Transcript GNSO Council Teleconference
4 September 2014 at 15:00 UTC

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http://audio.icann.org/gnso/gnso-council-20140904-en.mp3
Adobe Chat Transcript
http://gnso.icann.org/en/meetings/transcript-chat-council-04sep14-en.pdf
on page: http://gnso.icann.org/en/group-activities/calendar#sep

List of attendees:
NCA – Non Voting – Jennifer Wolfe
Contracted Parties House
Registrar Stakeholder Group: James Bladel, Volker Greimann, Yoav Keren
gTLD Registries Stakeholder Group: Jonathan Robinson, Bret Fausett, Ching Chiao
Nominating Committee Appointee (NCA): Thomas Rickert
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Tony Holmes, Osvaldo Novoa, Gabriella Szlak, John Berard, Brian Winterfeldt, Petter Rindforth
Non Commercial Stakeholder Group (NCSG): Klaus Stoll, David Cake, Avri Doria, Amr Elsadr, Maria Farrell, Magaly Pazello –absent, apologies proxy to Amr Elsadr
Nominating Committee Appointee (NCA): Daniel Reed - absent, apologies proxy to Jonathan Robinson

GNSO Council Liaisons/Observers:
Alan Greenberg – ALAC Liaison
Patrick Myles – ccNSO Observer – absent apologies

ICANN Staff
David Olive – VP Policy Development - absent apologies
Marika Konings – Senior Policy Director
Rob Hoggarth – Senior Policy Director
Mary Wong – Senior Policy Director
Julie Hedlund – Director SSAC Support/Policy Director
Steve Chan – Senior Policy Manager
Lars Hoffmann – Policy Analyst
Glen de Saint Géry – GNSO Secretariat
Terri Agnew – GNSO Secretariat
Cory Schruth – Manager, Meetings Technical Services

Guests:
Chris Disspain– ICANN Board member

George Sadowsky – ICANN Board member

Coordinator: Welcome and thank you for standing by. I would like to inform all participants that all lines will be open for the duration of today's call. This call is being recorded, if you have any objections you may disconnect at this time. Thank you, you may begin.

Jonathan Robinson: Thank you. Welcome, everyone. Welcome back from the Northern Hemisphere summer recess and so those of you that have had a break over the course of the last month or so I hope it's been a good opportunity and for those of you that haven't we welcome you all back nonetheless.

So let's get on with things. Glen, if you could take a roll call we've got a busy schedule ahead of us. And, yes, welcome also to you, Chris, we'll come to you in the (unintelligible) item but thank you very much for joining us.

Glen de Saint Géry: Thank you, Jonathan. If you could just acknowledge your name when I call it please so that we know who is on the call? Bret Fausett?

Bret Fausett: I'm here. Thank you, Glen.

Glen de Saint Géry: Ching Chiao.

Ching Chiao: Present.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Yes.

Glen de Saint Géry: James Bladel.

James Bladel: Hi, Glen. I'm here.

Glen de Saint Géry: Yoav Keren.

Yoav Keren: I'm here.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Present.

Glen de Saint Géry: Thomas Rickert.

Thomas Rickert: Present.

Glen de Saint Géry: Gabriella Szlak.

Gabriella Szlak: Present.

Glen de Saint Géry: John Berard.

John Berard: Yes, I'm here.

Glen de Saint Géry: Brian Winterfeldt.

Brian Winterfeldt: Present.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Present.

Glen de Saint Géry: Osvaldo Novoa. I do not see him on the call yet. Tony Holmes.

Tony Holmes: Yes.

Glen de Saint Géry: Maria Farrell. I do not see her on the call.

Avri Doria: She has just joined me in the room I'm in so should be online shortly.
                  We had trouble finding a room where there was good Internet.

Glen de Saint Géry: Perfect, thank you Avri. So Maria, welcome. Avri Doria.

Avri Doria: Oh yeah, I'm here.

Glen de Saint Géry: David Cake. Have you perhaps got...

((Crosstalk))

Avri Doria: He's also in the room with me trying to connect.

Glen de Saint Géry: Perfect. Thank you. So we have got Maria, Avri and David. Magaly
                   Pazello has sent an apology and Amr Elsadr is her proxy for today.
                   Amr?

Amr Elsadr: I'm present.

Glen de Saint Géry: Klaus Stoll.

Klaus Stoll: Present.

Glen de Saint Géry: Daniel Reed is absent and he has given his proxy to Jonathan Robinson. Jenifer Wolfe. Not on the call yet. Alan Greenberg.

Alan Greenberg: Present.

Glen de Saint Géry: Patrick Myles has sent his apologies; he will not be on the call today. And our guest is Chris Disspain who's on the call.

((Crosstalk))

Glen de Saint Géry: And for staff we have - thank you, Chris. Marika Konings, Mary Wong, Julie Hedlund, Rob Hogarth, Steve Chan, Lars Hoffman and I'm not sure if David Olive has joined us yet but the will probably be joining us as well. Myself, Glen de Saint Géry and Terri Agnew also from the secretarial staff.

Thank you, Jonathan, and over to you.

May I just please remind people to say their name before speaking for transcription purposes? Thank you.

Jonathan Robinson: (Unintelligible) chair. So our first item following the roll call is 1.2 to call for a Statement of Interest update, any updates to Statement of Interest please?

Avri Doria: This is Avri. I have one. I haven't made it on line yet but I do have one.

Jonathan Robinson: Go ahead, Avri.

Avri Doria: Okay, I basically just signed a contract to help PIR in the secretariat function for their advisory group for dotNGO.

Jonathan Robinson: Thanks, Avri. We'll look forward to that being formally updated online as soon as possible. Any other input? Great. Can I call for any comments on the agenda under Item 1.3? And then Ching, go ahead.

Ching Chiao: Thank you, Jonathan. Sorry I had little bit delay here. On the any other business items I just realized that I got the mail from Brian and also you noted you responded just regarding my role as a co chair for the country and territory names group. I'm happy to discuss about this but if necessary we can take this actually to resolve the over email.

Just to make sure everybody is clear on this, I'll be - actually I'll be stepping down by the end of the LA meeting and joining the ccNSO Council as a NomComm appointee. So just want to make that clear and there's - should not be any confusion.

And I'll be happy, you know, if Heather can continue to serve as the chair of - as a co chair for that country and territory names group. But just want to bring this up. We can still have that discussion in today's meeting or we can simply to resolve it, I mean, over emails. Thanks.

Jonathan Robinson: Thanks, Ching. I think Brian had raised this on the list to bring up under any other business so we'll endeavor to do that and deal with it there if I'm remembering correctly.

Right, so under 1.4 we note the status of the minutes of the previous Council meeting and of both 25th of June and 24th of July which are now posted as approved on - as of yesterday.

There is not - moving then on to Item 2 there is not a lot to cover under the action items in the sense that most of what is either open or continuing is covered in the main agenda.

Casting my eye down the list it's probably worth making a remark about the work of the Expert Working Group. And there are really two principle issues here, this is the Expert Working Group on Directory Services, which comes towards the bottom of Page 1.

And the first is whether or not there was any requirement to ask clarifying questions. I know John Berard did post some points to the list - I think from memory - and John, feel free to come in on this - but these were as much about where we take this work going forward and how we integrate it more than focused on clarifying questions.

But those are really the two associated work streams. One is clarifying questions and the second is where we take this going forward. And there will - I have a feeling there - I've had an initial conversation with the Board representatives on that group about how we think about moving this forward. And we still have outstanding and some input from staff on this. So those are two points.

But, John, I see your hand is up so please, come in on this.

John Berard: Thank you, Jonathan. This is John Berard. It's fortunate that Chris is on the call this morning, perhaps he can perform double duty. You recall in London that it was Chris who said we'd like to know if there are questions that need to be answered about this Expert Working Group

report before we - it might not be the verb he used but it's the verb I heard - dump it on the Council.

And so I asked the Business Constituency membership to consider questions. We had the good fortune of course of having Susan Kawaguchi as a member of the Business Constituency also had served on the expert working group who helped guide us in thinking about what ought to be answered before policy development began.

And that then led to a discussion about other considerations. And so, yes, you're correct in that the items I forwarded are both questions that should be answered before policy development has begun and then should be considered during that process.

Jonathan Robinson: So, John, I think it's important that we get that - excuse me - it's important that we get those two separated and to the extent that there are - I don't believe, from memory, there are any other questions. So I think we need to get those across communicated as soon as possible.

So, I mean, perhaps you could help by splitting those two out and then we can get the question part across as soon as possible. I don't feel comfortable ambushing Chris with those now given that he's here to talk about something else. But I certainly think we should get those questions across as soon as possible and then deal with the sort of way forward after that.

John Berard: Sure, Jonathan. This is John again. I will - I'll separate them and resend.

Jonathan Robinson: And perhaps if councilors - thank you, John - perhaps councilors could take that as a prompt if there is anything else to add because time is moving on now, we really need to close off that avenue, the questions part and start to think about on the back of any answers and the substance of the report and the staff input the way forward for this. Okay thank you very much.

I'm not going to go through all of the other items in terms of open or completed. Suffice it to say that some have been completed and the majority of the open items are dealt with in the substance of the agenda. If I could ask everyone just to cast your eye down in particular down the column which says a responsible Council member. And it seems that a lot of them land up with me but to the extent that they land up with you or your name is in that box please try to move it along.

Petter, your hand is up, please go ahead.

Petter Rindforth: Thanks. Petter Rindforth here. Just to our new Item 12 but just wanted to throw out that friendly reminder to all of us of the importance to have GNSO members participating in working groups. So from time to time that we all need to reach out to all our members with an updated list and to advise the importance of all these topics.

I mean, we have some working groups right now where we are quite a few - not enough representatives from the GNSO. Thanks.

Jonathan Robinson: Fair point and good point, it's incumbent on councilors to assist at least with trying to ensure that there is participation from their groups. And that's an ongoing challenge for members within their groups.

I'm going to move us on then to Item 3, conscious of the fullness of the agenda and also that we've got a guest to help us with Item 4. So item 3 is the consent agenda and we've got two items under here.

One is closing off the issue of uniformity of reporting which we dealt with very briefly in London, more substantially at the last meeting. And we now have a motion to both thank the ICANN Contractual Compliance team for their three-year plan and in addition to consider the issues identified in the uniformity of reporting final issues report as having been addressed and closed.

And in addition to confirm the co chairs of - for the working group on curative rights protection. That's mainly Philip Corwin - Philip Corwin and Petter.

