

**Transcript GNSO Council Teleconference  
17 December 2015 at 18:00 UTC**

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<http://audio.icann.org/gnso/gnso-council-17dec15-en.mp3>

Adobe Chat Transcript

<http://gnso.icann.org/en/meetings/transcript-chat-council-17dec15-en.pdf>

on page: <http://gnso.icann.org/en/group-activities/calendar#dec>

**List of attendees:**

**NCA – Non Voting** – Carlos Raúl Gutierrez – absent, apologies

**Contracted Parties House**

Registrar Stakeholder Group: James Bladel, Volker Greimann, Jennifer Standiford - absent, apologies, proxy Volker Greimann

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

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan - absent, apologies, proxy Rubens Kühl

**Non-Contracted Parties House**

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

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Stephanie Perrin, David Cake, Stefania Milan, Edward Morris, Marilia Maciel - absent, apologies proxy Edward Morris

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

**GNSO Council Liaisons/Observers:**

Olivier Crèpin LeBlond– ALAC Liaison

Patrick Myles - ccNSO Observer –absent - apologies

Mason Cole – GNSO liaison to the GAC

**ICANN Staff**

David Olive - VP Policy Development

Marika Konings - Senior Policy Director

Rob Hoggarth - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Steve Chan - Sr. Policy Manager

Berry Cobb – Policy consultant

Lars Hoffmann – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Nathalie Peregrine - Specialist, SO/AC Support (GNSO)

Josh Baulch - Manager, Meetings Technical Services  
Mike Brennan - Meetings Technical Services Specialist

**Guest:**

Thomas Rickert - Co-chair -CCWG Accountability

Glen DeSaintgery:...very much. Would you just confirm that you are on the call when I call out your name? Thank you. Keith Drazek.

Keith Drazek        Here. Here.

Glen DeSaintgery:Donna Austin. I see Donna is on the call. Maybe she's on mute. Rubens Kuhl.

Woman:                (Right. Sorry).

Rubens Kuhl:        I'm here.

Glen DeSaintgery:Thank you. James Bladel. James is definitely on the call. Jennifer Sandiford is absent and she has given her proxy to Volker Greimann. Volker Greimann.

Volker Greimann: Present.

Glen DeSaintgery:Valerie Tan is absent. And she has given her proxy to Rubens Kuhl. Phil Corwin.

Phil Corwin:        Present.

Glen DeSaintgery:Susan Kawaguchi.

Susan Kawaguchi:    Present.

Glen DeSaintgery:Paul McGrady. Paul is on the call. Heather Forrest is absent and she has given her proxy to Paul McGrady. Tony Harris.

Tony Harris: I'm here.

Glen DeSaintgery: Wolf-Ulrich Knoben will be a bit late coming on the call. Marilia Maciel is absent and she has given her proxy to Ed Morris. Amr Elsadr. I have not seen Amr on the call yet. David Cake. David did warn me that he might oversleep. And he would...

David Cake: (Unintelligible).

Glen DeSaintgery: ... (ask) to give his proxy to someone. Are you on the call David?

David Cake: Yes.

Glen DeSaintgery: Oh good. Oh thank you. Ed Morris.

Edward Morris: I'm here Glen. Here.

Glen DeSaintgery: Stephania Milan. Stephania Milan. I see her on the Adobe Connect.  
Stephanie Perrin.

Stephanie Perrin: Present.

Glen DeSaintgery: Julf Helsingius.

Julf Helsingius: Here.

Glen DeSaintgery: I see Amr has just joined the call. Thank you. Carlos Gutierrez is absent. And he sent his apologies. Olivier Crepin-LeBlond.

Olivier Crepin-LeBlond: Present. Present.

Glen DeSaintgery: Patrick Myles is absent and he sends his apologies. Mason Cole.

Mason Cole: Present.

Glen DeSaintgery: And for staff we have David Olive, Marika Konings, Julie Hedlund, Berry Cobb, Lars Hoffmann, Steve Chan and myself Glen DeSaintgery. I don't know if Mary Wong has joined us yet. I know it is in the middle of the night for her because she's in Singapore. Good. Thank you very much James and over to you.

James Bladel: Okay. Thank you Glen. And thanks everyone. And welcome to the GNSO Conference Call for December 17, 2015. And it's our last call of the year. We have a very full agenda as you can see here on the screen.

But first off, does anyone have any updates or changes to their statements of interest or any other announcements relative to their status as Councilors? If so, please indicate by raising your hand in the Adobe chat room or get my attention in some other way. Okay.

Seeing none, please take a look at the agenda, which is on the right hand column of the Adobe chat window and was also circulated on the list yesterday.

There's been one minor adjustment to the agenda in that we changed the sequence to move the vote on the GAC communique, Item 6; we've moved that up from Item 7 to try to get some of the faster items out of the way earlier on so that we can devote the bulk of the call to two items that will probably consume most of our discussions, which is Item 8 on the CCWG and Item 7, which is the motion for endorsements to the CCT Review Team.

So with that in mind, if there are no questions or concerns, we'll just move right on into the agenda unless anyone has any other proposed edits to the sequence of our work today.

Okay. Seeing no hands, we'll just move right into the - well I guess we have one other item here, which is Item 1.4; the status of the minutes for previous Council meeting. They were posted on December according to the list here and if anyone has any questions there, please direct them to me or to Glen.

So we'll just move then into Item 2, which is the open project list. And if we could ask staff to put that into the review - into the screen please. When that comes up - I'll note that there's been a change here to the status list and that Marika has very helpfully color coded the open project list to reflect items that are either in progress or items that will be addressed later on in our agenda or items that are closed.

So the goal here of course is to try to move through these action items a little bit more quickly. I know that sometimes we can sometimes get bogged down in going through these individual items particularly when they refer to items that come up later in our agenda.

So perhaps Marika, if you don't mind, could you walk us through first to introduce us to you new color-coding system and then walk us through the action items?

Marika Konings: Yes. Thanks James. So basically what we tried to do as the action items, which you see up on the screen is something that we capture after each Council meeting. It's on the Wiki except (those which) everyone interested.

We basically tried to capture the items that directly come out of that meeting and are expected to be addressed either probably to the next meeting or shortly thereafter and which most of such are not specifically colored in the projects list, which as you know is a separate document.

So what we've done to kind of facilitate that review by the Council on the start of your meetings is to color code those items that, you know, the ones in blue are items that are actually coming back on the agenda and so can be colored

at a later point in the conversation. And we coded the ones in green that have already been completed since the last meeting.

So that basically leaves the white items in there that are either being addressed or, you know, so basically open items and very quickly walk through those. There are two items that are still on hold and I guess at some point the Council will need to decide whether you still want to keep those on hold, you know, reactivate those or remove those.

And the IGO/INGO recommendations I believe we're still waiting on input or feedback from the Board following their conversations with the GAC on some of the outstanding recommendations that are on the Board's agenda for consideration.

The GNSO (relation) to the GAC, that group is actively working on the items that have been identified here, which is the review of the GNSO liaison as well as a lot of items in relation to the quick look mechanism.

And collaboration with the IETF, that is still on here but it's probably an item that we may want to move into the Marrakech meeting planning as I think there was an agreement or at least support on the last meeting that should be considered inviting IETF representatives to our sessions in Marrakech to discuss and what if anything can be done to enhance or facilitate collaboration and sharing of information between the two groups.

There's another pending action item on the global public interest framework. And on the staff side we've followed up with (Nora) and our understanding is that feedback on that specific item is - should be forthcoming shortly.

And the GNSO operating procedures in relation to selection of Board Seat Number 13 as well as the changes to the operating procedures and the result of the data and metrics for policy making - a final report. Those are in the making. We hope that the revised procedures will get posted shortly.

And this is also linked together with the recommendations of the Policy Implementation Working Group so we're basically trying to publish the updated ICANN bylaws as well as GNSO operating procedures at the same time with all these changes so we don't have to make a multiple change in the multiple versions of documents. So again, it's a work in progress.

And then the next generation gTLD RDS just to mark that we anticipate launching the call for volunteers has been made by the 4th of January. And you may have seen, we published a block post basically communicating to the broader community what the current status is and what the next anticipated steps are.

And I think that covers all the white items and all the other items in the list that are either completed or will be addressed further down in the agenda (unintelligible).

James Bladel: Okay. Thank you Marika. I appreciate you walking us through those. And just one note here that I believe we consider marking the next generation gTLD RDS from white to green because I know that we've had the motion here on the (telephone) during our last meeting. But I know that we are waiting until the early part of next year to formally launch the PDP.

So it's really a - I think a matter of discretion whether or not it's colored white or green. But hopefully the color coding makes sense to folks and helps to make this a little bit less of an intimidating document and readily highlight those items that are still active within the GNSO versus those that are completed and will probably move off of this list for our next meeting in January. So thank you Marika. And I do think this is an improvement.

Does anyone have any questions, concerns or items that they'd like to address? Still an empty queue. Okay. All right. Well thank you for that. And we can move then to I believe the project list. While we wait for that to load.

Okay. Everyone has individual zoom control here if your eyesight is starting to fade or you're like mine is; you might want to make that a little bit larger.

Okay.

So this is the open project list. And you can see it's sort of the pipeline here where we are walking through items that are in various phases of development for issue identifications or scoping through the working group itself; Council deliberations and Board vote.

I don't know if there's any things here necessarily that needs or need attention. I would note that the issue identification Council action items would be one way for items to be promoted from that list to here. I see Phil has his hand up. So Phil, go ahead.

Phil Corwin: Yes. I just wanted to report to the other Council members that you may recall I'm co-Chair of the Working Group on Curative Rights Protections for IGOs. We've kind of been stuck in place since Buenos Aires because we've needed expert legal advice on the view of sovereign immunity of IGOs.

I'm happy to report that ICANN has allocated funds and we have retained a legal expert at George Washington University to answer the working group's questions in the regard. I met with him for an hour last Friday and we expect to have his final report before the end of January, which will allow us to start moving forward again and complete our work.

The best we could do pre-Marrakech probably would be a preliminary report, not a final report. But we're going to push hard once we get that legal opinion. And that's it. Just wanted to bring you up to date on that.

James Bladel: Okay. Thanks Phil. In fact I appreciate the update. And I think that that is also mentioned in our response to the GAC Dublin communique. So when we get to that point, could you maybe put a little bit of extra scrutiny on that response



and fill in any detail that you feel might be missing since that response was drafted?

Phil Corwin: Sure.

James Bladel: But I think that's good and we ought to make that as timely as possible. The only other question I have and it's probably for Marika and perhaps Susan is that the Privacy Proxy Services Accreditation Group, PPSAI at some point I believe should be promoted from working groups down to Number 5 Council deliberations because the working from my understanding has issued its final report.

