussions or, Olivier, did you have any brief comments? But I note that we have a number of folks that would like to have a more kind of Q&A type discussion if that is okay.

>>RAFIK DAMMAK: Yeah, thanks, James. But we are -- just a quick response here. We tried only to respond to the request that came from GNSO Council to give a report, so if people have questions we will be happy to answer. So no problem.

>>JAMES BLADEL: Thank you. Olivier.

>>OLIVIER CREPIN-LEBLOND: Yeah, thanks, James. If I could just add just a couple of words. Olivia Crepin-Leblond speaking, for the transcript record. And I'm not the ALAC liaison right now and I'm probably going to just speak on my own self. A couple of things regarding this cross-community working group. It's not your standard cross-community working group with an issues -- you know, with starting report, a middle, and then end report. Internet governance goes on forever, just like life goes on. That's one point.

The second point is, why does ICANN -- why does ICANN get involved with Internet governance. And that's, of course, important because of its environment. The environment that ICANN lives in is a hostile environment actually. There are several other organizations out there that would like to be able to control ICANN or run the space that ICANN is in charge of. And so ICANN needs to be looking at what is going on out there. Is it the job of staff? Yes, some ICANN staff are working on this. But we also felt it was important that there is a link, a bridge, between the community and staff. And in fact, that's been working very well. I'm glad to say that the work that we've done with staff has been very, very good. And they have been able to use us, use us as in the working group, as a sounding board for the input that they've been sending out there.

It's also been the ability that having people from the community and staff and the board now involved, as you will have heard Rafik say that the board working group on Internet governance is now effectively working with us as well. There are more people listening out there, more people being able to intervene out there. So we have an early warning system, if you want, about any threats that might be coming from other organizations or in fora that we might not be in our usual life, or especially not within ICANN, looking at.

One last piece of great news that I should relay to you is that on last Saturday Russia and China have signed an agreement to -- which is pretty strong agreement, I would say, which effectively mentions that they would like the United Nations to put together an agency of some sort or some group that would be looking at aspects of Internet governance and aspects of -- well, with the idea basically of governing, taking some part of work on that. It's not been really reported anywhere yet, but we're -- we're tracking this. That's all, thanks.

>>JAMES BLADEL: Okay. Thank you for the update. And we do appreciate both the depth and breadth of the activities that you are participating in. I know we had some folks around the table that perhaps wanted to ask a few questions. So if I could just see if anyone wants to get in the queue. Heather. We'll start with Heather. And I'm sorry, Heather and then Marilia.

>>HEATHER FORREST: Thanks very much, Olivier and Rafik. And thank you for your written report as well which we have in the Adobe room. I wonder if you could clarify for us, were there any -- let's say when you -- when you set out, of course, it's understandable, Olivier, your point about the fact that this stuff goes on and on and on. Do you have any specific deliverables, and if so -- let's say in your charter, and if so, where do you stand on those? I think one of the things we're trying to think about in council going forward is a clearer identification of where you are in your timeline and where you are in terms of meeting your targets. Thanks.

>>OLIVIER CREPIN-LEBLOND: Yeah, thanks very much, Heather. Olivia speaking. In terms of having deliverables, of course, the working group is producing regular reports or is -- has provided regular reports to the different SOs and ACs that have chartered it. As far as producing documents is concerned, the group has the ability to put together specific documents for input outside of the -- of ICANN but it would have to go through the process of ratification from the different chartering organizations, just like anything that's as important as this. There was one deliverable that was sent to NETmundial. That was a while ago. We haven't identified anything so far that we need to respond to.

I think I have to also note that this working group is really acting in a responsive rate and not an active rate. In other words, we wouldn't be going out there and trying to engage any -- was it any process without really finding the need to do so. So we cannot predict what will turn up next month or the month after. It seems to be such an unstable environment out there that we have surprises every month we're watching, and as soon as there's something that might turn up, you might actually get a request to -- from us as an early warning system to come back and say well, yes, please ahead with this. I hope that answered.