So the first point I need to check is if there are any objections to these two items being on the consent agenda? I see no objections. The next - oh, James, your hand is up please go ahead.

James Bladel: Hi. Thanks. James speaking for the transcript. And not an objection but a point of clarification, this is the curative rights PDP, is that correct?

Jonathan Robinson: Correct.

James Bladel: And that is the PDP that was - I want to say discouraged by the GAC London communiqué, is that also correct?

Jonathan Robinson: Maybe someone else can nudge me there and assist that - how the London communiqué dealt with that. It might be have been broader rather than specifically or, you know...

((Crosstalk))

James Bladel: Okay.

Jonathan Robinson: ...focusing on that.

James Bladel: And maybe I've got my wires crossed so I'm actually genuinely just making sure. I had no objection to this being on the consent agenda, I just was wanting to be sure that we are, you know, if for optical reasons we need to pull it out and actually accept it on its own, you know, I'm fine with that.

Jonathan Robinson: To be clear, James, we're not voting on commissioning the PDP or anything like that, we're simply voting to confirm the co chairs.

James Bladel: Okay. And that's...

((Crosstalk))

James Bladel: That's in sequence to confirm the co chairs prior to approving the PDP? We approved the PDP in London, to my knowledge.

Jonathan Robinson: We have already initiated the PDP.

James Bladel: Yeah, yeah that's correct. That was our action in London. So okay, all right so I was just asking that question. I have no objections to this being on the consent agenda.

Jonathan Robinson: Okay, I know Alan's in the queue but just to confirm - apologies that it doesn't say PDP working group; it should, it's an omission. Alan.

Alan Greenberg: Yeah, my recollection is the GAC advice to not have any GNSO policy action was related to - I don't remember which, either the IGO or the Red Cross one, not the curative rights.

Jonathan Robinson: Thanks. So I hope, James, that gives the clarification.

James Bladel: Yes, thank you.

Jonathan Robinson: Thanks. I don't see any objection so I will now call for a vote to approve the consent agenda. This will be done by a voice vote. So I will first of all ask if there any abstentions. Anyone voting against the consent agenda? So there are no abstentions and no votes against so if we could record the items - the two items on the consent agenda are passed by those present, Glen.

And for the record, I have the proxy of Dan Reed and would have voted that in favor.

Glen de Saint Géry: Thank you, Jonathan.

Jonathan Robinson: Item 4 then, let's move on to that. That's the first substantive motion on the agenda today and this is the motion for which we have got Chris Disspain available to us from the New gTLD Program Committee of the

ICANN Board and indeed of the ICANN Board to assist us here. I think Chris has been instrumental in working both in his capacity as a director and doing whatever he can to try and assist with making sure this is handled as effectively as possible within our various processes.

I know I've spoken with Chris on a couple of occasions as has Thomas on a few occasions in the process of all of this work. The motion itself is - we discussed it in a couple of ways at the last meeting, if you recall, just to make sure we've got the scene right.

This motion was made by Thomas previously. We discussed two issues, one is the processes by which we would refer this back to - the items under consideration back to a working group and invoke what I think is a hitherto unused process within the GNSO. And second, we discussed some substance of the motion for which there were some proposed amendments.

As it happens, Thomas then on the back of that and the requirement for clarification on the intent, withdrew the motion so that we could gain further clarification. The motion in its unreformed or unamended form is now back on the table and we have Chris here to assist us with clarification and input on that.

So, Chris, I don't know, before we move to specific questions you may want to open up with a few remarks and just simply open the discussion within any sort of context points or remarks of your own.

So let me offer you that opportunity and thereafter we can take specific questions.

Chris Disspain: Thank you, Jonathan. Can everybody hear me okay?

Jonathan Robinson: You seem to be clear to me.

Chris Disspain: All right, I'm assuming that you can rather than waiting for everyone to say yes. Thank you very much and I'm delighted to be invited to come along and have a chat. If I'd known that Avri and Maria were going to sit in a room downstairs I probably would have gone and joined them; I'm upstairs in my hotel room here in Istanbul.

Jonathan, I think it might - if you think it's okay it might be useful for me to just take three minutes to level set.

Jonathan Robinson: Please do, Chris. We welcome it.

Chris Disspain: Okay. So from the Board's point of view, here's where we are at. Back in the mists of time, it's actually a long time ago now that I can't remember even when it was, we received some advice from the GAC about IGO names and acronyms.

We went back to the GAC and said, in effect, in respect to those acronyms, your advice is unimplementable. But rather than reject it what we would like to do is to work with you to find ways of implementing it that might be acceptable.

The GAC - the IGOs spent a lot of time saying, no, no, no just follow the GAC advice. But in the end the GAC said, no, we agree. We understand it's unimplementable, let's see if we can do some work.

So where we've ended up on that side of the fence is we have a piece of GAC advice which the Board is unwilling to accept. We have reached a point in discussions with the IGOs under the auspices of the GAC where we think we have fairly clear lines as to what it is that we would be - we the Board would be prepared to accept.

Just completely ignoring the GNSO for the moment, we the Board would be prepared to accept. And whilst the IGOs are not particularly happy about some of the areas there's a - I believe a general feeling that it's okay.

So now moving to the other side of the fence, we have advice or policy recommendations rather from the GNSO in respect to one piece of - well effect it amounts to three pieces or three pieces of the puzzle, the TMCH piece, which is incompatible with, A, the GAC advice itself; and, B, with the position that we think we've negotiated with the IGOs.

So in the same way that we didn't just immediately reject the GAC's advice, we've gone back to you, the GNSO, and said, look, we think that there are a couple of - you might not think they're minor tweaks but there are a couple of tweaks that can be made to the policy recommendation in the TMCH which will make it fit with the current understanding we have for the IGOs.

And that, taken together with your follow on policy development process in respect to rapid - well in the respect to measures - corrected measures for which we would like to provide you with some input when you are ready may well resolve the problem.

If that - if those things don't happen, we are then in the situation where we have to - we could do one of several things. We could reject the GAC's advice and accept your policy recommendations. We could reject your policy recommendations and accept the GAC advice or we could reject both of them and come up with our own solution, which is not something that we would necessarily want to do but we would do if we had to.

So the goal of coming to you and using this, as you have said - as you have told me, Jonathan, previously unused measure in the bylaws, is basically to say look, if you make the changes that we - we're going to talk about to your current policy recommendations and if you can work with us and the GAC/IGOs on your ongoing policy development process for a rapid takedown and some form of binding arbitration, then we think we can piece it together and we can...

Chris Disspain: Jolly good. We can piece it together and we can then, you know, it can then fly. So, Jonathan, I'm happy to - I think - I hope that covers it and I'm really happy to answer any questions.

Jonathan Robinson: Chris, that's succinct and I think helpful. I think it's important to - well you use it informally to think of this as well it seems to me that these are relatively minor changes; you referred to them as tweaks. We have a question certainly from Alan and I see, Alan, your hand is up now so I'll defer straight to you.

But to seek clarification, this is the purpose of our discussion with you to make sure, which some of us at least we're not 100% sure based on

the letter from the NGPC, because of the terminology used therein we weren't 100% clear by what is being asked of us...

((Crosstalk))

Chris Disspain: Right.

Jonathan Robinson: And I think in settling that it may give quite a lot more comfort. So let me hand over to Alan to ask his clarifying questions and see if that takes us somewhere. Alan, go ahead.

Alan Greenberg: Thank you very much, Jonathan and Chris. When I read the letter I thought it was crystal clear. Other people read the same letter and came out with a number of completely different interpretations of what was being asked. And a fair amount of the discussion since then has centered on just what is it we're being asked to change.

I'll try to be as clear as possible. I put them into the chat so you could follow along, although the formatting is rather poor. My interpretation was for the Red Cross Red Crescent, what was being requested was that the country names, up to two languages, be prohibited from registration at the second level, that is they could not be registered with the possible exception of registration by the organization in question.

And presumably if any of them are registered right now they wouldn't continue but could not be re-registered if they were deleted or expired or whatever, although I suspect none of them are in fact registered.

And for the IGO acronyms what was being requested was post-90 days if a registration occurred for one of the quote, protected acronyms

then a notification would be - would go out to the IGO telling them that it had been registered but that there would be no claims notice to the registrant attempting - to the potential registrant saying this was a protected name, are you sure you're not violating anything. You know, the claims notice which various people say has chilling effects.

So I think what was being asked was just for the post registration notification and not the actual claims notice. So the question is, is my interpretation right? If so dandy. If not, what is the right answer? Thank you.

Chris Disspain: So, Alan, it's Chris. Yes, your interpretation in respect to the IGO acronyms is correct which is to ensure that there is no misunderstanding. What we think - the terms we think we have come to, at the - at this level with the IGOs are simply put, they will provide us - they have already provided us with a list of acronyms.

They will provide us with a contact name and that the lists will go into some division of the TMCH. And when a name is registered in dot-whatever, the contact will receive a notification that a name has been registered. In a nutshell that is it. Now that is totally useless to them unless - sorry, and that is for the life of the TMCH so that's not for 90 days, that is for the life of the TMCH.

Now that is totally useless to them unless they have some form of mechanisms by which they can bring claims in the event that somebody does that and is, to use a legal term, passing themselves off as the IGO.

So the next step - the next part of the sort of solution would be and you would have access to some sort of rapid takedown which would effectively be the same as the current rapid takedown. And you will have access to some sort of UDRP - sorry, excuse me - some sort of UDRP. At the moment you do not have access to it for various reasons, the main one being that you are not - you cannot (unintelligible) to an individual country legislation.

And so a sort of subset of the UDRP would be created for you which would be binding and which would not allow for a subsequent claim to be made in the jurisdiction. That's very much a broad brush. But in essence that is it.

Now to go back to your - where you started in respect to the Red Cross country names the NGPC has not yet made any determination in respect to those so I'm not - we might have asked you to deal with curative mechanisms. Have we actually asked you to do anything in respect to the policies and processes that you've already done? I don't think we have.

Alan Greenberg: Jonathan, may I...

((Crosstalk))

Chris Disspain: I mean, I know that what you've decided is at odds with what the GAC advice is but I don't think we've actually asked you to do anything yet.

((Crosstalk))

Alan Greenberg: Yeah, I don't have the letter in front of me but, yes, there was specific language that...

Chris Disspain: Okay.

Alan Greenberg: ...implied prohibition of registration for the country names.

Chris Disspain: Okay well...

((Crosstalk))

Alan Greenberg: ...I don't have it in front of me though.