There is a motion on our agenda today to consider that. I note that Susan Kawaguchi mentioned that there's a possibility of a deferral on that motion. But nevertheless it is on our agenda. So I would perhaps suggest that that move from working group status to deliberation status.

So any other thoughts, questions, comments or edits to this project list? Oh, this group is letting me off easy today. Okay. Well let's - we'll get this updated as a result of this meeting and circulate the new list in short order before our next Council meeting.

So that brings us to Agenda Item Number 3, which is the consent agenda and it's currently empty. So we won't spend any time on the consent agenda. We'll move instead to Item Number 4, which is the initiation of a policy development process for gTLD subsequent round.

Now this was a motion that was presented by Donna and it was seconded earlier today by Valerie. And I'd like to turn the floor over to Donna to introduce the motion and take us through the whereas clauses Donna if you don't mind. Donna, are you able to join audio or - okay. Why don't I walk through the motion then? If Donna's able to join, we'll get her to discuss the (unintelligible).

So just starting with the whereas clauses. I think everyone's fairly familiar with the context of the two motions. But it is in two parts; one for the initiation of the PDP and one for the approval of the charter of the PDP Working Group.

So I'll just start with the top one here and note that the GNSO Council hereby initiates PDPs to consider and analyze issues discussed in the final issues report on new gTLD to discuss current procedures, determine whether changes or adjustments to the existing policy recommendations in the final report on the introduction of new generic top level domains are needed.

The outcome of the PDP may need to one, amending or overriding (this) in policy principles, recommendations and implementation guidelines; two, develop a new policy recommendations; and/or three, supplementing or developing new implementation guidance. And the GNSO Council requests that the PDP Working Group be convened as soon as possible to fulfill the requirements of this PDP.

The second part of the motion deals with the charter and is resolved as GNSO Council approve the charter and appoint (DVD) as the GNSO Council liaison to the new gTLD subsequent procedure PDP Working Group. The Council directs ICANN staff to issue a call for volunteers for the PDP no later than seven days after the approval is motioned.

And three, until such time as the working group selects a Chair, that Chair - and that Chair is confirmed by the Council, then the Council liaison shall serve as the Interim Chair.

So that is the motion as it reads today. And does anyone have any comments or questions on that? We can open the queue for discussion of this motion prior to proceeding.

I know Stephanie in the chat put something earlier relative to the PDP review. And I did see your comment earlier Stephanie and I would note that we are going to - we're trying to move through these things quickly so that we can have sufficient time to discuss the CCT review endorsement just coming up on Item 7.

So any feedback on the motion that's on the table? And that's to you Phil.

Phil Corwin: Yes. Just two quick questions. One is this the charter we debated at length in Buenos Aires regarding not being - the PDP not being - the working group not completing its work until it had the benefit of the Affirmation of Commitment review? Is this the same one that we debated back in Buenos Aires?

James Bladel: That's a good question Phil. I'm not 100% clear if that is the same one. Marika, is this the same charter that we were talking about in Buenos Aires or has it been...

Woman: (Unintelligible).

Marika Konings: This is Marika. Sorry. I had to get off mute. I think we were talking about - I think that was one the discussion items in relation to the RPM preliminary issue report. I think it was one of the questions how that would feed into that potential PDP if I'm not mistaken.

Phil Corwin: Okay.

Marika Konings: And...

Phil Corwin: Well that relates to the other question, which is this - I'm just trying to understand this - it talks about a review and possibly adjustment of existing policy recommendations. How is this going to be coordinated with the RPM review? Comments have closed on that but we haven't yet decided how to -

how that's going to move forward whether it's going to be in one big PDP or two separate PDPs; one on the European, one on UDRP, all that.

But the RPMs are one of the biggest policies for this program. And are they going to be considered in - for both or is this PDP going to leave the RPMs to the other one? I'm not arguing for a specific outcome. I'm just trying to understand the relationship.

James Bladel: Yes.

Phil Corwin: Which one of the two?

James Bladel: That's a good question Phil. I see Mary's raised her hand. Maybe she has some insight she can lend us on this. Mary.

Mary Wong: Thanks James. And thanks Phil for the question. Not so much insight but obviously that the Council would vote on that PDP after this one. And, you know, depending on what the ultimate recommendation and the (staff) vote (unintelligible) staff recommendation and the Council vote is, then there's a possibility that the charter for this group could be expanded if the decision for the RPM is indeed to make that one part of this.

And my understanding is the way the charter for this one is drafted as is most working group charters that that is already a possibility for (seeing). And so the Council may have a decision to make then. But the point here is that this question while relevant should not prevent the Council from voting on this charter today.

James Bladel: Okay. Thank you Mary. So if I'm understanding you correctly, you're saying that if and when the charter for the other effort, the RPM review is adopted that this charter could be expanded to include that?

Mary Wong: That's correct James. In other words, the vote on this one should not wait for the result on that one.

James Bladel: So okay. So my question as a follow up to I think to Phil's point is if indeed we proceed in that route and this group is already then convened and has begun it's work, then would - how would we kind of chase and catch up to the train if it's already left the station?

Mary Wong: Hi James. That's a good question. And obviously there is a question about the catch up. But our current assumptions on the staff side is that even if some or all of the RPM work were to become part of this one, it would be a relatively discrete type of item, which would of course necessarily expand the scope of this PDP.

It may down the line require some adjustment for example to the work plan of this PDP Working Group. But of course that is also something for this working group to try to work out because, as you know, one of the requirements for these working groups is to develop their work plan after their charter.

The hope is that because the final issue report and therefore the Council vote for the RPM potential PDP would come very quickly after this one that any kind of catch up that might be necessary would likely be fairly minimal. Because this group would not have progressed all that far in its work that it will require huge gaps to be filled.

James Bladel: Okay. Thank you Mary. And I think I understand it. I think Phil raised an interesting point as just how these two groups will play off of each other. I think that that is something that we are seeing more and more whether we're looking at this issue, new gTLDs, or looking at other issues like RDS, privacy proxy and other issues that have dependencies that span multiple working groups.

So my thought, and this is just to try to put a button on this, is to Phil's point is that we do proceed with this PDP but we make a note that when the time comes to approve the charter for that other dependent piece of work that it acknowledges that this work is underway and either merge that or draw a discreet difference between the two.

Okay. Thanks for helping us untangle that one Mary. And I saw Phil's hand go back up. I don't know if you wanted to respond to that Phil or if you...

Phil Corwin: Well, I just want to make sure I understand. So as I understand it, when we deal with the review of RPMs and all TLDs if - no matter how we deal with that, if we decide to go ahead with the review of the RPMs, that work would fall to this - we could put it into this working group.

We could make clear they want - one thing I didn't want to see was to have two separate working groups looking at the RPMs and making - and looking at their effectiveness and making recommendations for changes. That would be potential for mass confusion to have two different working groups looking at the same subject. But as I...

((Crosstalk))

Phil Corwin: This group that we're approving today could handle that if we decide to go forward with that RPM review.

James Bladel: That's - yes. That's exactly my understanding Phil is that we would. Because this one is further down the pipeline, we would go ahead and start with this one and leave the - put the placeholder down that there was a second dependency coming down the pipe that could be attached to this working group at that time.

So yes, that's my understanding as well. And I agree with you. The issue is we don't want two separate working groups looking at the same policies and

making perhaps conflicting changes - recommendations for conflicting changes.

Next up in the queue is Amr. Go ahead Amr.

Amr Elsadr: Thanks James. This is Amr. Yes. I just wanted to convey a few thoughts on this (unintelligible) reports - (other one) discussion we had on our monthly Non-Commercial Stakeholder call a couple days ago.

We don't - I mean no one from the NCSG has expressed any concerns for (unintelligible) of the issues report. However, there were other concerns that were raised. Mainly a (reoccurring) one on volunteer burnout regarding the PDP (unintelligible).

But it's concerns including that there are some issues (unintelligible) be included and wouldn't - some refer to in that that the (forum) will get on to a new PDP.

(Some of these) mentioned may have been a lack of an (answer) to what the problems were with the last round while others were - is of - happens during previous rounds where (it's still) in contracting right now and so there are multiple (issues) that may not have been - may not have addressed and then (unintelligible) take a (closer) look at (starting) a new PDP.

I will also note that NCSG did not submit a public comment.

James Bladel: Sorry. Can I interrupt you for a second?

Amr Elsadr: Yes.

James Bladel: Amr, can I interrupt you for a second? Your audio is a little choppy. For the most part I think we're able to understand. But I think - I lost you there in the last couple of sentences. I wonder if you could back up just maybe about 60

seconds and take that again. And I apologize for that but I know that we do our best with the audio but it's just it became a little difficult to understand there.

Amr Elsadr: Oh, my apologies James. I'll try to speak slower and if you do have (unintelligible) with my audio, please do let me know.

So basically just issues like (applicants) from previous rounds or (from) contracting and as (some) results (unintelligible) in the last round that have some of the folks in NCSG great concerns on this.

And like I was trying to note NCSG had (unintelligible) a comment during the public comment period of preliminary issues report. So we did not convey those concerns at this time.

Like I said, no (unintelligible) were raised regarding the substantive issues in the issues report but it's more of just the general context of this issue report being requested and published at this time (unintelligible) this PDP up right now.

So I just wanted to make a point of that and would welcome further comments from perhaps from my other NCSG colleagues. Thank you.

James Bladel: Thank you Amr. So just if I could summarize based on just the overall workload and the fact that there are still applications that are going through the contracting process and have yet to be delegated to the discussion amongst your constituency was that this is perhaps premature to undertake this work at this time. Is that roughly? Okay. I see in the chat that Amr agrees with my synopsis of his comments.

Thanks. I wanted to make sure we got that on the record just because the audio was just unfortunately choppy, you know, in places where we had nouns and verbs and important bits of information like that. Okay. Thank you



for that Amr. And certainly anyone who feels similarly or has perhaps a different view would be welcome to chime in on this point as well. But next in the queue is Steve. Go ahead Steve.

Steve Chan: Thanks James. This is Steve Chan from staff. So I just wanted to touch on the subject that was discussed a little bit while ago about the RPMs piece. And I just wanted to note that the final issue report and as well as the charter actually note the possibility of a discreet and dedicated RPMs PDP.

And so I recommend avoiding conflicting or duplicative work. So while there is a carve out within the charter and the final issue report for the new gTLD subsequent procedures PDP, it notes that the work could possibly occur in either place. But to certainly avoid the conflicting or duplicate work. So there's a carve out but it makes sure to note that there are the two parallel paths. Thanks.