>>HEATHER FORREST: Thanks, Olivier. You said you've had a few reports. Can we have a -- can council have a copy of those reports?

>>OLIVIER CREPIN-LEBLOND: Yeah. I think you had the report from last -- from Marrakech and this is the one from this -- this one. There is no actual written report, if you want -- apart from the staff report, which we, of course, have had some input into, that goes as, you know, sort of briefing on the CSTD meeting, briefing on the WSIS+10 meeting, et cetera. If you want to have copies of these, I'm sure we can arrange that.

>>HEATHER FORREST: Okay. Thanks.

>>JAMES BLADEL: Okay, thanks. Actually I have Marilia, Carlos, and then Phil and Paul, I'm sorry, I didn't see who came up first. Was it -- Paul and then Phil. Phil and then Paul. Okay. So first up is Marilia.

>>MARILIA MACIEL: Thank you, James. This is Marilia speaking. I am actually a participant of the CCWG IG since the beginning and I do agree with the report and the observations that were made by Olivier. Another point that I would like to add on the importance of this working group is that I do believe that keeping an eye and keeping vigilant on the threats that are present on the environment is important, but it is also important and that's one of the reasons why I joined this group, that ICANN sees itself as a part of the ecosystem as well. Not needing to defend itself from the external threats but also to engage with other organizations and contribute to the discussions out there. There are not only threats that other organizations that have a very constructive role, and it is my feeling that sometimes we see -- because we are so absorbed by the amount of work that we have here and it's completely understandable that it is like this, but sometimes we see ourselves in a little bubble. And there's so much that this organization, because of this model, because of everything that we do here, we could contribute to the discussions out there. So I think that it's a two-way street. And maybe this is something that for future we can as well strengthen inside the CCWG. But congratulations to Olivier and Rafik. I think that the meeting was very productive here.

Another observation that I would have, maybe this is not the place, but I will say it anyway, is that one of the things that I think did not work very well on meeting B was that some sessions were not on the schedule. And this, I think, was not very good for transparency. Some peoples that -- people that would like to attend the sessions, they were not able to because they were not informed. So I think that we need to make a decision here. Either we have sessions and they are on schedule or we do

not have sessions, parallel sessions, and we have the only ones that have been included on the official agenda. And this was one of the occasions that happened with the CCWG IG, so I hope we can discuss this with the meeting organizers for the next meeting B. Thanks.

>>JAMES BLADEL: Thank you, Marilia. Next is Carlos.

>>CARLOS RUIZ GUTIERREZ: Yes, thank you very much. I'm the liaison to the CWG and I tried to participate in the calls, and as I have reported before, we have had a hard time even to keep track of the scheduling of the calls. And recently there was a proposal by Olivier, by the whole group, to keep separate just administrative and logistic calls from substantial calls. And it was proposed that for substance over the next few months we should focus on the upcoming world conference -- I don't know which one. Yes, I know, on standardization. And there are three chapters of the world conference on standardization 2016 which might be relevant for the DNS, and I think we have to get up to speed to define if these three areas are relevant or not and if we're going to engage or not. And I have to agree with Marilia, scheduling Monday, Tuesday was good. But scheduling yesterday was a disaster. I could not participate in -- in the meeting. And I really ask our members of the group to focus on this issue, on this question which we have had for the last few weeks, if there is any relevance in the world conference of standardization or not and if we are going to focus the work of the CWG on the substantive issues. Thank you very much.

>>JAMES BLADEL: Yep, Olivier.

>>OLIVIER CREPIN-LEBLOND: Thanks, James. Short answer, it's Olivier speaking. And the WTSA, the World Telecom Standardization Assembly, is indeed -- might indeed seem to be very far removed from what we do, but it is the root of what then ends up at the end a few years later at the World Conference On International Telecommunications. The last one of which took place in 2012 and was a real battle. So we're trying to effectively attack or monitor things as early as we can. Thank you.

>>JAMES BLADEL: Thank you, Olivier. Who did we decide? It was Phil? Phil.