Chris Disspain: Okay, and I don't have it in front of me either so if I've missed - I have been seriously - two things have happened, Alan. One, I've been massively concentrating on the IGO stuff; and secondly, I was so blown away by the stupidity of the GAC advice in respect to things not going to a policy development process that I haven't actually concentrated too much on the Red Cross stuff.

Jonathan Robinson: Okay so, Chris...

Chris Disspain: Excuse me, Alan.

((Crosstalk))

Jonathan Robinson: ...I could help a little hear and I'm sure someone like Mary or one of my other councilor or staff colleagues will be able to help. But just to absolutely capture that in a nutshell, on the IGOs we're talking about

(unintelligible) notification systems not what some would call a claims system...

((Crosstalk))

Chris Disspain: Correct.

Jonathan Robinson: ...be dealt with by the so called curative rights PDP that we just dealt with as the co chairs in the consent agenda. As far as protections for national Red Cross and Red Crescent societies, the letter does indeed deal with - it does step into that. I haven't got the letter in front of me but I read through it specifically what was being asked there in respect so...

Chris Disspain: It may well be that - it may well be that we've asked you to consider reserving the names of those because we are talking about names not acronyms; and it may well be that we have done that. But I want to point out that if we have done that that is not in any way suggesting that the GAC's advice on - we should deal with this and it shouldn't go through a policy development process is acceptable.

((Crosstalk))

Chris Disspain: Because I think that advice actually came afterwards, right?

Jonathan Robinson: Correct. It's...

((Crosstalk))

Chris Disspain: So therefore what we have done was say why don't you have a look at it in your PDP and the subsequent advice asked at London suggesting that it shouldn't be subject to a PDP is the subsequent piece that we're going to have to deal with.

Jonathan Robinson: Yeah and that's essentially not - well it depends on your view but that is correct in terms of the sequence, Chris. You wrote to us on the 16th of June, we had the London meeting and the GAC advice came out after the ICANN meeting in June. Alan, your hand is up again.

Alan Greenberg: No I thought I had took it down. I'm just looking at the letter right now.

Jonathan Robinson: Okay.

Alan Greenberg: If you could give me a minute.

Chris Disspain: I think we've established the correct sequence of events so - so, Alan, just to repeat, you are correct.

Alan Greenberg: Okay.

Chris Disspain: Now don't expect me to say that to you too often.

Alan Greenberg: It rarely happens. No the problem, Chris, is that the process that we have to follow is we need to actually pass suggested wording to this group to reconvene...

Chris Disspain: Yes.

Alan Greenberg: And so the question is if - if we have exact wording from you that makes our life a lot easier, otherwise somehow the GNSO has to invent it at this point and we're not really in a position to do that.

Chris Disspain: I am fine with that. And so - it's Chris again. Let me be crystal clear, Alan, if the process is we - when we sent you the letter we had no idea what you would have to do in order to go through this process. So if you want to come back to us and say in principle that's all cool but we need you to do the following things, that's fine.

We're not saying you have to do it today, tomorrow, next week; we're relying on you to tell us if you're in principle prepared to use that bylaw mechanism to re-look at some of the things that you've recommended then come back to us and tell us what it is you would like us to do.

If that includes providing you with specific wording that's fine. If it includes before we decide we'd like to be very clear that the IGOs are going to, you know, not going to arc up at the end of the day, I'm fine with that as well. What we were trying to avoid was a blanket rejection of your recommendation because we don't think that's a good idea at all.

Jonathan Robinson: Okay. I think we are reasonably clear. I wonder if there was any other questions. I know, James, you put some questions out on the list. I don't know if you'd like to ask any of that now? Yeah, I see your hand is up, James, so go ahead.

James Bladel: Thanks. Thanks, Jonathan. And I think, Chris - hi Chris...

Chris Disspain: Hi, Jonathan - sorry, James.

James Bladel: ...I think you've already actually touched on one of my questions which was, you know, how the - this issue was affected, if at all, from the statement that was made in the GAC London communiqué regarding the legitimacy of using policy development process to untangle this knot. And so I, you know, I'll just let that one go.

I still have this question...

Chris Disspain: Well, James. James?

James Bladel: Yeah, go ahead, Chris.

Chris Disspain: Yeah, sorry it's Chris. Don't - let me - I think it's important that you guys know what - at least how much I can tell you about that. Because, you know, I think the NGPC is meeting next week and I can't say what's going to happen.

But I can say that I think that that we will end up probably splitting that piece of advice into two pieces and taking one piece of advice in respect to the protection of the country Red Cross names and dealing with them in a particular way. In other words, by responding we've already asked the GNSO to reconsider that in a PDP, right in this bylaw thing.

But in respect to the piece of advice of suggesting that there shouldn't be any sort of policy in respect to that I think you might - I would expect you to find that there would be a different response to that.

James Bladel: Okay thanks. We'll watch for that and thanks for the sort of foreshadowing there. But my broader question - and I think you and I actually have a - just kind of a little bit of an exchange on this in - it might even be going back to Singapore because I'm still, you know, maybe I'm thick-skulled here and I'm not just getting it.

But I'm still unclear on why this particular issue is being addressed in the context of the New gTLD Program Committee because my understanding is that if this consensus policy is, you know, even accepted as-is, rejected or moved to an amended, you know, some sort of amended recommendations or passed by this PDP by the Council that this is also encompassing on incumbent TLDs under their existing contractual obligations to adhere to new consensus policies and not just the new gTLDs and their slightly more modernized agreements.

So I guess I'm still not really clear procedurally, and I don't want to bog down in the weeds of how, you know, all the gears fit together, but I'm just really unclear as to particularly Com and Net, for example, operating under an agreement that, you know, is not really impacted by the New gTLD Program Committee. So how is that going to work?

((Crosstalk))

Chris Disspain: Thanks - thank you for the question. It's an important one and I - unless I'm mistaken, and I may very well be, the way that I look at it is that the issue of the protection of the IGO acronyms are in respect - and the possibility of using the TMCH is purely a new gTLD matter. The issue of curative measures is a Board matter because that would

cross all of the gTLDs. You're not going to say you can only use rapid takedown in new ones, right?

But putting the acronyms into the TMCH, right, would be only in respect to those that are in the TMCH. Or have I got that wrong?

James Bladel: Actually I think that there may be a couple of points. And maybe I've got it wrong, Chris. But I do not believe that URS, rapid takedown, and some of those other curative measures, have currently been implemented back into incumbent TLDs.

Chris Disspain: No but the...

((Crosstalk))

Chris Disspain: No but the arbitration - the UDRP thing has.

James Bladel: Right, right. And then the second thing - yeah, so it's UDRP only in those TLDs and then UDP and URS in the other one.

Chris Disspain: Correct.

James Bladel: And the other point - the other part of that being that I think that there also is some, you know, some forward-looking stuff. So if there is, for example, an unregistered name that would fall under this IGO, you know, or even the Red Cross Red Crescent claims stuff, not really clear how that would work if the incumbent TLDs are not connected to the TMCH...

Chris Disspain: Yeah.

James Bladel: ...how would they even, you know, so...

Chris Disspain: Sure.

James Bladel: ...I'm just not really clear on how this is all going to work. And I'm wondering if you guys are anticipating a bifurcated process here where, you know, some requirements roll out for new gTLDs and some requirements go up to the rest of the Board and apply...

Chris Disspain: No.

James Bladel: ...to the existing...

Chris Disspain: I don't - yeah. I mean, I think the answer to that is yes and no. So dealing first with the why is in the NGPC, not in the Board, the decision that was made was that because a significant chunk of it is new gTLD-centric it would be much easier to deal with it all in the NGPC rather than trying to split it.

However, having said that, there is constant pressure, and quite rightly so, from many Board members to put, you know, to not just lump stuff into the NGPC for no good reason. And in fact, the NGPC's role itself will be reviewed in the next, you know, at the retreat next week. And I don't know what the outcome is going to be but this thing isn't going to live forever.

When it comes to the actual facts about what is going to be available to whom, assuming we can reach some sort of an agreement, the GAC

advice in respect to the protection of acronyms refers solely and only to the protection of new gTLDs.

However, in our discussions with the IGOs, one of the things that got them across the line was the possibility of them having a curative measure in respect to a dispute resolution process that they could use across all gTLDs.

So whilst I think the TMCH stuff and the protection of the acronyms, the notification process for registration of acronyms, is limited to new gTLDs and I accept what you say about rapid take down although that may change over time of course and that may become available to others.

But you are correct when it comes to the dispute resolution process that is what we are suggesting for that is that dispute resolution process would be available across all of - all gTLDs. But it doesn't make sense not to, it's the solving of that problem that they have had for many many years that has led them to become a little bit more willing to compromise on some of the other things.

James Bladel: Okay, thanks Chris.

Jonathan Robinson: A hand up from Mary who seeks to provide some clarification I believe then, Alan, I know your hand is up again and they may be related points.

Mary Wong: Thanks, Jonathan. This is Mary Wong from staff speaking for the record. And, James, if I may follow on to Chris's comment I guess one thing to note is that with respect to the GAC advice, which is what the

NGPC has been dealing with, the GAC advice to date, whether on the Red Cross or an IGO acronym and so forth, has concentrated on new gTLDs.

In contrast, the PDP that the GNSO launched and the working group that Thomas chaired was specifically tasked to deal with not just new Gs but also legacy gTLDs. And so to that extent, as Alan and I have said in the chat for those who can see it, there are some issues and there are some notes and recommendations that that particular working group has included in its final report that may well need to be sorted out in greater detail and implementation.

While that doesn't directly address your question about the NGPC, which is for Chris to have answered, hopefully this helps clarify at least the scope differences between what the NGPC has been dealing with in respect of GAC advice versus what the GNSO's PDP was dealing with which was broader. Thanks.

Jonathan Robinson: Thanks, Mary. Alan, did you want to follow on from that?

Alan Greenberg: Yeah, it's basically been said. The PDP - the IGO RCRC or IGO, whatever, PDP did include trademark clearinghouse responsibilities with regard to the existing TLDs. That may or may not have been wise but I believe it did do that. But I understand the - it'll be an interesting implementation. I think as Mary just implied. Thank you.

Jonathan Robinson: Thanks both. I'm mindful of the time and where we are. I think James has flushed out a really important point here and it creates an additional challenge. My understanding of the position we're in at the moment is as follows. The NGPC wrote to us asking us to attempt to

reconcile - to make our - to do our part in attempting to reconcile the difference between GAC advice and our own policy recommendations.

We have a process to do that. We felt we were unclear on what specifically would create that reconciliation. I feel we are clearer on what specifically will create that reconciliation but I don't think it would do any harm to record that in writing.