James Bladel: Okay. Thank you Steve. I think that's useful because it at least tells us that we were thinking of Phil's concern when the charter for these two groups were being drafted.

So I think that that falls then to the Council and to the Chairs and leaderships of those working groups once they're established to coordinate closely with one another to ensure that they're not overlapping in their work and, as you said, duplicating their work. So Paul, you've been waiting patiently. You're up next.

Paul McGrady: Thank you. Paul McGrady for the record. And this just goes to comments by Phil and one - just to get some clarity on the issue of the multiple groups who could be working on these issues.

For clarity, we're not voting now that any work related to RPMs will have to be done under this particular charter. We're just stating out loud that this charter

could be amended if we decide to amend it to put some of that work there once we have the full report from the RPM public comments.

But we're not committing at this point, right, that all that - all RPM work would necessary have to be done in this context? Am I understanding it? I want to make sure what I'm voting for. I'm happy with that. But if we're deciding today that all RPM work would have to be done by this group under this charter, then that's a different thing than I thought we were voting on today. Thank you.

James Bladel: Thanks Paul. And my understanding is that your assessment is correct. I'll probably look to staff to confirm that. But that this group would be taking a look at all procedures and policies related to the new gTLD subsequent rounds and that that would not necessarily compel us to move the RPM work under this PDP.

But I think we were just discussing how we would coordinate the two PDPs where there may be areas of overlap. But I guess I would look to staff to confirm that Paul and I are reading that correctly. Mary's in the chat saying yes Paul. Yes to you but no to me. So I guess you get the gold star for that one. Okay. There she is. Got gold star for me as well. Thank you Mary.

Okay. The queue is clear. I would note there's a couple of procedural points with these motions stepping out of the substance for just a moment, which I know everybody loves to do.

There is still a blank (PDD) in the second half, you know, that says something along the lines of who the GNSO Council liaison will be for this particular group.

I don't know if we have anyone who has a burning desire to volunteer to be that Council liaison but now would be an excellent time to come forward, raise your hand and have your actual name filled in here in this motion. And I

see a hand from Paul. I wonder if he's volunteering or if he has a follow up.  
Paul, go ahead.

Paul McGrady: Because I lost my mind, I'm volunteering for this.

James Bladel: Okay. Awesome. Thank you Paul. Are you sure you want to volunteer for this one versus the RPM. Maybe I have your previous comment backwards. So but yes...

((Crosstalk))

Paul McGrady: This is Paul again. I think we're going to have lots of volunteers for the RPM issue. And so, you know, if somebody would like to volunteer for this instead of me today, I'd be happy to step aside. But to make sure that we get this staffed with today I'm happy to volunteer for this and to be out of the way on the RPM.

James Bladel: Okay. Excellent. Thanks Paul. And I see it's the mad dash to rush forward and volunteer for this Council liaison position begins and ends with you. So congratulations for Paul. And if we can modify the motion to reflect this - I see that they're doing that. Fantastic.

The second procedural that's here is that the motion is, as we noted on some of the discussions on the Council, is it's divided into two pieces. The first piece is to initiate the PDP and then the second piece is to approve the charter.

I think that that would require a separate vote to approve these as if it were two separate motions. I don't if it's too late to combine them into a single motion. But, you know, you know, I guess staff you can tell me if we're going too far afield here with that idea. But I also don't think it's probably not too heavy of a lift to ask that we vote on them separately.

So if there are any concerns with proceeding in that, then we can move to a voting position on these two items separately. So this is my first time at the wheel Glen and Marika. Do we want to do a roll call vote here because this is a PDP? Marika, go ahead.

Marika Konings: This is Marika. There's no specific requirement in the operating procedures but I think the practice has been that for PDP votes a roll call vote is taken. So we can clearly mark in the (five) that accompany the PDP and, you know, how the votes were taken and in support of what.

James Bladel: Okay. Let's do a roll call vote then to stick with that tradition. But we can move through it fairly quickly here and get through these two items.

Glen DeSaintgery:I'll do that James as of now. Paul McGrady for Heather Forrest please.

Paul McGrady: Yes.

Glen DeSaintgery:Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen DeSaintgery:Philip Corwin.

Philip Corwin: Yes.

Glen DeSaintgery:Volker Greimann for Jennifer Sandiford.

Volker Greimann: Yes.

Glen DeSaintgery:James Bladel.

James Bladel: Yes.

Glen DeSaintgery:Rubens Kuhl for Valerie Tan.

Rubens Kuhl: Yes.

Glen DeSaintgery:Julf Helsingius.

Julf Helsingius: Yes.

Glen DeSaintgery:Edward Morris.

Edward Morris: Yes.

Glen DeSaintgery:Amr Elsadr.

Amr Elsadr: Yes.

Glen DeSaintgery:Tony Harris.

Tony Harris: Yes.

Glen DeSaintgery:Ed Morris for Marilia Maciel.

Edward Morris: Yes.

Glen DeSaintgery:Keith Drazek.

Keith Drazek Yes.

Glen DeSaintgery:Susan Kawaguchi.

Susan Kawaguchi: Yes.

Glen DeSaintgery:Donna Austin.

Donna Austin: Yes.

Glen DeSaintgery:Stephanie Perrin.

Stephanie Perrin: Yes.

Glen DeSaintgery:Stephania Milan. Stephania. Stephania, are you on the line? Are you on the Adobe Connect? Can't you hear me now? Can't hear you? But I see your vote is yes (on the chat). Thank you. Volker - Rubens Kuhl for yourself.

Rubens Kuhl: Yes.

Glen DeSaintgery:Volker Greimann.

Volker Greimann: Yes again.

Glen DeSaintgery:Paul McGrady.

Paul McGrady: Yes.

Glen DeSaintgery:David Cake.

David Cake: Yes.

Glen DeSaintgery:And that brings us to the total of 100% in favor for the Contracted Party House and 100% in favor for the Non-Contracted Party House. So both passes on this motion.

James Bladel: Okay. Thank you Glen and thank you everyone. And in (reckon) that the first part of this motion was adopted unanimously, perhaps we can speed up the process on the second part and I'll - does anyone - well let's - (unintelligible) move to a voice vote, does anyone have any objections to moving to a voice

vote on the second motion if we are in fact treating them as two parts of the same poll? Any objections to that? Phil.

Phil Corwin: Yes. I'm not objecting.

James Bladel: (Phil)?

Phil Corwin: Can you hear me okay?

James Bladel: Yes.

Phil Corwin: Yes. I just want - I'm looking at the charter right now. And at the back of the report it's Annex B to the back of the report. And it's a very, very long list and a non-exclusive list that goes on for about three pages of issues that this working group will consider.

And at the bottom of Page 148 to 149 it says second level rights protection mechanisms, review effectiveness and implementation of RPMs such as Trademark Clearinghouse, URS, et cetera. And then it says there's a bullet point - note that there's a preliminary issue report on the current state of all rights protection mechanisms implemented for both existing new TLDs, which may lead to the initiation of a PDP.

So again, I just want to be clear that we're contemplating that if we go forward probably early in the new year with authorizing a PDP on RPMs that it would - that would be a sign to this group that under this charter that we're voting on. Because again, my one concern I don't want to see two working groups addressing RPMs and coming out with different analyses and different recommendations.

So I just want to make sure we're clear that if we vote for this charter, we're probably committing ourselves to letting this group look at the RPMs.

James Bladel: Okay. Thanks Phil. And I think Mary wants to weigh in on this. And then we'll go to Paul after that. Mary.

Mary Wong: Thanks James and thanks Phil. I think Phil the short answer to your question or sort of a question is that the idea just be one working group to look at the RPMs. Whether it is this working group that you're voting on today or a different working group that you might vote to create in the future is, you know, up for the Council to decide.

But the idea definitely is that there would not be more than one working group looking at the same thing.

Phil Corwin: Right. Well just quickly (for us) Mary. This charter clearly gives authority to this working group to review the efficacy of the RPMs and to make recommendations for changes. So I think the reality is to give that task to a second group would sow the seeds of confusion and consternation.

So unless we're going to condition that in some what change the charter language, we're given them with this vote the authority to review the RPMs and there's no way to take - we could take it back but we'd have to amend the charter down the road if we decide that should be done by a separate group to take that away from this group if we want to avoid the possible collision between two different working groups on the same subject.

I'm sorry to go on so long but I think it's important from a process point to understand that this will have an effect on our future consideration of RPM PDP because we're giving that authority to this group now. And I'm done speaking.

James Bladel: Thanks Phil.

Woman: (Unintelligible).



James Bladel: No. I think it is important. I think we don't want to get in a situation like - I think that's a shared goal that no one wants to commission two groups both of which think that they have the exclusive remit to start taking a look at RPMs. I think that's understood.

I think that we, you know, we're trying to find the best path forward on that. And given that this group is sort of a little further down the road than that other group, as you mentioned. Mary, you wanted to follow up.

Mary Wong: Yes. Just real quick James to follow up on your response, which is partly what I was going to say James is that when the Council comes to vote on the RPM final issue report, obviously part of that vote should be to initiate a PDP would be to clarify the scope of this particular charter.

So that's one way to go. And I think in the (staff) that would be the recommended way for a couple of reasons. The main reason being obviously that we don't want to pre-condition this PDP on that one or presume the outcome of that vote were it to come.

An alternative of course is to amend the charter here but to make that clear but that would lead to potentially more confusion and potentially some delay if that is something that the Council wishes to avoid.

So in short, I think the staff advice here would be that if the Council were to vote to initiate a PDP on the RPM issue next month or whenever you choose to take up the issue that this particular point can be brought forward and clarified in that motion as well. Thanks James. Thanks Phil.

James Bladel: Thanks Mary. I actually have some questions on that but Phil's been waiting. So - or Paul's been waiting. So Paul, go ahead.

Paul McGrady: So again, I think I have the same question that I asked before, which - and again, in reaction to Phil's comment, which is are we committing that this

group will be the group to review all RPMs or are we saying that that sounds, you know, having one - having all that in one place sounds like a good idea.

But it may be this group or it may be some other group depending on what happens after the RPM comments are looked through and when we take that issue up in more detail later.

I do know that the RPMs are mentioned in Group 2 in the charter. But I guess when I was reading it I thought I was reading it in the context of new gTLDs since this is a new gTLD group as opposed to looking at all RPMs globally affecting all second level domain names regardless of when they were brought into the marketplace.

So again, I just want to make sure that we are - what we're saying is it's possible. It could happen. It may even make sense. But I don't want us - (well let's) be careful. I just want to understand that I'm voting on because what I don't want is for us to be making a commitment that all RPMs will be looked at by this group if we make this vote today because, like I said, that's a very different thing than what I thought we were voting on today. Thank you.