>>PHILIP CORWIN: Thank you. Phil Corwin for the record. Thank you, Olivier, for that report and your efforts on this. And particularly for pointing out that the statement issued last week by Russia and China, which is consistent with earlier positions they've taken, in fact I believe in the past year, they issued a similar statement in which the government of India joined. And I wrote a very long article on jurisdiction issues recently and noted also that there's a number of civil society organizations in India which have indicated that they -- notwithstanding the completion of the transition they will still question ICANN organization's legal jurisdiction within the United States and are unhappy with that. They'd like to see a change. Various suggestions for changes have come from them.

The one question I have is within your own discussions within this group -- and I'm monitoring other -- all the various forums -- ICANN will be having its own Work Stream 2 discussions on the jurisdiction, a variety of jurisdictional questions. Has ICANN's legal jurisdiction in the U.S. post-transition come up in your internal discussions or in monitoring any of these other events that are all listed in this report?

>>OLIVIER CREPIN-LEBLOND: Thanks very much, Phil. Olivier Crepin-Leblond speaking, and we have made it specific in our charter that this working group would not be dealing with anything to do with IANA stewardship transition. And I don't have the charter in front of me, but I think that it's anything related to that as well. Now, it has done the workshops at the IGF, but that was purely to demonstrate the multistakeholder model. It didn't actually go into the discussion of the transition itself.

So as far as the answer to your question is no. We have not.

>>JAMES BLADEL: Okay. Thank you. We have now Paul, Volker, and Donna, and then I'm going to close the queue there because we have to move on. We have -- running out of time, and we have one more topic. Paul.

>>PAUL McGRADY: So I had a question and a thank you. The question Phil asked, so I'll just do the thank you which is thank you for your candor in acknowledging that the environment is not always friendly. Sometimes the rhetoric around the transition has been sort of flowers and chirping birds and

other things like that from the opening scene of a Disney movie. And I think that the real environment out there is not necessarily, as you note, as friendly. That multistakeholder model is unique and worth protecting. So thank you to you and the others on this team for your hard work.

>>JAMES BLADEL: Thank you, Paul. Volker.

>>VOLKER GREIMANN: Yes, thank you, James. Volker Greimann speaking, for the record. I think this is very important work that's going on to be -- to stay involved within the forces (indiscernible) ICANN. I just wonder, with the -- with the budget negotiations coming up, is this participation funded by ICANN? How many participants are sent to these events, and what's the overall impact on the ICANN budget?

>>OLIVIER CREPIN-LEBLOND: Yeah, thanks very much, Volker. It's Olivier Crepin-Leblond speaking. It actually just comes at a very minimal cost. I think we have one -- it's not even a full-time employee. I think it's 0.001 full-time employee who's working on this, Desiree Cabera (phonetic), with -- I think somebody's PA in LA and spends an hour a week on this. We do have a liaison, Nigel Hickson, but that's as part of his overall work in his own department.

As far as going to these fora, none of us are funded to go there. So we all -- and the people that are funded by ICANN are funded in other ways because of the -- the special community requests, for example. So there wasn't any -- there's no actual impact on ICANN financially for these things. And I guess, well, you know, a room, maybe a few bottles of water.

>>JAMES BLADEL: I'm sorry, you said funded by ICANN in other ways. I guess I'm not clear on that. What -- can you give us an example? Without calling anyone out.

>>OLIVIER CREPIN-LEBLOND: Yeah, thanks. So for the IGF, for example, James -- it's Olivier speaking. For the IGF there had been some special community requests made by some parts of the GNSO or parts of ICANN like the ALAC or the RALOs, in fact, to go and send people to stage a workshop over at the Internet Governance Forum. If they are funded to go there and if the workshop that we are running there is accepted as well, then we would have these people also in our workshop.

So effectively, they are already funded to be there. There doesn't need to be additional funds to send them there, effectively.

>>JAMES BLADEL: So they were previously funded for other purposes and we're just taking advantage of the fact that they're already there to move them into this --

>>OLIVIER CREPIN-LEBLOND: That's right. And when we do a whop proposal this year, we had to actually put the details of the people who would be on the panel, et cetera. And so we had to get in touch with those people and say are you planning to be at the IGF this year? And if they said no, then we'd say, okay, forget about it. If they said yes, then we can list them.