And I think that's something we might want to do after this meeting. In other words, we might want to go back to the NGPC and say we intend to look at these specific aspects, please confirm that this will, in your view, reconcile the position. So I think that could be very helpful.

Quite how we deal with what seems to be some loose ends between the applicability to new gTLDs and all gTLDs, perhaps needs a little bit more thought because we've clearly got an issue between GAC advice pertaining to new gTLDs and new - and GNSO policy development pertaining to all TLDs or gTLDs. So that's a more challenging one as for the remit or the scope of the NGPC but that's for the Board, I'm not going to go into that. But at least Chris has given us a view on that.

So it feels like we have progressed this at least insofar as we wanted to do but I do think James has uncovered a slightly interesting area there in that second point. I don't know that we can do much more here now. I would pause for a moment to see if either Chris would like to add any sort of closing remarks or if just to make sure that if no one else has any other questions.

Chris Disspain: Jonathan, thank you. It's Chris. Just to say that James's point is right, and it's important to remember that the GAC advice that we are

currently in conflict with doesn't talk about - the advice - I'm being very specific here - (unintelligible) any compromises we may agree but the advice, all the advice does is say reserve the acronyms. So that advice is not anything to do with existing gTLDs, it's only to do with new gTLDs and it says reserve the acronym.

So we've moved away from that but it's that advice that we would be rejecting. And just for absolutely clarity it is completely correct that the IGOs would be expecting that that certainly in respect to some sort of dispute resolution process that that would be available to them across all gTLDs and that strikes me as being (unintelligible) reasonable of the circumstances.

But other than that I'd just like to say thank you for the opportunity to talk to you guys. And as always, I'm happy to answer questions by email and attend and come and talk to you in LA or whenever you need to try and get this sorted out.

Jonathan Robinson: Thanks, Chris. It's work in progress. And actually, I mean, the spirit in which you've come and talked with us is really appreciated and it's - anything that we can do like this to sort of work across the silos within the ICANN community is very, very welcome.

I do see that I have a final hand up from Alan again so let me make sure we don't leave any loose ends. Alan.

Alan Greenberg: Yeah, one thing which I'd - maybe I missed it but I don't think we talked about more recent GAC advice explicitly said the GNSO should not undertake any policy work regarding - and I can't remember whether it was the IGO or the Red Cross issue.

((Crosstalk))

Alan Greenberg: ...we are ignoring that advice.

James Bladel: Yeah, that was my first question, Alan.

Alan Greenberg: Okay, sorry.

Chris Disspain: I was quite blunt. I was quite blunt, Alan, in my response.

Alan Greenberg: I must have missed it.

((Crosstalk))

Chris Disspain: Just ignore that for the moment. Just move on.

Alan Greenberg: Thank you. Sorry I missed it. The hand will be down as soon as I can
                 get my mouse over it.

Jonathan Robinson: All right. Thanks again, Chris. Thanks, everyone.

Chris Disspain: Thank you, guys. Take care, everybody and I'll see most of you in LA.

Jonathan Robinson: Great.

Chris Disspain: Bye bye.

Jonathan Robinson: So at this point the agenda has us moving from the discussion - or the sort of preemptive discussion on the motion - the briefing with Chris to moving to present the motion.

Actually, personally I feel there's some work to be done here. And I know that the registry position is to - that there's sufficient new information potentially here and that the intention was to seek to defer this motion. So I think it's important to get that on the table before sort of - so I don't know where anyone else is at on this and I'd be welcome your input. It feels to me like we've received new and clarifying information. James.

James Bladel: Thanks, Jonathan. And I agree and I don't know if you'd need a second but I would also ask for a deferral on this particular motion to consider everything that we've heard from Chris today as well as I think he alluded to the possibility that we could see some other updates coming from the New gTLD Program Committee meeting that's coming up soon. I support the decision to defer.

Jonathan Robinson: Thanks. And I'll just note that while you were speaking a similar point was made by Ching Chiao, Registry representative and councilor to the same effect. Thomas Rickert, your hand is up. Go ahead, Thomas.

Thomas Rickert: Thanks, Jonathan. Now that you asked for a deferral I'm wondering whether necessary to ask for deferral since the motion that I put forward was not yet seconded. So I think procedurally if nobody seconds it we don't have to defer it, do we? I mean, I should add that I agree with those that asked for deferral because obviously there are new facts. And I would have hoped that we could finish this discussion

and get to a vote but I think that the Council hasn't yet reached the stage of information where it is able to make a decision.

Jonathan Robinson: Thanks, Thomas. You're at risk of tying me in a procedural knot here I think because I personally picked up on this previously and do want to deal with it at some point in the Council's near future it's not 100% clear to me what the effect or not of a motion being seconded or not seconded is. I don't think we have absolute clarity.

I mean, my intuition or my kind of offense tells me that if a motion is seconded it doesn't carry weight and it doesn't exist really. It needs to be both proposed and seconded. But I don't think it's as clear cut as that. So I think there's a danger that if we go down that route we open up some procedural problems.

So I think we really have probably two options. You either call for a second, if we don't have a second that's - I guess leaves - as I say, leaves me in a bit of a culver sack unless someone can assist me there. Or you, as maker of the motion, withdraw it for a second time, which is inelegant but possible.

Or, you know, those are - so if anyone would - anyone from staff or anyone who can assist me with how to deal with a second - I guess it could be withdrawn because frankly it's not - I mean, my thought, I suppose is it's not in the revised shape. We've heard material new information that may cause you to rethink anyway.

Avri points out that without a second it's not a full motion which would be my sort of sense of things. Marika, please go ahead.

Marika Konings: Yes, this is Marika. I just quickly looked through the GNSO Operating Procedures and I think it's something, indeed, you observed before, Jonathan. But I think the procedures currently actually don't specifically refer to a need to require a seconder for a motion apart from the provision that deals with the resubmission of a motion that was raised in the interviews.

I do believe it has been a standing practice that a seconder is required before a motion is considered. So from that perspective I think it is something that has been done. And I remember under previous Council leaderships it was even the case that a topic wouldn't even be considered if there was no seconder for the motion.

So I think this is probably definitely an item that would need to be discussed. But, as you said, it may be a better - indeed to look for a seconder and then defer or withdraw and resubmit, whatever is more appropriate. But just not having a second I think doesn't at least, under the current Operating Procedures mean, you know, the motion didn't exist or it wasn't made.

Jonathan Robinson: Yeah, so I think it's a problematic area to go into, an unseconded motion, so my feeling is here that we should give Thomas the discretion, as the maker of the motion, to withdraw it, which I'll say I'm personally - am comfortable with under the circumstances or to call for a second and then we can see whether it is - the deferral. But we know it will be a request to defer at that point.

It may be - Thomas, let me hand it to you to see what you would like to do. Thomas, go ahead.

Thomas Rickert: Thanks, Jonathan. You said that withdrawing for a second time would be unelegant but I prioritize pragmatism over elegancy so I herewith withdraw the motion.

Jonathan Robinson: Thanks, Thomas. That clears that up and I think we can do some work in the background now to take the input that we've heard today and perhaps reshape both our communication with the NGPC and the making of a future motion. So that seems to be the right solution for now. Just waiting for some evolution of comments in the chat.

I think the - yeah, so the chat comment deals with the issue of what - of potential reconstitution of the working group and how we might deal with that. So - and the fact that we need through the procedure that we are working with we need to be able to give Section 16 of the GNSO PDP manual to give pretty clear communication to the working group. And I don't think we're in a position to do that at this point.

Thomas, we note your withdrawal of the motion and we note that this is an open issue that will continue to be dealt with both by the PDP on curative rights and in dealing with and responding to the NGPC's input.

So let's move us along the agenda. We're an hour into the meeting. I hope we can - I mean, I really would try and keep to the two hour slot. I did warn in advance that we may need to go over it but I'll do my best to guide us through within the two hours available.

Next item, Item 5, to appoint a GNSO liaison to the GAC. This is a motion. The motion was made by David Cake and it deals with the work of the - the output of the GAC GNSO Consultation Group and a recommendation from that group to pilot for an initial one-year period,

a liaison from the GNSO to the GAC to make sure the GAC is as well informed about GNSO policy development processes, particularly at the early stage, and insofar as they - the policy work of the GNSO might have public policy implications, which is the thing that the GAC is most concerned with.

Right, let me hand over then to David, if you want to make any remarks about the motion and to present the motion prior to discussion. Go ahead, David.

David Cake: Hello. I'd just like to say that - okay so the GAC (unintelligible) we have been keeping the Council informed about the process. This was developed jointly - the idea for this position and the role was of course developed jointly with (unintelligible) in the GNSO GAC Coordination Group. But this will be the first chance the Council has had to directly vote on anything related to this position.

So while I hope that all of you are happy with the basic ideas behind this motion, that is the role - nature of the role and so on, of course you can discuss those matters as well as the specific choice.

I do think it's important to let the Council know how we chose the candidate and in - to understand why we put forward Mason. The decision was made by the Council leadership team, that is to say both vice chairs and the chair so all three members of the team were involved in the process and with some staff assistance.

The - and that process was essentially the public bit of that process was that we called for candidates and those were distributed to the SGs and constituency leaders. And I have to say I think all of us would

agree that we got - this as actually a reasonably difficult decision to make in that we had several excellent candidates. We had very qualified candidates from sort of range of - certainly from both houses of the Council - of the GNSO.

And we had - it was a difficult decision. We made a process where we evaluated each of the candidates individually against - numerically against a range of criteria that were designed to - expressed how well we felt they met the advertised criteria for the position so we thought it was fairest to assess candidates based on the criteria that we'd already made very public in the announcement and not really on any other criteria if we could help it.

When we did that exercise, as said which we all performed individually, we were definitely found that the candidate with the - Mason was the candidate with the highest sort of numerical weighting. We did - we certainly didn't leave the process at that, we discussed whether there were any other factors that we thought had been left out, whether we felt there were other factors about the candidates that were, you know, couldn't be easily expressed but...

Jonathan Robinson: Hello? Hello?

((Crosstalk))

Jonathan Robinson: David, let's check if you're back on. All right well I'm going to take over until David rejoins but I think you got the gist of that. There was a systematic approach to evaluate the candidates based on the advertised and published criteria. And it was undertaken as was

advertised by the Council vice chairs and the chair. We had good candidates and we unanimously ultimately selected Mason.

So are there any comments or discussion prior to taking this motion to a vote? It would be very good to hear from the Council if there are any comments, questions, or issues around the concept or the process although we have discussed the appointment of a liaison we simply haven't' voted on the particular proposed candidate.