James Bladel: Thanks Paul. And that's sort of where I was going with my follow up question as well. And I'll just ask Mary. So my understanding is I'm kind of echoing this back to Mary is that there is to Paul's point the RPM elements of this working group is a subset as its applicable to new gTLDs whereas the other group potential PDP, which we assume will be adopted early next year is a more - is a superset of that as a more global examination of RPMs and all TLDs.

And that the bit about RPMs in the charter for this group is somewhat conditional in that if there is that follow on work that the examination of RPMs could occur there as opposed to under this working group.

But my only concern is the way it was described just a couple minutes ago by Mary is that we would pass this charter now and then upon adoption of that

new - presumed adoption of that new second - subsequent PDP we would modify this charter.

And I feel like that's backwards. I feel like if this one is already up and running and has a working group and now we have a Council liaison but it seems like that group would be underway and that if we're going to modify a charter, we should modify the charter for the subsequent group to be clear where that line of demarcation is.

And but again, I think regardless of how we slice this, the Council liaison to this group and presumably the next group as well as the Chair or co-Chairs or Vice Chairs or however that leadership takes shape are going to have to coordinate very closely because I think that Phil and Paul and others have identified there's significant potential for overlap here. And we certainly don't want there to be redundant work here. Mary.

Mary Wong: Thanks James. And that's more or less it actually. So just allow me to make two observations and then a comment. I think the first observation is obviously that part of the necessity of this discussion was occasioned by the timing.

We have issue report on the new gTLD subsequent procedures and then shortly after that we have the RPMs. And of course the daily RPMs issue as Phil pointed out in the chat there's RPM issues that pertain to the new gTLD program and that might carry forward to the next round and RPM issues that pertain to the so called legacy gTLDs that may or may not have implications for the next round.

Based on that, the second observation I'll make is that from the staff side, we try to be really careful to not presume that the second chronologically speaking PDP, which is the RPM one would or would not happen. And so that's why you see the placeholder in the charter that Phil mentioned.

So having made these observations, I think the staff deems here is that this - I understand why you're saying about it being backwards James. But seeing as, you know, the RPM issue is part of the overall review of multiple things going on with the program, then the challenge will come to pick up the RPM PDP question, which would be as soon as the next meeting.

That would be the Council's opportunity to clarify what it would like to be done with the RPM review, where it would like to be done and whether it makes sense to either spilt the legacy issues out from the new gTLD ones and whether for the latter it makes sense to do it here.

In other words, it may be backwards but it may actually be a more logical way of progressing because then we're not presuming that all the work would occur here or that all the work would occur elsewhere. But rather the Council would have a chance to full consider the RPM issue in its own space at the next meeting.

I don't know if that answers your question but that is how the staff is proceeding and certainly we are anticipating, as you noted, that there will be a great deal of coordination among the Chairs, the staff that support both PDPs at both the (unintelligible) and of course the Council as manager of the process as well.

James Bladel: Okay. Thanks Mary for clarifying. Susan.

Susan Kawaguchi: I just think with all the confusion that maybe we shouldn't approve this charter today. And it's not that I want to delay anything but I do think we need to get it right if we can easily come up with language on the fly to reflect the fact that these two PDPs should coordinate completely.

I am of the view that RPM PDP, you know, that will be occurring in the future should be the lead on the reviewing the RPMs because there's so many issues in the new gTLD list.

So if we can figure out coordination language that we all approve, I'm fine. Otherwise just because we have other big important issues to talk today, could we just delay the approval of the charter and get that fixed beginning in January and approved at the next GNSO meeting?

James Bladel: Thanks Susan. I think that's one possible path forward to get us - to get us past this in a way that doesn't inadvertently commit us to doing something that I think is something that we don't want to do.

I did put my hand up because I had a thought here that wondering that if it would make sense to specify in the charter for this group that the RPM review that's described in this charter is limited to the development and implementation of rights protection mechanisms that were adopted as a part of the new gTLD program. Because if I'm not mistaken, I think that was the intention of it.

And, you know, and I think that would address at least a couple of concerns I'm hearing where that the - that that would somehow more into this group taking a global approach to, you know, to the review of the rights protections mechanisms in all TLDs. I see a lengthy chat coming from Steve but Paul, you're in the queue.

Paul McGrady: Paul McGrady for the record. Thanks James. While I think that might be a sensible outcome, I think that that is - I think that's the kind of thing that could be debated for endless hours by the community before we reach an outcome like that because there is interplay between the old and the new RPMs and some RPM fixes for the new may find their resting place in amends to the old, right.

And so, you know, if we were the group that had the right to jump ahead of that conclusion, that might be a good thing to kick around here. But I think that jumping ahead like that is probably not what we should be doing.

And it sort of - I guess it sort of underlines Susan's suggestion that we may be better off to look at the two charters at the same time and to distribute the work, you know, instead of looking at them in two different timeframes. And so deferral makes some measure of sense. Thanks.

James Bladel: Okay. Thanks Paul. And I just want to point out that if we were to defer on this second motion - the second part of this motion that that doesn't mean necessarily that the charter for the other group would presumably be adopted or ready or it's hard to predict where that will be if we were to defer it. If we deferred it, we would defer it. But it wouldn't necessarily mean that the other group will catch up to it. Steve, go ahead.

Steve Chan: Thanks James. It's Steve from staff. And I guess I just wanted to reiterate Mary's point that the reason - I think a big reason why this is in the charter is because of what she already mentioned is that we do now know if the PDP - the discreet PDP on RPMs if that's going to happen.

So this is putting a stake in the ground that says that this work could be accomplished through here but, you know, hopefully as - if you've been able to approve the language that I posted there, it notes that other work may occur and therefore the work should be coordinated and like I said earlier, to avoid duplication and conflicting outcomes.

So I think just to make not, sorry, to not make presumptions about whether or not that other work is going to occur. So it - to note that there is a home for it in the event that the other PDP is not initiated. Thanks.

James Bladel: Thanks Steve. So the queue is clear. And I see now that Phil is now also at least openly kicking around the idea that the second part would be deferred until our next meeting.

Does anyone have any significant concerns with deferring the second part to our next meeting with the understanding - I think with two understandings? First that we would use the intervening time to reconcile the language between this charter and what we'd like to see in this charter and the subsequent PDP on RPMs.

And two, that the subsequent PDP on RPMs may not be ready in time for the next meeting and it may still lag behind this effort if not - it might close that gap a little bit but it would still be I think a significant sequencing gap between the two work streams. So that's just a thought. I see Donna and Steve want to weigh in on this. Donna, go ahead.

Donna Austin: Can you hear me?

James Bladel: Yes. We can hear you now Donna.

Donna Austin: Oh yes. Donna Austin for the record. So I understand why people are recommending deferral on this because there is some confusion about the RPM inclusion in the charter.

I think from a Registry Stakeholder Group perspective, not that we've discussed this obviously but I think there is a will to move forward, you know, reasonably quickly on getting this process started because from our perspective we have seen some delays in getting the initiation of the PDP to this point.

I guess it's a - I don't know how we'll go on this (unintelligible). I guess if we went to a vote on this we'd be more likely to want to approve the charter today. But perhaps it makes sense to review the charter.

And if we could have kind of an agreement that we would have this back on the agenda for discussion in January and approval in January if we can sort

out the bits that are causing the confusion and concern, then I think we might be okay with the deferral. Thanks.

James Bladel: Thanks Donna. And yes, I feel the same way. I know that this has been a long time coming to get to this point in the PDP and I would note that we just a few moments ago or actually 20 moments ago approve the first half of this.

I think there is a sticking point with the charter. So, you know, and I do think that we, you know, given the holidays and on the two big rocks that we have our remaining on our agenda, if there is a sentiment towards leaning towards a deferral, then we would make haste to get this charter issue resolved and get the RPM remit and scope clarified as a PDP.

But I don't - yes. Amr, I think that that is an excellent question also and probably one of the reasons why we shouldn't be tinkering with charters on the fly on the table.

So I still don't know if anyone has actually formally asked for this to be a deferral. I just note that a number of folks have raised that as a possibility. So if - to Donna's point, I think both Phil and Susan have noted that that's something that they're considering.

And just as a note - procedural note, we have approved the first part of the motion so that we could initiate the PDP and begin to form the working group, the charter and Paul's appointment as the Council liaison and everything under the resolved clauses of the second bit is deemed that it would be deferred.

Okay. So I guess I'm calling a question. Is anyone specifically asking for this to be deferred until the January meeting or should we prefer to - should we move to a vote? Susan. Phil. I don't want to roll past you here but I need somebody to formally ask for it.



Susan Kawaguchi: I'm asking for a deferral on the charter - approval of the charter.

James Bladel: The second part of the motion.

Susan Kawaguchi: Yes. Yes.

James Bladel: Okay. Okay. Then I think that that's - then we'll proceed accordingly and we'll use the intervening time to clean up this bit about the - this loose end about the RPMs. And Phil's also supporting that. Okay. All right. Thank you. And Paul, we think you have a one-month reprieve.

Okay. Moving then into the next item here, which is Item Number 5; another motion; another PDP. This one is a conclusion of the privacy proxy services accreditation issue, the PPSAI, which as a participant of this group and I guess I was the Council liaison too, which I had completely forgotten about until I was reminded of that.

This group recently concluded its work and published its final report. I think it's understood that there is - this is a very significant body of work and represents multiple years of community effort or across the GNSO and I think other non-GNSO folks have weighed in on this as well.

And some of the most vigorous community public comments that we've seen, some of which was I think coordinated and some of it was kind of - kind of went a little wild there at the end.

But anyway, the result I think is good. The co-Chairs have presented the final report and all recommendations have achieved consensus. And they are now submitted this to Council for our consideration. So I'll note that on those two things about this.

Procedurally the first is that there was a request on the list to defer this motion as well noting that this is a significant motion coming inside of a flurry

of other time sensitive work items. And two, that no one has seconded this motion.

So it is probably not eligible for a vote anyway at this stage of the game. So I see Amr in the chat saying that he would be willing to second that. Thank you Amr. I don't know if it's going to be necessary because I think Susan posted a list - posted a note to the list last week or perhaps a little sooner stating that they would like more time to review this as well.

So Susan, does that request for deferral still stand or should be move to a discussion and vote on this motion?

Susan Kawaguchi: It does still stand. And I - and just for others to understand my point of view, you know, I participated on PPSAI. I think this is very important work and we need to move forward. But once again, we have so much on our plate and in the spirit of cooperation, you know, on the next generation RDS, that was something I proposed and we had a deferral on that.

And on that motion we gave it more thought and then I proposed that we didn't even do a call for volunteers until January. By deferring this motion today, that just puts off the call for volunteers till January. And which is I think a better time.