>> Thank you. That answers my question.

>>JAMES BLADEL: Thank you, Olivier. Thank you, Volker.

Donna. You have the last word.

>>DONNA AUSTIN: Thanks. Donna Austin. Just to respond to something that Marilia, if I understand her statement or question properly. One of the reasons that perhaps sessions weren't available during this meeting is because of the strong focus on policy. We didn't -- This is a four-day meeting. It was stripped back. We didn't have access to the same amount of rooms. We wanted to keep as much of the meeting nonconflicted as possible. So that's, you know -- understand that requests were made and rejected, and one of the reasons was that was because we were trying to focus this very much on a policy meeting. So that's what may be one of the reasons why you didn't -- you know, some of the sessions weren't approved or whatever.

>>JAMES BLADEL: Thanks, Donna.

Very briefly.

>>OLIVIER CREPIN-LEBLOND: Yeah, thanks, James. Olivier speaking. And I guess we have maybe different views of policy. I guess there's policy within ICANN, ICANN policy. The IG, Internet governance, is also, but it's external policy. So I felt it could have been within the bounds of the policy meeting. But we can certainly discuss this for future B meetings.

Thank you.

>>JAMES BLADEL: Thank you. Policy is what you make it.

Okay. So thank you for that exchange, for Rafik and for Olivier and for all the councillors who participated in that discussion. I think we're going to have continuing discussions and questions between now and Hyderabad. And if you can continue to keep us updated with your status, particularly if any of the events that you submitted on your written report were to change or have any or tangible outcomes. Thank you.

Okay. Next up is agenda item number 10, which is a discussion on the next steps implementing recommendations of the GNSO review.

Again, I think it was this morning or last night, so I really don't expect anyone has had a chance to crack it open, but we did receive the full text of the Board action on the -- actually, it was the Board or the -- I'm going to mess this up, OEC, organizational efficiency committee? Commission? Got it. Okay. Which is headed by Rinalia and some other folks on the board.

They note that they have approved the GNSO review recommendations as well as as amended by the GNSO Council. If you recall, we had a few tweaks to the language that we adopted between the two meetings.

We need to discuss, and I don't think it has to happen, obviously, at this meeting because it's all happening, you know, just on the sunrise of this particular meeting, but we do need to think ahead to July.

I can give you a spoiler alert, this is probably going to find its way into a motion for next month's meeting, to convene a team that will produce an implementation plan, because the Board has asked us to report back with an implementation plan no later than six months. So that's basically the end of the year, and that's going to be kind of a tight -- it's going to be a heavy lift in a short period of time.

There was some discussion in our session on Monday whether or not this would be a new team that we would stand up, because we just apparently have unlimited people, or if this would be, for example, a repurposing of an existing group, like the SCI, which all of those options I think are open for discussion, but we should note that they all come with pros and cons and different complexities and will require different mechanisms to activate or recharter those groups.

So I don't know if we have anything to discuss at this point except to give a preview that this conversation is probably going to occur on the list between now and then with a motion for consideration at our next meeting on the 21st. So I guess the motion would need to be in by the 11th.

So any points of discussion on that? Does anyone have any strong feelings that -- really, on anything involving the GNSO review process?

Avri.

>>AVRI DORIA: Thank you. Avri speaking.

I don't know how strong the feelings are, but I really do want to ask you all to consider using the standing committee that you've got now. Even though it does need a bit of refreshing, there's certainly not as full participation there as there should be or could be. But then again, there are people there that understand the operating procedures well, are constantly dealing with them, understand their relation to bylaws.

And so you've got a set of people that are dedicated to it. I'm no longer one of them but did spend a couple years in that group.

So I think as opposed to recreating a new group and then taking off again, I would really suggest looking at the repurposing type of proposal.

>>JAMES BLADEL: Thanks, Avri. And I think that's definitely one of the viable options we should be considering.