Doesn't sound like there are any questions or comments. We'll just pause for a little more time to make sure that David is able to join us. Oh, James, sorry, I see your hand is now up, please go ahead.

James Bladel: Hi, this is James speaking. And in no way am I stalling for time for David to reconnect. I have an actual question. You know, I think I support the motion, I support Mason in this role.

My only question is do we have, you know, the definition of the role, the GNSO GAC liaison, seems a little squishy to me and I'm wondering if we could consider, as perhaps is, you know, first to do item, Mason could - presuming this motion passes, which I think it will - if we could ask Mason to develop sort of a scope of how he sees, you know, this interaction playing out. Thanks.

Jonathan Robinson: Thanks, James. That's a perceptive and effective point as usual. I mean, what the - what we intend to do is - I have to reject the squishy part of your comment but I do agree with you that it could do with - it's very important to the success of this role I think is that, in my opinion, that we shape it carefully, we set expectations properly and make sure no one is under any illusion as to what this can and can't achieve.

Mason and I have already discussed this offline and I think we will make sure that he, together with Council vice chairs and chairs - a chair - work closely to try and make sure this role is appropriately and effectively scoped because there is a risk that expectations are not properly set from the outset so it's a really good point.

And I know Mason did offer - and just for the record Mason did offer to be on the call to discuss this. And I'm quite sure he would have raised this point had we invited him to be on but it didn't seem that there was a strong requirement for him to be here at this stage.

James, go ahead.

James Bladel: Thanks, Jonathan. And I hereby withdraw the squishy remark and also just welcome the - that effort. Just, you know, a sentence or two to help define what - as you said, to establish sort of a synchronized set of expectations as we kick this off because I think it's a great idea and I think Mason will be perfect for the role. Just want to make sure that we're all on the same page and it sounds like we are, thanks.

Jonathan Robinson: Absolutely. So we - and I'll just make - for me, one of the overarching points is that this is intended to be a GNSO liaison to the GAC. Whilst we expect there will be some two-way communication undoubtedly, and in fact the specification expects that, the primary purpose is to be a neutral and effective conduit of information and explanation as to the work going on in the GNSO as and when it's happening so that the GAC is well informed from the outset.

We have some sympathy with our colleagues in Istanbul who were temporarily disconnected. I understand that Maria, from the chat, that Maria, Avri and David are back in. And I'd like to make - before we go to the vote I'd just like to make sure they are able to vote.

All right, they are on and off via their connection in Istanbul so I would like to just check if there are any objections or concerns with permitting them to vote via the chat. I would seek to commit them to vote via the chat. And so just to check for a moment if there are any objections.

Right, so I'd like to record there are no objections to voting in the chat. And, Glen, if we could put the motion to the vote now. And I'm going to do this via a voice vote to also try and keep it simple. So can I ask if there are any abstentions from voting on the motion (unintelligible) appoint the GNSO liaison to the GAC; any abstentions?

Does anyone wish to record a "no" vote?

((Crosstalk))

Jonathan Robinson: All those in favor please record their vote by a - saying "yes" into the voice vote.

Klaus Stoll: Yes.

Man: Yes.

((Crosstalk))

Man: Yes.

Avri Doria: Yes.

Maria Farrell: Yes.

((Crosstalk))

Jonathan Robinson: Glen, if you could record that there were no "no" votes and no abstentions and in the chat we have Avri, Maria, David and Gabriella all voting in favor. And if you could also record that I vote in favor and I vote Dan Reed's proxy in favor.

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

Jonathan Robinson: I will note now that we have been joined kindly by George Sadowsky to deal - to assist us with Item 7. And so welcome, George. I think, George, we will deal with item 6, which is another motion so if you could please bear with us for another few minute while we clear off the work on Item 6 before coming to you. I'd think about coming to under Item 7 but I think it's probably appropriate that we clear off the motions that are before the Council at this stage.

George Sadowsky: No problem.

Jonathan Robinson: So thank you for joining us and if you could just be patient for another few minutes, George, that would be great.

George Sadowsky: Sure.

Jonathan Robinson: Item 6 is a motion on the adoption of a charter for cross community working group to develop a transition proposal for IANA stewardship on naming-related functions. The motion was made by Avri Doria. Avri, I'm not sure if you're on a...

Avri Doria: Yeah, I'm on at the moment.

Jonathan Robinson: Wonderful, that's great. So maybe you just want to make a few remarks regarding the motion before we turn it over to discussion.

Avri Doria: Okay yeah, I mean, the motion is to approve the charter that was developed by the cross community drafting team. As I said in the note it was really quite a successful team. I think the charter has actually already been approved by at least one or two of the other I think - ALAC may have approved it and I think the ccNSO may have approved it at this point already.

So the charter - I don't know if you want me to walk through the charter, I would hope not especially since George is waiting. But the chatter is fairly complete. It's based on our normal template of a charter.

It basically covers the advice that the - that ICANN, as one of the operational communities, contributing to the IANA stewardship coordination group, sorry, would need a full proposal from. It basically has provisions in it that in order to prevent such a proposal to the ICG we would need to gain the approval of all the ACs and SOs that were part of the cross community working group.

It also - the motion in addition to the charter the motion names Jonathan as the Council liaison to the CWG and also names him as the GNSO representative to the CWG.

And there's basically five membership seats. And each of the SO ACs get, based on the charter, which would lead for seats one for each of the SGs and basically it allows for an unlimited number of observers who have full participation rights except for determining the final consensus points.

I don't know if there are any other issues about the - the charter that anybody would like to ask questions on. It basically goes very specifically into all the NTIA (unintelligible) and functions that would need to be dealt with by ICANN. So thanks. Open to any questions.

Jonathan Robinson: Thanks, Avri. That's a very helpful introduction. I mean, I note from the chat that Alan - that the ALAC vote on the charter is underway and will complete the end of September 6. And in addition there's a vote on a proposed amendment taking place. John Berard, please go ahead. John, your hand is up.

John Berard: Thank you, Jonathan. This is John. Avri, you used the phrase, "fairly complete" in describing the charter. Is that what you meant? And what's it missing?

Avri Doria: It was just my way of speaking. I don't know of anything that it's missing.

John Berard: All right thank you.

Jonathan Robinson: Any other comments, questions or issues relating to the motion? Gabriella.

Gabriella Szlak: Hello, can you hear me? I'm sorry, I was on mute.

Jonathan Robinson: We hear you now, Gabriella.

Gabriella Szlak: Okay so the - thanks, Avri, for your explanation. I was looking for some clarification on some parts of the charter in particular when it says regarding accountability that the two processes are interrelated and interdependent and should coordinate their work.

And I was looking for some clarification in what the members of the - that wrote the charter were thinking when they chose interrelated and interdependent. Thank you.

Avri Doria: ...on mute myself. Sorry, I'm not quite sure I understood the question. Certainly, one of the things that is in this charter is that it was defined in scope for this charter to - for this group to actually discuss issues related to IANA accountability which is one way of interrelating the processes. I don't remember, but we may actually have (unintelligible).

Gabriella Szlak: I'm sorry, but I couldn't hear anything that Avri just said, she spoke very low and I cannot really hear. So...

((Crosstalk))

Avri Doria: Okay sorry, I'm speaking fairly loudly. So I guess it's the connectivity that I've got from here in Turkey so I apologize. I failed with Skype and now I'm trying with mobile voiceover IP so apologies.

But anyhow as I said, we did leave it in scope for this group to be looking at issues of IANA accountability and that is the piece of the ICANN accountability that relates directly to the IANA stewardship transitions. In terms of, you know, once the accountability mechanism is built, you know, we can look at ways certainly, you know, there could be common membership, there can be communications between the groups that would be in scope.

It's difficult to establish a (unintelligible) don't exist yet. But that's one of the reasons why we kept the notion of IANA accountability so that portion of ICANN accountability that is IANA accountability is within scope for discussion at this group. And then as other connection points are necessary, you know, we can certainly forge them with the group.

Gabriella Szlak: Okay so I think that you were mostly referring to the second paragraph that it's accountability for the administration of IANA functions it's within the scope of the working group, is that right?

And I was really asking about the other process, the ICANN accountability process and, I mean, that sense what the members of our constituency were asking was about having first the accountability of ICANN coming first and then not to related to processes but have first an accountability - ICANN accountability process in place before the transition takes place. I'm not sure if I'm clear in my question.

Avri Doria: Okay, I understand now. It would be hard for this group to say it's not going to complete its work until the accountability group has completed its work. I think that that decision really remains in the hands of the AC SOs. In other words, the AC SOs are the ones - and that's part of the

reason why, among other reasons, that this work is not completed until the ACs and SOs send it forward so that control of that linking of - the two processes.

Plus, you know, one of the discussions that's going on now in terms of the accountability is, you know, to what degree does all of the accountability work that we could possibly need to do in ICANN, and many of us think there's a lot of it, all needs to be done, excuse me, my voice, I've been talking way too much this week - some of the discussions we've had on accountability at the IGF in fact, have basically sort of said what is it that we need to make sure that we've got binding, you know - an issue to bind the Board on appeals mechanisms or some such things.

And perhaps if some of those things are dealt with and we can come out of partial solution in the accountability then the AC SOs may be willing to get to let the process, you know, go forward in terms of the transition. But in point, this group works on the proposal and the recommendation for the operational response but in terms of closing it that would be something that would really be up to the AC SOs and not to the group that's preparing the recommendation.

Gabriella Szlak: Thank you, Avri.

Jonathan Robinson: Yeah thanks, Avri. That's a comprehensive and considered response. Alan, your hand is up.

Alan Greenberg: Yeah, thank you. I just wanted to give some clarity to what I put in the chat. The amendment simply says that issues related to IANA's

viability and effectiveness are also within the scope of the CWG. Such issues could include charging or languages spoken by the - by IANA.

In other words, the implication is there - that is already covered in the words that are there but it just adds clarity. But the ALAC is voting on the original motion as worded, as I believe the SSAC did and proposing what we think is a friendly amendment to add clarity. We are not holding up the process by including the amendment and requiring everyone else to vote for it, although we do hope other groups will adopt it as well. Thank you.

Avri Doria: So this is Avri. If I can ask...

Jonathan Robinson: Go ahead, Avri.

Avri Doria: Right. So basically once ALAC approves that amendment then at another meeting we could also vote on that amendment, is that a way to proceed on that?

Alan Greenberg: Unless you chose to vote on it today, yes certainly that is what was envisioned. We're not trying to hold up the process by saying we are only approving it with that amendment but we would like to see that amendment there.