You know, we've already got the GNSO - I mean the gTLD review moving forward and a call for volunteers will go out in seven days if we do add this to the list. And then January 4 the RDS goes out for a call for volunteers. We have the CCWG and the CCT. I'm overwhelmed. And so that was my thinking or just - can we just put this off a few more weeks?

James Bladel: I think I'm hearing the same from registrars. And I think I've heard some comments from speaking with the folks as well individually that this is a very, very large work item that needs to be considered carefully given the scope and depth and detail that's contained in this report.

And I would note to your point that every time we put out (for) volunteers we're dipping from the same pool. It's not like there's a different batch of volunteers particularly when you look at something like PPSAI and RDS. There's usually going to be a significant overlap in the membership of those types (unintelligible), so.

And I see that Stephanie Perrin is fully supporting your call for a deferral in the chat. So I see Mary has her hand up but I would say, you know, in the interest of time on our agenda and to get to some of our larger items further down on the agenda that we would note that this has been requested to defer as well to our January meeting. But I'll give Mary the last word on this.

Mary Wong: Thanks James. Just real quick. Staff is of course not disagreeing with either the workload question or the request for deferral. We just want to clarify for the record that the call for volunteers in this motion refers to a call for volunteers for the Implementation Review Team. And that team would only be formed after the Board approval of the actual recommendations.

So just for clarification for the record, a call for volunteers for the Implementation Review Team. And that team would only be formed after the Board approval of the actual recommendation.

So just for clarification for the record, a call for volunteers for that IRT would presumably not happen for at least a few months. That of course, that's not necessary downplay or decrease the workload that everyone is very aware of. Thank you.

James Bladel: Thank you Mary, good point. This would be a call for volunteers on an Implementation Review Team and not a PDP. I still think we're going to see a lot of overlap in the membership, but it is important. So thank you for clarifying that.

So if there are no objections then, we'll move past this and this will become a major item on our next meeting and move then to item number six.

Hopefully this one is a little less painful. As you recall, we adopted a practice where we would put together a GNSO response to GAC Communiqués that were received during ICANN meetings. We received the GAC Communiqué and analyzed it from the most recent meeting in Dublin, and Stephanie Perrin - thank you Stephanie - took the first draft at the GNSO response. And Marika circulated the most recent version to the list I believe a few days ago.

So hopefully you folks have had a chance to take a look at that. And I would note to Phil -- who raised point earlier regarding the curative rights -- note that there was mention of an independent expert that was retained by that working group, and that group is awaiting the report from that expert before (sic) moved on.

But otherwise, I think that the GAC Communiqué and our response to it was fairly noncontroversial.

So if there are no objections, we'll proceed on this one. I note that we still need a second to this motion as well. Stephanie raised a motion on November 19 and Marika posted the most recent draft a few days ago if not maybe last, you know, over the weekend.

Stephanie, would you like to - well I'll just read through this in the interest of time if that's okay.

The two resolve clauses the Council adopted the GNSO Review of the Dublin GAC Communiqué and requested the GNSO Council Chair communicate the GNSO Review of the Dublin GAC Communiqué to the Board. And second, following communications of the Board, the GNSO Council request GNSO Council Chair informed the GAC Chair as well as the GAC GNSO

Consultation Group the communication between the GNSO Council and the ICANN Board.

Okay, the resolve clauses are two items that go on my to-do list.

So it looks like Volker has seconded this in the Chat, so this motion is now ready for a vote. If there are no objections, I'd like to proceed to a voice vote for this because I believe this is a fairly noncontroversial non-PDP motion. And unless there are any objections, I think we can just proceed with a voice vote.

Okay, seeing none, Glen, can we go forward?

Glen de Saint Géry: Certainly James. All those in favor of the motion - of the (unintelligible), sorry. I should draw the staff and say is there anybody who wishes to abstain from this motion? Please say so now.

Hearing nobody, is there anybody who is not in favor of this motion who would like to vote against it, please say so now. Hearing nobody, is everybody in favor of this motion? And if so, please say I or show your hand in the Adobe Connect if you have got (unintelligible).

Group: I.

Glen de Saint Géry: There being no abstentions numbered against the motion, the motion passes unanimously. Thank you James.

James Bladel: Awesome, thank you Glen. I appreciate that everyone. And I will work with Marika and Mary to make sure that those - and to Mason as well -- our GAC liaison -- to make sure that the last two elements of the resolve clause are satisfied. So thank you for your help on that.

Okay, that was the easy part of our agenda. Now things are going to get a little bit more uphill.

The next item is the endorsement of GNSO candidates for DCT Review Team. And thank you for putting the list up here.

I think we are still awaiting some submissions from the BC I think is one of the groups that we're still awaiting a list from. And we still have not received any notes from the non-commercial folks.

So - but if I could just tee this up a little bit with a reminder that this is not our review team to select. The selection will be done by Fadi and by Thomas in the capacity of the Chair of the GAC. Our endorsements, I believe, our meaningful coming from the GNSO, but they are by no means a guarantee that an applicant will be selected for the working group.

We have received, as you would note, and we've noted throughout the process, we've received very little guidance from the selectors to what the size is or composition of this working group would look like.

And so we have therefore kind of taken it upon ourselves to try to anticipate what the most acceptable size and balance will be, and then push that down to the stakeholder group and allow them to find a selection -- the endorsement selection process -- that fits their needs accordingly. And then roll that all up into a single GNSO list.

My point here is that the larger the list, the more likely that we will put the selectors in a position of choosing or not choosing someone that we had endorsed. That's probably going to happen to some extent anyway, but I would note that that's also likely to result in some folks feeling like they're candidates or candidate or endorsements were disregarded by the selectors.

That's only the risk and that's something that we kind of take onboard when we put these out there. And I think the largely the list that we send, the more likely that we will be -- at least to some extent -- dissatisfied with some of the outcomes.

So with that said, we've got the list as it stands today on the Adobe screen. I'd like to talk through it.

I would ask, however, for anyone that wants to speak to applicants that are seeking endorsements, please do not - I would just remind you that this is an open forum and it's recorded and archived. And please be cognitive of that when discussing individuals and the merits of the folks who have taken the time to submit their interests and to volunteer to be an applicant -- to be considered for endorsement.

Let's make sure that we are advocating those folks that we believe are worthy of an endorsement and not necessarily speaking out against folks that we believe maybe are not. That's just my personal request to the group as we proceed with our discussion.

And there was - I think the discussion there late on the list, and Ed pointed out correctly that there was a proposal that I put out for it -- in fact the first half -- and I think that's what we're looking at here. And the objective of the first half was to identify overlap between the different groups.

So for example, if you note - and I'm just going to pick on Jonathan because I know he can handle it, but Jonathan Zuck is so highly regarded that he was nominated by - or his endorsement was forwarded by both the ISPs and the IPC. And, you know, I think that is one way to, you know, whittle this list a little bit is to have individuals that appear to receive endorsement from multiple corners of the community. So I think that's a good sign and we should look for additional areas of overlap like that.

So with that - oh, I'm sorry. Paul has a question. Can we be reminded of the timing on this, when's the deadline?

Paul, the timing, unfortunately, is not good. The deadline is today, and my understanding is that was actually after following extension so that according to staff, we are unlikely to get any sort of a reprieve from that deadline.

And in fact, my understanding from speaking with the staff earlier is that the selector will be meeting to discuss their selections for this review team either today or tomorrow. In fact, they may have already been discussing the list and are simply waiting for our endorsements to reinforce decisions that they've already made. So the deadline is that we are up against it.

So with that - yes, and Amr. I think that's the answer there.

So we do have a motion. It's more of a placeholder motion right now that says something along the lines of, you know, this is a group of folks that we're endorsing, and then there's a blank in there where we would actually insert this list. And there's detect (sic) of the motion which also, by the way, means a second.

So that's where we stand today. I think the first step here is, you know, let's take a high-level view of the list as it stands today. Again, I think we're talking right now about a list of 18 specific individuals that would be submitted for endorsement. And that's - you know, just to be blunt, that's a little larger than we had initially set out to target, but it's not the end of the world.

We would just probably need to note that a larger-than-typical number of folks would probably be endorsed by the GNSO but not selected. And if we're willing to go forward with that, then perhaps this can be a short exercise and we can move forward with this list.



But I'll open it up now to the queue, I've blabbered on a little bit too long already. So we'll start with Volker and then Paul. Volker?

Volker Greimann: Thanks James. Volker Greimann speaking for the record. Just a question.

If formal requirements happen for all the candidates that are nominated through IE, do we have the submissions after statements that we have requested? I think I noticed last week or was it the week before that it should have been received the Council. I haven't seen any of those statements, so would the Council to just note if these have been received and if so if they were complete. And of course I will (unintelligible).

James Bladel: Oh, thanks Volker. And I see in the Chat that you had volunteered to second the motion, although technically, we're both registrars. So I don't know if that works. But if no one cares, that would be great. Thank you.

And to Marika's point, yes, I know that there were some folks that had not responded to that request by the deadline, but we weren't really enforcing that too harshly.

Are there anyone as of today -- on the last day -- that has still not submitted their response to that request? Marika?

Marika Konings: Yes, this is Marika. So we have - I'm looking at the list - four people that have not submitted the request to GNSO (unintelligible). And I believe two of those are on the list of potential candidates for GNSO endorsement, and that's Ben Anderson and Jeremy Malcolm.

I think the other two names, Samuel Akinsola and (Minmel Midonal) I don't think were mentioned on the list. But those have not submitted the request to GNSO information as of today as far as we are aware.

James Bladel: Okay, thank you Marika. And that's - while I think we were trying to be as accommodating as possible, we are definitely up against the finish line here as far as the information that was requested. And ideally, it would have come in prior to that so that all the different SGs could take a look at those responses when they're formulating their endorsement.

Paul, you're up next.

Paul McGrady: Thanks, Paul McGrady for the record.

I agree with the growing sentiment in the Chat that especially in light of the accountability discussion -- which I think is really vital that we spend some time on and the fact that the clock is running out on our call -- that we simply submit this list in its entirety. Everybody knows these people who they submitted and believes that they would be good; there's no reason to -- that I can think of -- to pick them apart individually on this kind of call.

And put the list forward -- as Keith suggests -- with a request for diversity including, you know, inclusion of as many people from each constituency and stakeholder group as possible so that we have the full view of the GNSO on this process.

So I guess I would just like to know if we can expedite this one by not getting too far into the weeds, and move onto the accountability discussion. Thank you.