Wolf-Ulrich.

>>WOLF-ULRICH KNOBEN: Thanks, Wolf-Ulrich speaking.

Well, first, to be clear, this group should have a kind of oversight task; that is correct? Of the implementation. It's not the implementation itself. Yes? Because I read in the --

>>JAMES BLADEL: My understanding, Wolf, is this group first and foremost needs to develop an implementation plan.

>>WOLF-ULRICH KNOBEN: Okay. Because from the board motion, you know, which was sent by Rinalia, it was called the (indiscernible) should convene a group which is going to oversight implementation. That's in the motion. So I was confused about it. Okay. So the implementation itself.

So on the other hand, I agree to a certain extent with Avri and we should discuss that. And I could understand we use the SCI as a kind of frame, not the SCI -- just the SCI for that purpose but as a frame. And with filling up of members having -- to that specific task, with other participants who have the knowledge well to bring in. So that could be done. We should discuss in that way.

Thanks.

>>JAMES BLADEL: Thanks, Wolf-Ulrich. And I think, you know, the short answer is we don't have to solve it today, but both of those options should be considered. And I think if anyone has any -- there's not only two ideas. There could be three or four or five different ways to approach this, but we need to get those options onto our list for can discussion so we can get moving on this because six months is kind of a ticking clock.

Marika, you wanted to weigh in on this quickly and then we have a staff update?

>>MARIKA KONINGS: Just very quickly because I think one of the reasons the options or issues align on the discussion paper come from the fact that we do, indeed, see limitations in the way SCI is currently structured. But at the same time, I think also from the staff perspective, we want to avoid duplication in having too many structures that are looking at similar issues.

So, indeed, one option could be to make an attempt at recrafting the charter for the SCI in line with some of the elements that have been outlined in a discussion paper that also seem to align with the point that Wolf-Ulrich has made. And maybe if you want staff to have a go at that and take that back to the council, we're happy to do so, or if someone else wants to do that, that's of course fine as well.

But just noting that you mentioned the date for council motions and having something is coming up pretty quickly. And the Board did ask that the implementation plan is to be submitted to the Board I think by December which does mean that the council needs to approve it before that happens.

So there is still some work involved for getting there before -- but we first need a structure -- structural agreement on how to do it.

>>JAMES BLADEL: Thanks, Marika. And I don't think we're closing any doors today. I think we're just kind of teeing up the conversation.

Obviously SCI has got the right people. It's representative. They're tackling a lot of these issues already. So if we can make use of something that already exists, we should take a hard look at that, but also don't necessarily want to presume that that's the only way forward.

Anne. Sorry. Just a moment.

Can we make sure your microphone is on? Now it's on. Go ahead.

>>ANNE AIKMAN-SCALESE: Anne Aikman-Scalese. I'm with the IPC. I'm vice chair of the (indiscernible) SCI. I was chair last year.

I just want to say on the question of participation that I think that when you assign an important topic to the SCI, you'll see participation improve, probably. And that participation is a question of the emphasis that each stakeholder group places on the work that's being done there.

So I guess Rudi and I would both say -- I know Rudi is at the meeting, maybe not here in this room, but we are at your service, whatever we decide as far as what tasks may or may not be assigned to the SCI.

And we have recently completed two items that will be going out for public comment that I think that Amr has addressed with GNSO Council. He is our liaison. And I think he has addressed them sort of offline, and so we have no work at this point.

Thank you.

>>JAMES BLADEL: Thanks, Anne. And what I heard there was that's a good stopping point.

Okay. Great.

If there are no other items -- I'm sorry. Julf? Or is that Phil? Is Phil in the queue? Phil is not in the room. Okay. Sorry, Phil.

Let's, then, move on to item number 11. We have a quick update from staff regarding next steps relating to the Implementation Advisory Group, the IAG, on WHOIS conflicts with national or local law.

So who is going to take this from staff?

Jamie, go ahead. The WHOIS czar.

>>JAMIE HEDLUND: Thanks, James. This is Jamie Hedlund for the record.