Jonathan Robinson: Thanks, Alan. That's a helpful clarity because it certainly is a potential concern just in particular in this case because of the time pressures that this whole process is on. Marika, your hand is up, please go ahead.

Marika Konings: Yeah, this is Marika. I just waned to reaffirm as well that, you know, it would be really good indeed if when the ALAC adopts their result that they can be very clear in the communications on that. I understand indeed that there's a potential request for an amendment but just to note indeed that the ccNSO already adopted the charter as it currently stands, or the one that the GNSO Council is considering.

So if there would be suggested changes or if indeed the ALAC adopted a different one from what the GNSO and ccNSO has that could be a potential problem. But if I understand Alan correctly the idea would be that the vote is on the original charter and as a separate question a proposed amendment may be made but for the moment if the ALAC adopts the charter it would also be operating under the original version or the version that we're considering here just to clarify that indeed the correct understanding.

You're not adopting a different charter as such, you're first asking the other groups whether that could potentially be added to it which then could be done a subsequent meeting but everyone could start operating under the version as is currently being considered. So is that correct?

Jonathan Robinson: That's my understanding. And Alan made a checkmark in the chat room as you spoke, Marika, so that's it. So, yes, I reiterate what you said that we need as clear as possible communication. So, Alan, in your capacity as liaison if you could take that back and make sure there's absolutely no scope for miscommunication on that that would be great.

Alan Greenberg: Yes. Jonathan, consider it done. And I - this amendment should have been communicated to the drafting team and the other chairs and I don't know why it didn't happen but all I can say is IGF perhaps has gotten in the way. Thank you.

Jonathan Robinson: Thanks, Alan. All right let's put this motion to the vote then and absent any other discussion. Avri, would you like to read the resolved clauses and then we'll put it to the vote.

Avri Doria: I'll certainly try. Resolved, the GNSO Council approves the Charter, and gives the URL and appoints Jonathan Robinson as the GNSO Council liaison and member to the CWG.

Each GNSO Stakeholder Group will identify one member for the CWG by 15 September taking into account the charter requirement that best efforts should be made to ensure that members, point, have sufficient expertise to participate in the applicable subject matter; point, commit to actively participate in the activities of the CWG on an ongoing and long-term basis; and, point, where appropriate, solicit and communicate the views and concerns of individuals in the organization that appoints them.

Three, the GNSO will collaborate with the other SOs and ACs to issue a call for observers to join the CWG, each in accordance with its own rules.

Four, until the CWG selects its co-chairs for the CWG, the GNSO Council recommends that the co-chairs of the Drafting Team shall serve as the interim co-chairs of the CWG.

That's it.

Jonathan Robinson: Thank you very much, Avri. We will try not to wear your voice out anymore. So if I could put this to a vote please? Let me, say, I think we can try and do this by a voice vote again. Are there any - are there any councilors who wish to abstain from voting on this motion? Are there any councilors who wish to vote against this motion?

I see that we have no abstentions and no votes against. So, Glen, if you could record that all those present and include Osvaldo Novoa, who is now present, but unable to access his voice and votes in favor via the chat, and include my proxy vote in favor of Dan Reed.

Glen de Saint Géry: I'll do that, Jonathan. Thank you. And also include Amr's vote - proxy vote for Magaly Pazello.

Jonathan Robinson: Yes, and for the record the same for the previous motion...

Glen de Saint Géry: Thank you, Jonathan.

Jonathan Robinson: ...of Amr and Magaly's proxy.

Glen de Saint Géry: Thank you.

Jonathan Robinson: All right, the motion is duly carried. Thank you, everyone. And now onto Item 7. This is an opportunity to discuss the report of the ICANN Board Working Group on the Nominating Committee. Now I don't know how many of you have had a chance to have a detailed look at this. This is a Board working group of, I believe, four members chaired by George Sadowsky of the ICANN Board.

And George very kindly agreed, notwithstanding the fact that he is recovering from some health issues, to come and join us so thank o very much again, George, really appreciate you taking the time and making the effort to be here.

I know that we have a couple of slides which cover the background of this which we could perhaps bring up into the chat. And I haven't had a chance to talk with George about how we might go through this.

George, do you have any preferences? We have a couple of slides, as I say, that cover the background of this. And it's really - it's pretty hot off the press as far as the Council is concerned but it does have some potentially substantial impacts on GNSO representation or GNSO membership of the Nominating Committee both in terms of the changes in participation and relative representation.

So, George - not sure how you would like to take this. I think Marika is in the position to potentially give us the facts if that would be helpful and then we could do a Q&A or if you yourself, George, would like to talk over the slides let me give you the opportunity to do either.

George Sadowsky: Thanks, Jonathan. I'm on a mobile phone between one and two bars and I've dropped once already so in case I drop again I'll call in as quickly as possible.

In terms of presentation I have the report with me but I do not have a computer so I can't do the slides. My assumption is that the slides are taken from Figures 1 and 2 of the report which show the (unintelligible)

and the Nominating Committee as it is (unintelligible) for Recommendations 8 and its (unintelligible).

Jonathan Robinson: George, it's gone very faint so I have to ask you...

George Sadowsky: Okay, I'll speak louder and I'll cup my hand. So, I think the - there's some fundamental facts here. One is that the - the current Nominating Committee proposition was instituted in the bylaws in either 2002 or 2003, I don't remember which and I wasn't involved at the time.

And it represented ICANN in 2002 and 2003. And since then ICANN has changed quite a bit and the result is that there's been a broadening of the other constituencies and the need for geographic representation that didn't - really didn't exist at the time in 2002.

At that time the ALAC I think was a gleam in someone's eye and the ccNSO, I'm not sure, was a small organization compared to the GNSO. So the issue of broadening the representation of the Nominating Committee was really paramount in our minds.

The other thing that I can share with you is that there was a concern about pressure groups - groups forming in the - in recent nominating committees essentially vote trading - I'll vote for your candidate if you vote for mine.

Now, as you probably know, I was chair of the Nominating Committee from 2004 - no sorry, '05, '06 and '07 and I was an advisor to (Hagen) in 2008. I detected very little, if any, of this kind of behavior in my NomComms and a couple of people who were on the NomComms have verified that there really wasn't. So there's obviously been a

change in behavior of the NomComms. And it's to the detriment of I think of choosing the best candidates.

So the group voting, the change in the voting pattern, is a way of eliminating, to the extent possible, that kind of horse trading in the committee. Let me stop there because I think mostly I want to respond to your questions. You may want to look at the slides, in fact you probably should, just to refresh your memory on what the changes have been. Thank you.

Jonathan Robinson: Yeah, thanks very much, George. That was much clearer and it's helpful to get that sort of personalized background. I think it is useful for Marika, perhaps just remind us functionally what the - of a couple of points from the slides so I'm going to hand over to her while councilors prepare any thoughts on specific questions they'd like to ask while we have the opportunity of talking with you.

Over to you, Marika.

Marika Konings: Yes.

((Crosstalk))

Marika Konings: Thanks, Jonathan. So basically indeed, as George indicated, this is the information I gleaned from the report itself. You know, I haven't been involved in any of the conversations so this is literally what I've taken from there as a kind of summary to help, you know, focus the conversation here.

So basically the specific issues, and I think George already alluded to those, that were considered by the working group was whether the current disproportionate representation (unintelligible) is still appropriate for the NomComm, you know, looking ahead in the future.

Looking at the determination of the appropriate length of the term of service by NomComm members and whether term limits should be imposed. And also the question of whether the NomComm should continue to fill other key positions in addition to Board positions.

So very briefly then, as well, how the current structure and composition is. There are 15 voting members, three nonvoting members, one nonvoting chair, one nonvoting chair elect and one nonvoting associate chair which makes a total of 21 individuals that serve on the NomComm.

And then the voting members, as part of that group, are composed of five members from the ALAC, one from each RALO, each region, seven from the GNSO, one from each constituency that existed at the time the NomComm membership was defined and one member from the ccNSO, the ASO and the IAB.

So in relation to the proposed size and composition that are recommended in the report, it's a suggestion that the size of the NomComm should actually be expanded to 23 - from 23 to 25 members in addition to - along with a nonvoting chair and an associate chair would make - would make a total number of 25-27 individuals.

So basically all seats apart from the chair and associate chair would be voting members composed of five members from the ALAC, one from

each of the regions, five members from the ccNSO, one from each geographic region, five members from the ASO, also again one from each geographic region, four members from the GNSO with one from each stakeholder group, up to three members from the GAC and one member each from the IAB, SSAC and the RSAC.

There's also some specific recommendations in relation to the voting and term limits, that I think George already alluded to that as well that the proposal is that voting would actually be conducted per delegation and not per individual with the ASO, ccNSO, GNSO and ALAC each having three votes per delegation, the technical delegation would have two vote and the GAC one would have one vote.

It is also proposed that there would be two-year terms for voting members and no more than two consecutive terms for each member. And it's also recommended that the NomComm maintains the appointments to entities other than the Board as it currently does as well.

So there's as well - and again the recommendations that I've listed here are specifically those that affect the GNSO participation or representation on the NomComm. There's some others in there so for the full scope of those you definitely need to look in the report.

So the report also goes into the rationale for some of these changes and again looking at those relating to the GNSO the rationale for those is that the size and composition is expected to better align to the structure of ICANN's SO and ACs and keeping in mind principle of equality and balance and scalability and more specifically to the GNSO

recommendations it would align the membership with the existing stakeholder group structure as it's under the current bylaws.

And it was also noted that actually, you know, the current practice of tying seats to constituencies does raise questions of parity and scalability. Provided here some links to further information, link to the full report. A public comment period is currently open and comments may be submitted until the 21st of October which is then followed by a reply period.

The link to the public comment forum - the members of the committee and the public comment forum also notes that the Board will carefully weigh and consider the community's inputs once the public comment cycle is complete and it considers these recommendations for adoption.

And I think that's all I had on my slides.

Jonathan Robinson: Thank you, Marika. And thanks, again, George. I mean, from my personal perspective it seemed like, you know, it's clearly a significant change. There is time to digest this and make comments but it felt like they sort of had a significant enough impact on GNSO participation, this particular portion of the ICANN structure that it was worth discussing and gaining best possible clarity so that we could take this back to our respective groups as they formulated their comments.

James, go ahead.

James Bladel: Thank you. James speaking. And just a quick couple of quick questions that I can better understand this, you know, this issue. The

report, and I think Mary even mentioned here, that the GNSO reps would be aligned by stakeholder group and not constituency. But in effect the real - the net/net is that the GNSO delegation to NomComm would be shrunk from seven to four, is that correct?