James Bladel: Okay, thanks Paul. I'm actually in favor of that approach with two little tweaks to that proposal. The first one would be that for those two individuals who are listed here who have not responded to our request for information, that they would be given some sort of a drop-dead time to get back to us or, you know, before we would turn this into the selectors.

And then the second bit being that - well, it's less of a note for the selectors and more of a note just for all of us, that although each applicant is maybe coming from different areas of the community and we would want different aspects of the GNSO to be represented in a balanced and even fashion, that they would be expected to represent all interests of the GNSO regardless of where there is, you know, whichever stakeholder group they call home. So, you know, and that would be reinforced in a letter to those who are ultimately selected.

But if you're in favor with that approach, then I think we can proceed as you've proposed or at least consider that. And I think that addresses Keith's point as well about diversity within the GNSO.

Wolf-Ulrich?

Wolf-Ulrich Knoben: Yes, thank you James. This is Wolf Ulrich speaking.

(Unintelligible) on the list, you know, before we met here. We had to figure out several concerns to figure out as (unintelligible). And I joined this in general.

Nevertheless, you know, it's up to us all to find the best solution and to define the solution which is viable and which we think is going to be accepted by the selectors.

So by saying this, you know, I can openly speaking that they haven't. so as you can see, we did not -- in advance -- coordinate on stakeholder group level because we accepted, you know, the process as it was outlined. And if you can see also from NomCom's view, there were personally from the Board appointees who made suggestions as well.

So that is why we stuck on that as well to propose something on the constituency level.

But it can also help though to reduce the list here to some extent. As you could see, Jonathan Zuck is one person is on two lists here. So it could be removed from our list.

And in addition, (Ruelsosy Conga), he is from the BC. He was seen from us as a candidate, but we would like not to defer that if it (unintelligible) to a decision where to put forward (Cecilia), so he would join that. And that just removes (Unintelligible) from our list so that maybe helping to some extent. Thanks.

James Bladel: Thanks Wolf. And we are, I think, tracking those individuals who appear on multiple lists. And I think that's factored into the overall side which we are now at 18.

Ed, you're up next.

Ed Morris: Thanks James and thanks Wolf. We have an opposite problem in the NCSG. We believe based upon the information we had received that this was going to be done in the SG level. So we have a real need right now to consult with our constituencies particularly with NPOC who Carlos is their only member on (unintelligible) and he's not here today, to see if they want to nominate anybody.

Is it possible to delay sending the list for a few hours so we can check with our constituency leaders to see if they want to endorse or nominate anybody for these positions?

James Bladel: Thanks Ed. My understanding is that we can delay the submission of the list, but we need to have the list final to vote on it -- like now.

Ed Morris: Well I have to protest that. And I'm protesting on behalf of one of my constituencies. NPOC has not been consulted because -- based upon the

confusion that Wolf has spoken of -- we were under the impression that it was going to be done at the SG level.

So I have constituency out there -- people I represent -- that have not had the opportunity to nominate people.

James Bladel: I'm noting that, Ed, but I'm still quite following why the viewing (sic) at the stakeholder group level would preclude a constituency from submitting a nomination.

Ed Morris: Because they weren't appear they were supposed to. Again, when I look at what you sent out as I put on the list today, you talked about SGs, SGs, SGs. Not once did the word constituency play a role in your plan.

And so we have constituencies that have not even considered these matters. Perhaps they have candidates that I don't know about. I need to talk to (Unintelligible), I need to talk to Chuck (Unintelligible), otherwise they're being left out of the possibility of participating in this process.

As Wolf said, the perimeters apparently were unclear. We read things differently. But that's not a reason to disenfranchise an entire constituency.

James Bladel: So again, the goal, certainly, is not to leave anyone by the side of the road. The objective was to recognize the different stakeholder groups would have different approaches to determining who their preferred candidate or applicant would be.

You know, let's put a hold on that and let's say what David and Volker want to add here. David, you're up next.

David Cake: (Unintelligible) is supporting a similar position to Ed, but I think we can actually deal with that by simply passing on constituency recommendations

directly to the selectors and let them know that we were not able to be part of the GNSO process due to process in time and confusion.

(Unintelligible) I do think it is important that we're going to be putting individual constituency recommendations that we also have a chance to do that. But our constituencies (unintelligible) because we were confused about the process.

It has been a very confusing process. It is very, very different to the way we've handled any previous review team. And I - it is quite problematic, but we are out of time so I think (unintelligible) as we have, and then following up afterwards by (unintelligible). If people can individually send in a comment to selectors as they would be is (unintelligible) way forward.

James Bladel: Okay, thanks David. I'm trying to figure out whose hands are new and whose hands are old. I think we're down to Volker next in the queue.

Volker Greimann: Yes, thank you James. Just first a word of apology. (Unintelligible) starting off this process clearly fell into the (unintelligible) period for which myself and David were responsible, and we could have handled this maybe more clearer.

But my vision actually has a certain set of nominations from SG for the stakeholder groups (unintelligible) we would have to call it around a certain number of candidates, that they would then propose two on the stakeholder group level and then the stakeholder group would condense that to a smaller group.

We have not circulated through the entire chain and maybe the communication should have been clearer on that.

One way to avoid having this categorized (sic) now and off delaying any further than it would be to try to get some form of consolidation in the end

(sic) because (unintelligible) levels to a number of candidates that they could agree to on the stakeholder group level.

So a stakeholder group would be - a constituency could be referring this through a stakeholder group. Otherwise, we would have a situation where all the constituencies would have a nomination from one and that might not be the ideal situation. So having - maybe we do want to discuss whittling down the list to 16 or something like that.

James Bladel: Okay, thanks Volker. I thought I understood, but some of your audio, I think it was difficult to hear.

So I just - I would note in the Chat that Ed was responding to David Cake. David, can you reiterate what you were proposing here because I note that we're now, you know, we now have 23 minutes remaining in our call and we still have ten of the biggest item is still outstanding. So I want to make sure that we capture this so we can move forward.

David Cake: Thanks. What I was suggesting was simply that we send on a Council list that the NPOC and NC meetings (unintelligible) - just send their nominations directly to the selectors with a note explaining why, you know, just timing indeed that it was not in the Council (unintelligible).

James Bladel: And that second submission would or would not have GNSO endorsement, or would they simply have NPOC endorsement?

David Cake: Well, they would be (unintelligible) constituency level endorsements rather than from the whole Council.

It is a difficult situation. I mean I think that given that we've given such a broad level of GNSO endorsement, I don't think they'll be given the same strong weight based (unintelligible) by selectors (unintelligible).

So I'm okay with - it's a fact that (Unintelligible) constituency endorsement would not have both - the constituency endorsements (unintelligible) GNSO endorsements. I mean they would not have under a normal process either, and it would still be additional information that would go to the selectors.

James Bladel: Okay, thank you David. And I note that Keith has indicated in the Chat that he supports that idea, and I also think that there's nothing objectionable with that coming from NPOC or NCSG or really any other group that wants to communicate directly with the selectors.

I see a few here and I don't know if - Ed, is this a follow-up question or is that an old hand?

Ed Morris: Old hand James; apologies.

James Bladel: No apology is necessary. Then we'll move to Susan as next in the queue, and then we'll put a marker after Stephanie. Susan, go ahead.

Susan: So I did put a question in the Chat a few minutes ago when we were talking about allowing those that applied that did not ask for GNSO endorsement to be given some time to do so.

I'm just wondering what kind of timeline you're talking about because this is - the deadline is today. So are we going to ignore the process that was in place and was explained, and allow, you know, several days for that to happen? So that's one issue.

The other issue -- and apologies to Valerie -- but, you know, none of the discussions on the Council thread indicated individual endorsement. It was always either a constituency or a stakeholder group level. So I'm a little bit concerned that we're confusing the nominations -- the NomCom councilor nominations -- and allowing those to be in part of this list even though they're



overlapping and good recommendations, that it's not who she's recommending, but just extending this process so far out.

We're almost at the point where why don't we just send in the whole list of the selectors and back off. I don't agree with that, but I could feel like the value - we're losing a lot of value here.

And then my third point is -- more important -- is, in my opinion, is how we deliver this list to the selectors and our comments and points made to the selectors that this is a GNSO policy review. And that we should have lots of input that and our candidates should be respected.

James Bladel: Thank you Susan. And I would note that last - I agree with the last two statements you made. I think we have now reached the point where the list is starting to look like something we would submit.

And I think there was confusion particularly with respect to the NomCom appointees. But if you look, the combined effect of their list is three. So, you know, if you want to retroactively go back and say that we were allotting three endorsement recommendations from the NomCom, then they collectively came up with three -- between (Gilt) and Valerie.

To your last point, I absolutely agree. And it was - I believe it is in the motion text as well, but the GNSO plays a significant GNSO interest for front-and-center in this particular review team. And the GNSO endorsement of the review team candidates should be given serious consideration. That's exactly what we intend to submit along with this list.

Next up is Stephanie and then we'll close the queue because we're running out of time.

Susan: One more second though. But before this is submitted, can we review the language?

James Bladel: I will check with Marika and see if that is drafted yet. But I believe that the sentiment is not controversial and is something I share whole-heartedly. But I'll see if we can - yes, Marika is indicating that we don't have a draft of that letter yet.

Susan: So I can help Marika with that.

James Bladel: Okay, noted. Thank you. Stephanie? Stephanie, we can't hear you. Stephanie, (unintelligible) audio just ended.

Stephanie: Okay, can you hear me now?

James Bladel: We can hear several of you; it's a terrible echo.

Stephanie: Yes, is that better?

James Bladel: Yes.

Stephanie: Okay, good. I'll try to be quite.

I agree with what Susan just said. I would add to that, but the problem with the confusion in the process here is that you have - it's not a fish nor fowl. We have not done a qualitative review of the candidates, and it isn't quite accurate politically because of the confusion of constituency versus stakeholder group. So possibly a note to that effect might be useful. Thanks.

James Bladel: Okay, thank you Stephanie. And we will be sure to include that in the draft.

Okay, the queue is clear. Here's what I'm hearing and proposing as our path forward.

I think we have our list; it's a little larger than I think we had originally set out to hit. But that is noting that we still have a couple of folks that perhaps need to, you know, perhaps need to submit some of the required GNSO information.

There was some confusion and, you know, I think Volker and David have stepped up and said that's part of, you know, the transition for their role as inner-chairs. I don't think that that wraps solely at their feet. I certainly - this is very complex thing to take on on your first day on the job, and so that's probably the bulk of that falls to me. I remember writing the original proposal sitting in the airport in O'Hare trying to untangle all these things.

But nevertheless, this is where we are. I think the list that we have is a good list. And I think that all of these individuals are worthy of endorsement by the GNSO and will represent all of our interests capably on this review team.