Back in 2005, and I'll do this as quickly as possible. I don't want to get in the way of anyone's lunch. Back in 2005, the GNSO adopted a policy recommendation for development of a procedure that would allow a contracted party to seek exemptions from compliance with WHOIS, certain WHOIS obligations due to conflicts of local law on privacy.

The original procedure was adopted in 2008. One of the provisions in the procedure called for a review of the procedure and possible modifications to it, so long as it was found to be compliant with the underlying policy.

For the first time in -- I guess it was in 2015, we kicked off an Implementation Advisory Group that looked at the procedure and to see whether and how it could be modified; again, consistent with the policy.

It met for a year, developed a single recommendation that has to do with the trigger that can be used for a contracted party to seek relief from obligations to collect, publish, use WHOIS information.

Currently, there's only -- there's really just one trigger for the procedure, and that is evidence of a process or regulatory action or litigation against a contracted party for effectively complying with WHOIS obligations in conflict with local privacy law.

The Implementation Advisory Group was able to reach consensus on one additional trigger, which was -- which would effectively be a letter from a DPA indicating that the -- Yes? Sorry.

A letter from a -- yes. I've forgotten what it stands for.

>> Data protection agency.

>>JAMIE HEDLUND: Data protection agency or similar authority that is responsible for enforcing local privacy laws; that the obligations in the contracts do, in fact, conflict with local laws. And with that kind of a letter, a contracted party could come to ICANN and seek exemption from having to comply with those -- those contractual provisions.

So what you have before you is a motion to consider the proposed final recommendation and determine and find that it is, in fact, consistent with the underlying policy and should be -- and should, therefore, supplement the existing procedure.

Thank you.

>>JAMES BLADEL: Okay. Thank you for the update. I have Donna and -- Donna.

>>DONNA AUSTIN: Thanks, Jamie. Donna Austin. I have a -- I guess just a statement with regard to this and then a question about who participated in the group. So while we appreciate that the group has come up with a recommendation for a new trigger, part of the challenge, as I understand it, that some of the registry operators are currently facing is to go to a data protection agency and say can you give us this letter. The data protection agency is going to say you're already in breach. So there's a potential problem there.

My question in terms of participation in this group, was any of this discussed with the GAC or governments or data protection agencies themselves? Thanks.

>>JAMIE HEDLUND: So on your first question, there was also a question of alternative triggers including consistent with what's available for data retention waivers and an opinion from a law firm, and there was not consensus within the IAG to include that as a proposed final recommendation. And it should also be noted that the scope of this review team was actually quite small -- was quite narrow. It was limited to what the procedure allows for now, and what the procedure allows for now is a -- or calls for is a demonstration of legal preventability from complying.

So on your second question, on participation, I think it's fair to say that participation was generally fairly low and inconsistent. So while there were some who participated on virtually every call, there was not probably a fair representation of the community. And then on the GAC, there were -- there were GAC members on the team.

>>JAMES BLADEL: Thanks. I have Volker and Stephanie.

>>VOLKER GREIMANN: Yes, thank you. Volker Greimann speaking, for the record. Looking at the process that's now proposed, to many registrars and registries this is pretty useless because data protection agencies just do not work that way in our countries. They do not provide legal analysis or legal statements. They -- our law enforcement agency, they go after companies or individuals that break data protection laws. So basically going to them and saying to them, look at this is asking for an investigation, not asking for a legal analysis. This process, as it's proposed here, does not help us at all. It's just paper.

>>JAMES BLADEL: Thank you, Volker. Stephanie, and then Michele and then we'll probably need to bring this one in for a landing.

>>STEPHANIE PERRIN: Thanks. Stephanie Perrin, for the record, and I don't want to go on and on here, which I could, of course, because lunch is over there. But I participated in most of the meetings on this, and I must admit it was a breath-taking experience for me because I pointed out many, many, many times how basically this is a really -- I'll use Volker's word "stupid process" when looking at global data protection law. And unfortunately this is coming, and as Jamie said, the scope is very narrow. We couldn't look at the policy, but the policy didn't, to the best of what I have been able to research, come out of a PDP process. It was board-inspired and it does not recognize the reality of how data protection laws are drafted, the variety in them, and the role of the DPAs. As Volker says, not only do they investigate, some of them have the authority of judges, don't expect them to show up, don't expect a letter saying you've broken the law. They're going to deal with the case when it shows up in court.