George Sadowsky: That is correct. I believe...

((Crosstalk))

James Bladel: Okay then let's not be shy about that, let's go ahead and say that either in the report or in the supporting materials that we are reducing the GNSO delegation and the voting, you know, I hate to use the word power matrix but there's a, you know, way to map that out. But we're reducing the GNSO influence in NomComm period.

George Sadowsky: That's - on a relative basis that is correct. And on an absolute basis with respect to numbers that's correct also.

James Bladel: Okay so we are - someone somewhere - or a group of someones has decided that the current status quo is unfair or disproportionate I think is the word termed - the term that was used. And that we want to fix that. And that the fix is to increase the delegations of the other groups at the expense of the GNSO. And I think that's, you know, basically what we're boiling down to in this, you know, in this particular report.

I guess the only other question I had, and this I'm genuinely just completely not clear on is the genesis of this effort. Where was it born? Where did it come from? Who - you know, it seems like it's coming from, you know, I guess I'm wondering who is - who is the Board

working group? Is that a subset of the Board? Is that - that's not the governance committee...

George Sadowsky: Yeah, it is. And let me clarify. I've got a train passing by so there may be - it may be a little bit noisy for a moment. The Board working group is composed of four people, myself, Ray Plzak, Ram Mohan, and Mike Silber. And there is - and we've reported this to the Board through Ray who heads the Structural Improvement Committee who tasked us with the job.

Now quick history, in 2007 the first review, and the only review of the NomComm was initiated. And it took until 2010 to get a final report out. And in 2010 the report said, you really ought to look at the composition of the NomComm in three years because it looks like it's getting skewed with respect to the way ICANN is developing. Those weren't his exact words but essentially that was the motivation for the recommendation.

So Ray Plzak put it on the calendar for late 2013 and the report is the result of that recommendation as endorsed by the Structural Improvements Committee. Does that help?

James Bladel: Okay, that is very helpful Thank you, George. And then one final question and I'll stop speaking here, Jonathan, is does anyone - given that the - the NomComm appoints so many of the current and presumably future Board members is it entirely appropriate that the current Board should be, you know, kind of making these proposals?

I'm not - I don't know the answer, I'm putting this out here as a question of where the authority to change NomComm lives. And maybe it is with

the Board. But I note that, you know, I guess I'm just completely out to lunch on that because it seems like if a group or even if the members of a group are appointed by the NomComm then perhaps they should not be actively involved in restructuring its balance.

That's just, you know, I have not looked at this issue, I'm just kind of spit-balling right now so.

George Sadowsky: I understand what you've said. And I can understand your point of view. It has to do clearly with accountability and is the current system too ingrown to not subject to challenge from outside. I don't have an opinion that. I think what we've done - if we were to institute this without going to the community I think I would agree 100% with what you said.

And if we are able to take the comments that come in through - in the - from the discussion that's currently occurring online and incorporate them in ways that we felt would represent strong community views then I think we've probably done our job pretty well. The issue of course is to what extent are we going to be improving community views, what will the community views be, etcetera, etcetera.

James Bladel: Okay thank you.

George Sadowsky: Does that help you or do you want a follow on?

James Bladel: No, I - thank you that's very helpful, thanks.

Jonathan Robinson: Thanks, James. Thanks, George. I've got a queue forming here and it's clearly stimulated some thoughts. So I've got in the queue, John Berard, Brian Winterfeldt and then Bret Fausett. So go ahead, John.

John Berard: Thank you, Jonathan. This is John Berard from the Business Constituency. Thank you, George, for participating in this. I will not seek to read or even summarize the comments from the Business Constituency on this. My hope is that you'll give them and all the comments that you get due consideration.

But there is a particular point that concerns me and it's the notion of anecdotal evidence used to make such decisions. Even in your opening statements, remarks, you said that you were chair through 2007, that you had heard that there was horse trading that you asked about and during the time that you were there was not but that you have heard that there has since been.

I can assure you that there are just as many people who would say that that's not true. And so it really begins to (unintelligible) that we're making decisions, organizational structural decisions based on anecdotal evidence which is never very good.

It also suggests to me that you're calling into question the credibility of some of the people who have actually been put on the Board and the GNSO and the ccNSO. And I don't think that that would be your intention but that's the impression that you leave when you say things like horse trading so it doesn't become a question of qualifications as much as it does affiliation. And I just wonder if you could address those two points?

George Sadowsky: Sure. John, I'm being open with you here. I would - I don't want to be formal and give you the - an (unintelligible) answer to these things. The issue of anecdotal evidence, it's the only evidence we have. We have a NomComm which is a pledge to secrecy when it comes to anything relating to individuals and candidates.

And the NomComm's form, they're disbanded, people are told to destroy everything that they have with respect to the NomComm and not speak of it. So if we have a limited pipeline into what's really happening in the NomComm even I, as chair, have a limited pipeline because if two people in my NomComm wanted to collude and went to the backroom and did so I might never know about it.

But so - but the anecdotal evidence is I would say more than just one person, it's a combination of a bunch of comments we've heard that we know come from multiple sources. And that's the best we can do. So with respect to that that's really all I can say. We believe it exists, we believe that - we believe that the current method - sorry, we believe that the method which is being proposed as strengths other than not allowing what I'd call horse trading and should be considered on its own merits in addition.

Now with respect to calling into question the people who have been put on various committees, boards, I don't know what to say about that. I'm not calling into question any specific person. I have no idea who the people who were involved in whatever horse trading existed whether it was successful or unsuccessful. I really don't have a good response for that. Thanks.

John Berard: Yeah, it's a tough notion to float because I don't know that we have any criticism with the people that the Nominating Committee has appointed. And so the facts in the case don't seem to substantiate such a consideration. The last point I'll make is equivalency is interesting but a false equivalency can be damaging.

And, for example, it seems as if the Government Advisory Committee has long had a seat on the Nominating Committee that it has never filled. We know the GAC's not wanting to participate in working groups because no single individual can speak for his or the government and no government can speak for the GAC.

And so by expanding the number of GAC seats is it just a papering over of a problem rather than a real solution? That's a rhetorical question for now. We'll address it in our comments.

George Sadowsky: Well, let me just say it's an offer. It's an offer - you're right, the GAC has not participated. I've talked to the GAC about this. Some of them have shown interest, others have not. And it's because they can't bring back - they can't report back to the GAC what happens in secret sessions.

Now if the GAC wants to participate they can. We've left it open for them. It seems to be a reasonable thing to do. My guess is they won't show up but they may.

Jonathan Robinson: Thanks, John. Thanks, George. I've got two others in the queue and then I think we'll probably have to close this item. I've got Brian Winterfeldt. You're up next, Brian.

Brian Winterfeldt: Thank you, Jonathan. This is Brian Winterfeldt from the IPC. Thank you for joining us today. I think this has been helpful. We're definitely learning more about what initiated this process. The IPC is definitely preparing public comments which I know are due by October 21.

I just had one quick question. By shifting down to four members being appointed from the GNSO, essentially one from each stakeholder group, did you all think about the fact that essentially is going to abolish representation for multiple specific constituencies in favor of broader stakeholder group representation which is something that I know the IPC is concerned about and my guess is there are other constituencies who share that concern as well.

George Sadowsky: Yes. I'm aware of that. And it really forces you to make a decision certainly in the Business - in the - I'm forgetting the name of the stakeholder groups - certainly in the Commercial Stakeholder Group it does force you to make decisions that otherwise you would not have had to make.

And - but there's really - I don't know how else to handle it well. There was some pressure - I can give you another reason why it was important to start this process of reorganization now. The NPOC came in and joined the NCSG about a year or two years ago. And they have been arguing fairly stridently for representation on the NomComm, I suppose as you would under the new plan.

And the problem is that if every new constituency were to get a vote automatically then there would be a - it would end up with a very disproportionate distribution of influence on the nominating process.

So the simplest way, and it seemed like the most direct way in terms of your major internal restructuring, was to go back to four stakeholder groups. Now, you're obviously going to comment on this and I welcome your comments. But if you do that, if you comment, please give us a way of - a different way, a new way, of looking at the internal structure of the GNSO that makes sense and takes a step toward what you want.

Jonathan Robinson: Thanks, George, for that. I mean, I'll just intervene and say thank you for responding to that so constructively and it's very helpful to hear the door is open there and that's useful. Brian, I don't know if you wanted to say anything more before we move on to the next person?

Brian Winterfeldt: No, no I appreciate the answer to my question. And that is very helpful feedback for us to consider while we're putting our comments together. And we appreciate it. And I think you probably understand what our concerns are and it sounds like we have a better understanding of what you're looking for. So hopefully we can come up with some constructive suggestions in our comments.

George Sadowsky: Thanks. I hope you do.

Jonathan Robinson: Let's move on to Bret next.

Bret Fausett: Sure, thanks. Bret Fausett from the Registry Constituency for the record. I have a quick comment and then a question. The comment I put in the chat, I heard horse trading as a word thrown around pejoratively. I don't think there's anything wrong with horse trading. In fact, I think sometimes that's the only way a minority group can get a candidate that they strongly support on the Board by working with

other groups and negotiating to get that person up. At least that was my perception from the year I spent on the NomComm.

But my question is more toward the GAC representation. I'm interested in how that idea came about and whether that was GAC generated? Have they asked for this? Or is this coming from some other place? Thanks.

George Sadowsky: I'll take the last part first. The GAC has always had a seat on the NomComm. And even though it chose not to fill it ever since I think (unintelligible) (Fernando) filled in 1994 and then the GAC got defensive and decided not to deal with this anymore.

The reason is that it reflects the internal structure of the GAC just like the other boxes reflect the internal structure of those ACs and SOs. And the GAC has three vice chairs so we thought that for reasons of comparability we would give the GAC the three possible seats, one for each vice chair, and obviously for the - for the geographic area which they represent if in fact they do.

With respect to horse trading, I guess we differ. I understand your point of view but I guess mine is different. And, yeah, let me stop there.

Jonathan Robinson: Thanks. I've got two in the queue and then I'm going to call it a day after that. We've got other items on the agenda we have to get through and acknowledging that this is an important and substantive item but there are others so Petter and Volker and then we close the queue. Petter, please go ahead.

Petter Rindforth: Thanks. Petter Rindforth, IPC. Sorry, I was off the line for some minutes so you may have already informed about this. But are there any current plans to have a session at the LA meeting regarding this proposal and for the community to ask questions?