So I'm recommending that we go forward with this list, that Susan and Marika and I draft the letter that will accompany the list to the selectors noting that we believe very strongly that the GNSO delegation -- for lack of a better word -- is an important component of the subject matter that is under review by this team, and that we -- expect is a hard word -- we encourage them to take that on board when considering these candidates.

And then we'll also note that there may be - there would also be two other letters, by the way, going out. The one would be to the folks who are endorsed, that if they are selected for the (GCT) that the applicant will represent - do their upmost to represent the views of the GNSO community and their work, and that they would provide regular feedback to the Council and to their SG on the work of the CCG as it proceeds through 2016.

And that we would also draft a letter to those candidates who were requesting GNSO endorsement but for reasons did not receive it, thanking them and

encouraging them to remain involved and to participate in the work wherever possible.

So if there are no objections, I would like to proceed with a vote on that with the list that we have. And I think at this point, if we could move to a voice vote in the interest of time, that would be fantastic unless there are objections to that.

Stephanie, are you objecting to a voice vote or is that an old hand? The hand went down; thank you.

So Glen, if we could, please proceed with a voice vote on the motion as it stands with the list that has been filled in.

Glen de Saint Géry: Thank you James. All those who are not in favor of this motion, will you please say so now? State your name. Hearing none.

Anybody who would like to abstain from the motion, please state your name.

James Bladel: (Unintelligible) - I'm sorry Glen. I note that there is a hand raised by Volker. Volker, are you voting, are you?

Glen de Saint Géry: (Unintelligible).

Volker Greimann: Very old hand, very sorry.

James Bladel: Okay, thank you. Sorry for the confusion. Glen, please proceed.

Glen de Saint Géry: So there is no abstention. No one is not in favor of the motion. So everyone who is in favor of the motion, please say I, or put a hand in the - put a note in the Adobe Connect.

Group: I.

Glen de Saint G ry: I see Ed (unintelligible). Thank you very much. The motion passes unanimously. Thank you James, and over to you.

James Bladel: Thank you Glen and thanks everyone for, you know, biting your lip and getting through that process as a group. I appreciate that.

Okay, next item, and we're down to our last 11 minutes -- and I had hoped to save almost half an hour -- is a discussion, not a motion.

Glen de Saint G ry: (Unintelligible).

James Bladel: Yes?

Glen de Saint G ry: Sorry, we have Thomas on the line James.

James Bladel: Fantastic. And Thomas, thank you for your patience. I had personally assured Thomas that this wouldn't come at the very end of the call, so I appreciate you staying on for this.

But just a note that this is a discussion, this is not a motion regarding CCWG on Enhanced ICANN Accountability which there have been a number of developments recently including a comment from the Board and a briefing from this morning.

And rather than butcher it, I will just turn it over to Thomas to introduce this subject for our discussion. Thomas, please go ahead.

Thomas Rickert: Thanks very much James, and welcome everyone. I have to preface this by saying that today is (unintelligible) Christmas party, and I stepped out to find a quiet corner. But nonetheless, I think I can't avoid some Christmas music for your listening pleasure; I hope that's not too bad.

I would provide a quick update on where we are. (Unintelligible) in that respect that we still have some moving path. But in preparation for this, I've been on the GNSO Council leadership to concentrate on three areas which are to give an update on the feedback that we've received so far from the Board and chartering organization.

And the answer to that is that we on received a formal response from our recommendations from ALAC now, and we received comments from the Board. The other chartering organizations have not yet offered formal feedback.

And there was some questions surrounding how we're going to deal with particularly the Board comments.

And the response to that is that we have established a time plan, and we also have established a methodology well before we opened the Public Comment Period. And it's basically the same methodology that we also tried during the previous public comment period. And that is that we will wait until the Public Comment Period closes on the 21st of December, and we will then analyze all feedback regardless whether it is from the Board or individuals or the chartering organization.

So we will not - and I guess this is something that has caused some confusion because there were some cost -- some changes of cost (sic) on what the Board comments would do. They have not derailed the process.

We are certainly looking at the Board comments; we're taking them seriously, we're working on them. But so far, the third report that was published is the basis for the feedback that we're soliciting.

If you took a look at the chart of what the CCWG Accountability, that says that in order to pass on our recommendations to the Board, we need a consensus proposal as well as from the chartering organizations. And

certainly, in that consensus building exercise, we also take into account -- as we previously did -- feedback from the Board.

So we're just speaking, a statement of support or rejection on our recommendations from the chartering organizations. And so far, again, we've only received feedback from the Board as well as ALAC, and we would hope -- and this is the second question that I was asked. What expectations there are for the GNSO or the GNSO Council -- by the close of the public comment period.

And it was our hope that we would receive statement of support or rejection by the end of the public comment period, that we do know if some of the chartering organizations need a little bit more time to go through the recommendations and offer a response.

Ideally, this would be formal approval, and let's just say for a second that if there were no critical comments but if all chartering organizations had expressed their explicit approval by this time. And actually we would be good to go to submit our recommendation to the Board if there was no serious pushback from the community.

Since this is obviously not possible, (unintelligible) GNSO Council, for example, scheduled a meeting to discuss this on the 23rd so that the chartering organizations -- over who do not have any power in terms of their timing -- are requested to offer their formal feedback at their earliest convenience. And we hope that that process of getting formal feedback from the chartering organizations will be completed in the first couple days of January.

And by that time, we would be able to determine whether this -- in combination with public comment that will be analyzed by them -- requires our group to issue a supplemental draft report. According to our charter, it is in the discretion of the CCWG to issue a supplementary draft if one or more

chartering organizations have expressed concerns - or I should say - rejected one or a multiple of our recommendations.

So that is yet to be seen. There are different scenarios possible. So it is perfectly possible that the chartering organizations will check recommendations. It is perfectly possible that they support the recommendations, and depending on the level of support or approval, we will then discuss as a CCWG when exactly we can deliver the third report or our final report through the Board.

The last comment on the Board (unintelligible), as you will note, the Board has two roles in this. One is the role as a contributor -- active contributor -- to the CCWG process. And certainly, in that respect, they are part of the consensus building and they have been. In fact, when we discuss some of the community powers, the Board members contributing in their personal capacity have played a vital role in shaping our recommendations and we're very grateful for that.

We're also very grateful for the Board having contributed with thoughtful comments -- quite detailed comments at times -- and added those to the discussion.

That is not to forget that there is a second component to the Board's role. And that is to take the consensus from the community and look at that, and establish whether there are public -- global public interest consideration -- that prevents the Board from passing on the recommendations on an as-is basis to NTIA.

This goes back to a resolution that was passed by the ICANN Board. I think it was in October 2014. And that would require, I think, a two-third or 75% plus vote, that one or more recommendations contribute (sic) to global public interest. And whether that is the case or not is yet to be seen.



As we previously did, we are continuously improving our recommendations. But there are different levels of improvements that are possible. So looking at - and certainly not having fully digested the Board's comments as a group and not having looked at the other comments that are coming in as a whole, there are a lot of areas where the issues that are raised can be fixed through the implementation phase.

And you might also remember that we asked the chartering organizations to, if possible, limit their contributions -- during this early phase -- those points that are not related to implementation. And to only raise those concerns that would be (unintelligible) them to reject one or multiple of our recommendations.

So I think we need to take a look at this holistically. We need to look at what level of change, if any, is required. We've also asked the Board to provide more clarity on what their understanding of global public interest considerations would be because their comment has not been too clear on that.

So our group tried to understand, for example, why inspection rights granted to the community could lead to issues in the area of global public interest.

So that is something that we are looking into, and we hope to be able to bridge the gaps, relieve concerns, if not during this phase, then during the implementation phase. And we hope that this will continue to be a very collaborative effort and lead to community consensus that everyone can support.

And as you know, consensus building is sometimes a painful effort. So those that have followed our deliberations will note that not all groups got exactly what they wanted. But they were part of (unintelligible) package of consensus, and so we hope that we will be able to come up with something that everyone is willing to accept.

Certainly not preferred or ideal option for everyone, but we need to find something that is acceptable. And whether this level of change is sufficient enough for us to be required to issue a supplemental class (sic), that is yet to be seen.

So I spoke to the three areas that I was requested to. I hope that has been sufficiently clear. I'm not on the Adobe, so I would kindly request Staff or Council leadership to help manage the queue in question. Thank you.

James Bladel: Thank you Thomas. And we're right up against our hard stop here, and I know a number of people have to drop here very soon. So with that I'll jump right to the queue.

We have Paul McGrady first. Paul?

Paul McGrady: Hi there. I'll speak as quickly as possible. And I apologize. I don't have an open-ended timeslot to stay for very long.

I just wanted to pass along that the IPC is doing the best we can to respond under what we believe to be an unrealistic comment deadline. We think that ICANN needs to look at that issue especially with some delays -- inherent delays -- of the transition based upon what's happened in Washington this past week.

There's just some more time on the other side of it than the current calendar calls for. So we think that the comment period should be extended to something practically -- at least 45 days, preferably 60.

We are concerned about the issue in Recommendation 11 related to the two-thirds GAC vote issue. The IPC position on that is fairly well known from when the idea was kicked around by the community back in 2014. We're

concerned that the language could be construed as a mandatory obligation for the Board to vote on GAC advice, or it's automatically affected.

We're also concerned that the two-thirds threshold is too high of a threshold. It may be possible to find agreeable language if appropriate guardrails could be put in place to protect community members from GAC advice that otherwise goes against ICANN's core obligations, and some of those were suggested in our 2014 comment related to this issue -- the last time it was kicked around and rejected. So that's an issue number one for the IPC.

Under recommendation number five, we were concerned that the way that it's written now doesn't make it clear that ICANN is fully responsible to enforce its contracts, and we would prefer an explicit recognition from ICANN to enforce its contracts. It seems like that's a core duty. That's an area that needs to be looked at again and enhanced.

And then lastly, on - and by the way, this is not an exhaustive list; I'm just trying to boil down to our primary concerns and speak as quickly as possible.

On recommendation number nine where the affirmations or commitments are incorporated in the bylaws, missing is the provision that requires ICANN's remaining US not for profit. We think that's a major omission; it's a major difference from what's been kicked around in the past. We believe that that should be a fundamental bylaw and should not be one that is easily changed.

We're concerned about all kind of other issues, but for the sake of good speed, I'm going to stop there. Thank you.

James Bladel: Okay, thanks Paul and thanks for speaking a few minutes later beyond the deadline. I appreciate that.

Phil, you're up next.

Phil Corwin: Yes, I'll be quick. Number one, I'm going to have to leave this call in the next few minutes.