In our jurisdiction you're not going to get such a letter from the commissioner. I'm not the commissioner. I was only the director of research and policy, but I did work for ten years drafting that law. And I can tell you that she doesn't have the powers to enforce. So therefore, this, under this procedure, throws out her advice. So Canada's out of luck in this respect, unless -- you have to be hauled into Federal Court.

This is not an option for the registrars. This is not a way to treat your stakeholders, to put them in legal jeopardy with a stupid process. I mean, furthermore, the data protection commissioner should have been invited to participate in this and try to work out a solution. That wasn't done. And they have written numerous times to say this is in violation of data protection law. I can give you the whole list of all of the things they've said, which was pointed out during the discussions. But it's just ignored. So quite frankly, it -- I don't know what we do next, but don't be surprised if I come with a motion to redo the policy, set up a PDP to start this whole process over again. Because we've now got this thing set into concrete here and goodness knows how long the registrars are going to have to live with this. Thanks.

>>JAMES BLADEL: Thanks, Stephanie. I have Michele and then -- hang on. Okay. Michele and then Paul and then Volker, and then we're going to have to see this off here because I think this is the topic that we could go on. Lunch would become dinner and -- David, okay.

>> Breakfast.

>>JAMES BLADEL: And that's the end of the queue. Okay, thanks. So Michele.

>>MICHELE NEYLON: Thanks, James. Michele, for the record. I 100% agree with what both Stephanie and Volker said. The issue here is that unlike a PDP we -- I was involved in this working group thing. We weren't creating the policy. We were only looking at the implementation. So we were stuck with the policy as written. And the only possibility we had was to tweak the implementation, and we hit a brick wall. To say there was lack of consensus is -- it's a reflection of the reality because there were -- we had a -- basically a split. You had registrars and several of the noncommercial stakeholder NCUC NCSG people who all were pretty much all aligned and then you had several entities on the other side who just would not give an inch. And the problem is that you couldn't reopen the policy there because we're -- we're stuck on the implementation. So I would be supportive of Stephanie's last few words around we're kicking off something in terms of an actual -- of revisiting the actual policy itself and fixing it up at its fundamental roots. Thanks.

>>JAMES BLADEL: Thanks, Michele. And just to note that I appreciate that and I think one of the things there's been a motion that's been circulated to the list, or at least a draft motion, about potentially considering this. I understand -- I'm trying to steer us out of a quagmire because I know this could go on for quite a while that -- just a second, please. Is that we would -- you know, one of the potential outcomes is -- what we're being asked to do is to determine whether or not these recommendations are consistent with the policy as it's written today, as it stands. And one of the potential outcomes is we could say yes, we could say no, we could say we want to revisit this policy. Let's kick off a PDP or refer it to the RDS, or we have lots of different choices that we can make, and I think that that's what we need to discuss going forward. And I think what we're looking for here is a staff update. I don't think we're going to solve it or relitigate it at this table, and certainly not with lunch growing cold behind us. But I will say, just on a personal note, that -- well, I'll try to do it in a humorous way. I'm sure nothing has changed in the legal landscape involving privacy since 2005. Right? As a non-lawyer, is it safe to -- okay.

[Laughter]

Okay. So next we have Paul, Volker, and David. Paul.

>>PAUL McGRADY: Thanks. Paul McGrady. And James, I think you've partially answered my question. My question was historically when did this policy come into being? Wasn't it in 2005? That was before my -- my first ICANN meeting was Lisbon so this has been -- this has been around for as long -- before I've been around. So 2005, and it was approved by the GNSO Council so it's been in place since then?