George Sadowsky: I don't know yet. We haven't started planning the LA meeting. It's not a bad idea. Please suggest it. And I will make a special note of that comment and pass it onto the people who are planning the LA program.

Petter Rindforth: (Then) I suggest it.

George Sadowsky: Well, you know, we can both suggest it.

Jonathan Robinson: Thanks, Petter. I've got Volker next.

Volker Greimann: Yes, Volker Greimann speaking. Just one very quick comment. It strikes me as interesting that the amount of votes for the GNSO are reduced both numerically and by having the votes physically - the members physically reduced and (unintelligible) by broadening the scope of the NomComm anyway.

So the thing that struck me first is if you want to expand the number of people that can be represented on the NomComm wouldn't the most logical solution be to also expand the number of votes from the GNSO by one to have eight people - four from each house and then thereby not creating the impression that the GNSO input is seen as less important with the makeup of the NomComm and rest of the organizations.

George Sadowsky: Well I guess I would see it as the GNSO being of equal importance to all of the other constituents, the other ACs and SOs which have only three votes. I know that's probably not the answer - am I still connected?

((Crosstalk))

George Sadowsky: Yeah, I am. I know that's not a happy answer for the GNSO but that does provide parity across the ACs and the SOs. And that was our thinking and you're free to disagree with but that was why we came to that conclusion.

Jonathan Robinson: James, I did say I would close the queue.

James Bladel: Yeah, I'm sorry. I'll withdraw the question.

Jonathan Robinson: Okay well I'll take advantage of making two closing remarks, George, and you may want to respond to these before you close yourself. But the first is clearly, you know, thinking with the GNSO hat on there is an issue of a substantial dilution that needs to be very carefully considered and whether or not that's appropriate.

One must be respectful of other participants in the whole overall ICANN structure but the GNSO had a position and arguably still has a critical position within the ICANN structures as being absolutely core and perhaps not worthy of dilution. So I think we need to come back to you on that one.

The other is a process one. And just - and so I don't expect a response to that first one because that's really up for us to advocate and discuss amongst ourselves.

The other is a process one though, it strikes me that - it's surprising that the Structural Improvements Committee referred this to a Board working group rather than a review process as they've done, for example, with the GNSO review.

And I'm just wondering why they didn't commission another review of the NomComm - a current and contemporary review rather than looking back to the previous one and commissioning a Board working group. So I don't know if you have an answer on that, George, but that's certainly a question on my mind.

George Sadowsky: Yeah, I don't know if - I think I have an answer that is that the - let's see Lymans - Lyman Chapin was the chair of the NomComm review that was finally published in 2010. And at this point I can't remember whether it said convene a Board working group or convene a process. I think - this is Ray's interpretation. He said, well, let's get a Board working group together and put - and see what we can do.

And I'm sure he had in mind public comment whether he considered the - another review of the NomComm, I don't know. Frankly, I don't think so and I'll tell you why. Because reviews - my sense of reviews in the ICANN context is that they are long and laborious. It took three years to go from initiation to completion of the last review.

And I think that if - simply in terms of efficiency, forget the - you may have an equity argument, but in terms of efficiency it was the right

thing to do and it may lead to something else; it certainly leads to public comment and it will lead to I suspect a session in LA. It was probably the best way to launch this and get it off the ground whether you may choose to disagree with the equity issue here.

I'm not going to comment on the first point. I think you've made it. We - expect to say that your concerns are not unexpected.

Jonathan Robinson: Great. George, thank you. I think that - I really appreciate the candid and frank manner with which you've both made yourself available and engaged with us. It's very helpful and much appreciated. It's the way we should work together and notwithstanding obvious concerns about the outcomes of the work of the Board working group it's really appreciated that you were able to take the time and make the effort to communicate with us in this way.

George Sadowsky: I will say this, Jonathan, that the Board - at times, I know from the outside, from before I joined the Board, that the Board activities look quite opaque from time to time, maybe a lot of the time. And so I too am grateful that we have this opportunity and we can have it again if you'd like.

I think it's important that the GNSO understand to the maximum what the Board is thinking and I think the feedback that you give us as well as other people give us will generally help to make a better product, let's see if that can happen. Okay?

Jonathan Robinson: Great. Thanks again George.

George Sadowsky: Okay, thank you. Bye.

Jonathan Robinson: All right, everyone, we're at the top of the hour. We're two hours into this call. I mean, I think I warned you that we could go on. I would like to target getting this done in no more than half an hour so I'm going to push us a little and ask that you comment where necessary and only where you have substantial input so we can try and nail the remainder of this agenda in the next half hour. I hope you'll bear with me on that.

So let's close off that point, Item 7, and move on to Item 8 which is the fact that we have a draft charter from the Cross Community Working Group on Internet Governance.

And this is kind of sitting in a way that we haven't responded to and it's - there's a couple of points here. One, we haven't actually formally had a motion to consider this charter, notwithstanding the fact that it's been sent to us. And, second, that there are some items which perhaps need clearing up in the charter.

So I don't know if there is anyone who's worked on this working group who is prepared and able to give comment on it or provide some input as to what they feel we should be doing next. I feel we have to produce some kind of formal response to both the request from the chair, which is Olivier Crépin-LeBlond of the ALAC, and I think he co chaired it with Rafik Dammak of the NCSG.

And we've sort of not responded to this draft charter and by not producing a motion, nor asking any - nor providing input to the question. So I feel it's my duty as chair to raise this item but I'd really welcome some guidance from any who participated on that group or any thoughts as to how we might deal with this.

I'm waiting for some typing from Avri in the chat and anyone else is welcome to comment or provide input. It's on the previous topic.

Well I can't fill radio silence on this one but I would encourage you all and I'm going to put it back on email to think carefully how we respond to this point on the draft charter. It's - we do need to provide some response back so, John, go ahead.

John Berard: Jonathan this is John Berard, Business Constituency. I worry that trying to accelerate a discussion that generally is best held where we can speak, think, respond and move on is not going to be as helpful as moving it to the email list. And I would encourage us to do that.

In fact, in terms of being sensitive to time and the rest of the agenda, I mean, other than the procedure to confirm the procedure to elect the GNSO Council chair, everything else can pretty much be moved to the list. And I don't know about others but I can't go for another half hour on the call. And so I'm just - wonder if that might be an informal recommendation for how we might move and close the session.

((Crosstalk))

John Berard: I apologize...

((Crosstalk))

Jonathan Robinson: That's a very practical suggestion. And, you know, I'm empathetic to that. I think we can deal with the planning for LA. We can certainly pick this up. There is no substantial updates as far as I'm aware on the

GNSO Review Working Party so I'm good with moving to Item 10 if that is indeed your suggestion and making sure we just have the opportunity to approve the procedure under Item 10.

John Berard: Well that would be my suggestion, yes.

((Crosstalk))

John Berard: We're beyond the window for making a motion, yes.

Jonathan Robinson: Yeah. And you have support from others in that either saying they can't stay or they're supportive. Right so let's move on to Item 10 and we'll pick up the other items on the mailing list as appropriate.

I - this is a procedure that we followed before the last two times, at least, to elect the chair. It's slightly more time compressed than it has been in the past because of the meeting being relatively early in October rather than in November.

But other than that it's essentially identical. It involves calling for nominations from both houses, a separation of a statement and ultimately a vote in LA. I think it's probably appropriate to say my intention is to make myself available for this - for a further term but certainly for no additional terms after that regardless of whether I can be on as a councilor or not.

So if I was to be selected by my house I'd see a critical component of the job to work on the succession plan. But really this is not about candidacy; this is about presentation of procedure. So any comments or questions or input on the procedure? Any significant concerns?

Whilst this isn't formally a motion it is a call to approve the procedure so let me see if there is anyone who would like to abstain from approving the procedure? Anyone who would like to vote against the procedure?

I hear no abstentions and no votes against so, Glen, if you could record that we, under Item 10.3, that the Council has approved the procedure to elect the Council chair as we move towards the annual meeting in Los Angeles.

Glen de Saint Géry: Thank you, Jonathan, I will.

Jonathan Robinson: I'm going to bring us rapidly to a close then and make sure that there is nothing under any other business that mindful of the time constraints that anyone would like to raise and make it clear that we will pick up those items that we skipped over on the list as soon as possible. Bret.

Bret Fausett: Thank you. Bret Fausett from the Registry Constituency for the record. I did want to briefly raise - and we can defer discussion on this to the list - but the work for the discussion group on subsequent rounds of new gTLDs is underway. We have a conference call on Monday.

At our first conference call in August someone raised the very good question of putting to the GNSO what it would like the output of our work to be. And so I wanted to raise that question with you, all of you, and also see if we can have a standing item on future GNSO Council agendas for discussion of the work of this particular discussion group

so that I can update everyone or our liaison, once it's appointed, can update everyone on the work that we're doing.

Just as a reminder, we are trying to look at the previous rounds of new gTLD applications, what went right, what went wrong, and identify any areas that would be appropriate for an issue report. Issue reports of course have to be approved by this Council.

So we want to give the Council a report that it can use to create issue reports and start policy development processes where appropriate. So that's a question that I wanted to raise for all of you. Again, in the interest of time and where we are let's defer discussion on it but think about what would be useful to get.

And the timeframe that we talked about in the discussion group is trying to finish our work this year. Again, we're not trying to solve problems, we're just trying to identify problems. So I think even though that would typically be an ambitious agenda for a typical working group it's a reasonable agenda for a discussion group that is only identifying issues.

So I'll leave that there, we can pick it up at the next meeting. And certainly perhaps we can have a more fulsome discussion when we are in Los Angeles next month.

Jonathan Robinson: Good point, Bret. Thank you very much. And just to remind everyone in that context that anyone, any councilor, is welcome to, in the run up to a meeting, propose to the list and effectively to the Council vice chairs and chair, items for consideration on any meeting agenda so just bear that in mind that you have an opportunity to

contribute to the agenda and that's most welcome to either have it confirmed that that is coming up on the agenda or to have it added.

Good. I think, mindful of people's concerns over time and other commitments during the day, including my own, it seems like we're in a position to bring things to an end. And I will note that there was item 12.1 which was raised by Ching earlier and Brian that we do need to deal with the vacant co chair on the Country and Territory Names Working Group.

So let's bring it to an end there. Thank you very much. There's a couple of informed and informative discussions going on there and some good work in terms of moving the motions forward that had to be dealt with. Thank you very much. Let's call the meeting to a close at this point.

Volker Greimann: Thank you, everyone.

Man: Bye.

Man: Bye bye.

END