>>JAMES BLADEL: I think from the WHOIS review team, and I think I got the thumbs up from staff, it's 2005, 2006, right around that late 2005, early 2006 time frame.

>>PAUL McGRADY: Okay. So we are complaining about our own policy.

>>JAMES BLADEL: Yes.

>>PAUL McGRADY: Okay. Just -- I just wanted that -- that historic note.

>>JAMES BLADEL: Yes. We've done this to ourselves.

>>PAUL McGRADY: The complaints around the table are about what we did. Okay. And then my second question, and I can take this offline, but Stephanie said that Canadian authority wasn't invited. Is that because -- how did that happen? If we had GAC participation then wouldn't the GAC, the Canadian GAC rep invite who -- the relevant authority? Thank you.

>>STEPHANIE PERRIN: I don't think I said that the Canadian authority per se was not invited, Stephanie Perrin, for the record. The data commissioners were not approached, either by letter or by invitation, to opine on these things. They wrote of their own accord. Our constituency, the NCSG has been fairly zealous about pestering these folks over the years. Not on this one. I don't recall. I was actually in the office of the data commissioner between 2005 and 2007, so I'm pretty sure I had a look at this at the time. But -- but data commissioners do not actually have the time to show up at ICANN meetings, you know? They have to cover everything from privacy of customers of plumbers and electricians to grocery stores and direct marketing and wearable medical devices. So quite frankly, getting their attention to join a PDP, it's not going to happen. It's up to ICANN, if it doesn't want to be putting in place policies that violate law, and it seems to be incapable of figuring out itself what violates law, then it needs to write them and ask specific questions. And so I think that that might be an alternative to this. Thanks.

>>JAMES BLADEL: Thanks, Stephanie.

>>STEPHANIE PERRIN: Does that answer your question? And we can talk offline.

>>JAMES BLADEL: Okay. Volker and David with brief interventions. Volker.

>>VOLKER GREIMANN: Basically our hopes for this -- Volker Greimann speaking again. Our hopes for this process was that this would close one provision of the RAA which indicates that no registrar is required to break law by any provision by implementing any provision that would break the law. That's in the RAA. That would be closed in policy so we have a process to get out of that. Yet this policy requires us to do just that. We have to break the law, then we have to be notified that we have broken the law, then we can get out of it. We would like to get out of it before we have to break the law. That's the problem. And that's the solution that has not been presented here.

>>JAMES BLADEL: Thank you, Volker. Last word for David.

>>DAVID CAKE: Yeah, so I'm -- you know, I'm not a lawyer but my understanding of the compromises, instead of requiring registrars to actually be prosecuted, we have now just required them to go to a law enforcement authority, tell them that they're breaking the law and hope they respond in the way they'd like. That seems like the policy clearly is obviously broken. We can probably -- We can start -- As to how exactly we respond at this point, but it seems clear that we need to go on and start some sort of process to look at what is an obviously broken policy.

Thank you.

>>JAMES BLADEL: I had a joke about -- I'm going to let that one go.

So thank you to all. I mean, I can tell this was a spirited discussion at the council, so it must have been ten times that on the implementation work.

I just want to say thank you to those who participated. Thank you, Jamie, for leading this effort. Obviously we're not done here. We have a lot of work to do. We have to consider our options going

forward, and I'm sure if the last five to ten minutes are any indication, that's not going to be a straightforward discussion either. But, hey, you know, that's why they pay us the big bucks.

So we'll look forward to that.

Okay. That brings us to item 12, which is AOB. Certainly don't want to let lunch preempt any new business.

I would just make a note that we did submit the written proposal from the Board Finance Committee on proposed cost, monitoring cost, tracking cost, control mechanisms for CCWG Accountability Work Stream 2. If you have a chance, take a look at that. But other than that, I didn't have any AOB.

We do have lunch now, a wrap-up session beginning at 1:30 -- oh, 35 minutes, in this room. Right, Marika? Yeah.

So if there are no other items -- Let me just check the queue quickly here -- we can consider this formal meeting adjourned and then we'll just move into the -- to lunch and the AOB.

Thank you, everyone.