Number two, I don't think we have -- as a Council -- time today to talk about our internal mechanics of when we're going to discuss the substance of this and how we're going to prepare a motion of approval, disapproval, concerns, whatever, but we need to start that discussion on the list very quickly.

Personally, I could be available for calls next week or the first week of January. I'm unplugging from the grid the week between Christmas and New Years.

Last, I have a question for Thomas. The CCWG co-chairs were not on this morning's call between the SOAC leaders and the Board and Senior Staff.

During that call, Steve Crocker made clear that the five items highlighted by the Board were a very great concern to the Board and that the Board's view on those was unanimous. Those included such important issues as community inspection rights, changing the mission statement and whether to be restrictions on Work Stream 2.

So the fact that it's unanimous means that the Board -- if it wanted too - could probably muster a two-thirds vote if those things aren't changed to their liking to say they're not in the global public interest.

How is the CCWG going to handle that? I know it's just comments, but the Board has a power that no other group commenting has. I would hope that there's not going to be - when the CCWG (care 45 out positions) such as the wording of the mission that we're not going to see, you know, broad capitulation just because the Board comes in once again with an eleventh hour comment.

But I invite any thoughts you have on how that's going to be handled -- the Board comments -- since they apparently could muster the two-thirds vote if they wish down the road. Thank you.

James Bladel: Thanks Phil. And Thomas, if you would like to respond, please keep it very brief. We have a queue of folks that need to leave.

Thomas Rickert: Sure, a quick response. As I mentioned, there are two dimensions to the Board comments. One is the contribution to the consensus building and then sort of their gate-keeping function when it comes to approving the whole package.

I would suggest we really look at the substance of the comment being where concerns are shared by the chartering organization. It is our duty as co-chairs to follow our charter, and our charter foresees that the chartering organizations and the community needs to (unintelligible) recommendations - - more focus on the chartering organizations I should say.

And then I think, you know, as we refine our recommendation, we need to see what concerns with respect to global public interest remain. And I'm quite confident that we will be able to finish (sic) some of the language to put in language -- not only for the Board comments but also for other comments -- whereby we're going to address the issue during the implementation phase.

And, you know, a lot of the recommendations that we put together require quite substantial bylaw redrafting. And we're not in the work living phase yet.

So we're trying to capture the third and the essence of our recommendations in the report, and I'm sure that a lot of the concerns can be addressed during the implementation. And that will also go for the Board comments.

James Bladel: Thank you Thomas; appreciate that. Wolf Ulrich, you're up next?

Wolf-Ulrich Knoben: Yes, thanks James and Thomas.

Well even from the ISPCP, (unintelligible), let me say, it seems to be a little bit more advance than others with respect to where we are prepared well to comment on that by the deadline.

So we have - the only open concerns to us is with regards to I think it's number 11 -- as James (unintelligible) (unintelligible) persuading with regards to the Board voting. So this is still under the (unintelligible) within the constituency.

And as you may know, we did this the same last year in 2014. It came up and we rejected it because it gave us for us not understandable. So this (unintelligible) is going to be imposed here.

If there are other reasons for that with regards to offering some, let me say, some level of understanding towards the GAC and with respect that we should discover (sic) that -- and that we are going to discover internally as well. And I do think that we - and hope that we can come to an end, and a vote on that is in our constituency to put that into a comment. So this is a major concern we have. Thanks.

Thomas Rickert: James, would you like me to respond quickly?

James Bladel: Yes, very briefly. We've got one other speaker in the queue, so if you could. Thank you.

Thomas Rickert: Sure. I think in response to both Paul and Wolf-Ulrich's point, yes we do know that there's been a discussion in 2014. But the environment was different.

So at the time when voting specials or rejected specials were discussed, that was in a phase where the US Government would be the backstop.

So we're now discussing the new accountability architecture and the post-transition work, and that has required us to stick together with the GAC as well as with the other constituent parts of ICANN community and find a solution on how to address, also, the concerns raised by governments when it comes to public policy issues.

That is not to say that maybe we can tweak the language or add clarification, but it is just to say that we are not now reintroducing that was once rejected. The notion might look comparable, but the environment in which (unintelligible) to take place is entirely different.

James Bladel: Okay Thomas, thank you. Ed, you're up next. Olivier is in the queue as well. I had closed the queue Olivier, but we'll see if we can squeeze you in. But Ed, you're up next.

Ed Morris: Thanks James. And Thomas, it is one year eight days ago we started this voyage together. And just as a personal note at the top, I want to thank you for your consideration, your professionalism and the enormous amount of time you've put into this project. It is very much appreciated.

I want to echo Paul's comments about the (unintelligible) to public comment period. It's not right, it's not reasonable, and we're having great difficulty in the NCSG in being able to get responses from our members in China, in Francophone Africa.

So what I'm about to tell you about our general support for this package -- for this proposal -- is predicated on the basis that we don't get contributions from them over the weekend and into next week which causes us to rethink our position.

What I can tell you, again, because of the time factor, we'll just try to get to the basic facts. Is we can largely support the third draft report. The Non-

Commercial Community does have problems with Recommendations 1, 10 and 11.

I guess at this stage because of the time factor, you'll have to read about our reasoning in our public comment, but I think in terms of the theme, you can take this for what it is.

We don't believe we started the accountability process to empower government. And we think that generally in Recommendations 1 and 11, we're doing that.

What I want to send you away with Thomas is a message from the Non-Commercial Community though is this. Is it's a concern we have. It is what's dominating our conversation and indeed many of the conversations around the community.

We generally support this plan. But if in response to the Board's comments -- and I know we say they're just one equal component -- but I recall wondering into Dublin meetings having membership -- which I fought for -- ripped out from under me because of the Board comments.

So the message I want to say -- I want to make it really clear -- very impactful (sic) -- that there is backtracking on inception. If there is backtracking on human rights, if there is backtracking on limiting the mission statement, then you cannot expect to have the support of the Non-Commercial community on the final product.

Man, I want this work. I think of Mandela when he said, "It seems impossible until it's done." We're close, but I would ask that you, Mathieu, Leon and the leadership of the CCWG stay firm. And if the Board really believes that extending the commitment to transparency to the level of a normal California PBC or reducing the commitments to human rights or expanding the mission of ICANN, it's (unintelligible) in the public interest, let them make that decision



-- let them face that publically -- and then let's go into consultation. Thanks very much.

Thomas Rickert: James, may I respond?

James Bladel: Yes, quickly comment.

Thomas Rickert: Yes, I'll be brief. Certainly there's a lot to say in response to that, but let me not forget to thank you for your kind words at the beginning of your intervention. And you know that you are a vital part of this -- the group -- as a very active and central contributor.

But with respect to the length of the public comment period, this is a stretch for everyone. We understand that. There's always a crunch towards the end of a bigger project, even for smaller projects at times.

What we would like to remind everyone of is that the third report pretty much built, I'd say, 85% of the report are ideas that are around for more than half a year, that have undergone public comment periods as well. And we've taken huge effort that in the report draft to highlight those areas of change. We've conducted three webinars with translations to all the UN languages plus Portuguese. We've done utilizations (sic) in our report to help the understanding of our recommendations.

We might remember that we issued an update document -- a 30-pager -- explaining in plain language what we're doing. So we're trying to do what we can in order to make the recommendations as accessible as can be.

With respect to the substance of your concerns -- which you outlined and echoed -- let me say that this is for the CCWG to discuss. If the CCWG and the starting organization comes to a point where they say, "Well, there might be concerns in the area that the Board raises (unintelligible) in the area that other countries have just raised," but if the chartering organizations do not

share the view that is offering inspection rights or addition rights to the bylaw would be detrimental to the global public interest, then by all means the group should say so and offer an explanation why we think that would not be the case.

And as I said, the Board has offered their current status -- their current view on our recommendation. But there has not been a formal vote. Crocker -- Steve -- spoke about consensus on the Board, but we've seen previously that this is dependent on what the Board is being presented with.

So let's do our work, let's work according to plan, let's focus on offering a rationale for what we're doing in the areas where necessary, and then ultimately the Board will need to decide whether it shares the communities' views or not.

But I think it's premature to say now that we - I think the words that you were saying that we surrender to what the Board says, that would be far from the truth. We are working according to our charter and according to the plan that we agreed with all of you.

Ed Morris: That's great to hear Thomas. Thanks for that.

James Bladel: Thanks Ed, thanks Thomas. Olivier, very quickly -- last word please.

Olivier: Thank you very much James. Olivier speaking and I thank you for being able to sneak me in the queue quickly.

I just wanted to let you know that the ALAC has been having conflict (sic) hours of conference calls in the past week. And not only with the ALAC members themselves, but also with the different region At-Large organization.

We are trying to identify what our red lines are. There are some points in the final proposal, which we're not too happy with, but it wouldn't stop us from

ratifying the proposal at the end understanding that this was a group effort with the multistakeholder model with everyone finding some kind of agreement. But there are a few points which would be a red line, and we'll be mentioning those in the response that will be giving in the public comment period.

We have big, big problems with getting people to participate such as the short amount of time that we have. So if there was an extension, we would really, really support that. Thank you.

James Bladel: Okay, thank you Olivier. And I'm just trying to summarize here what we've got because we're way over time. You know, part of the GNSO Council culture now to run over.

But Thomas, you know, I think that the answer is that this work is front-and-center for all of the groups and individuals in the GNSO and it's something that we are working on very diligently.

However, given the compressed timeframe, I do not think it's realistic to expect that you will have any sort of formal feedback from the GNSO as a chartering organization by December 21.

You may receive feedback from individual stakeholder groups, individual constituencies as part of the public comment period, and certainly we will continue to work at the GNSO Council level and within those constituent bodies to synthesize all those concerns which I think are shared to a large extent across the GNSO. And we'll get those into a consolidated document, you know, as soon as possible.

And again, I do not think you should expect those by Monday.

With that, I would just echo - go ahead Thomas.

Thomas Rickert: No, I just wanted to thank you very much for your time and for having me.

James Bladel: Yes, and I did - I was going to do the same. Thank you very much for joining us, for giving us the update, for answering questions, and I know you have a party to get back too. And it's one of your rare moments of leisure over the last year and you certainly have earned it, so please drop the call and don't think about us for a few hours.

Thomas Rickert: Thank you so much.

James Bladel: And with that, I would just note for the Council that we have one untouched item - or two untouched items on our agenda. We have Item 9 on the new gTLD option proceeds; we have Item 10 on AOB. I will take those to the list today or Friday, so please watch for those. We will continue this work on the list.

As far as the CCWG, scheduled time to chat with Marika this afternoon, but right now I'm keeping my boss waiting so I need to jump. But we are going to continue to work this issue including hammering out a high-level process by which the GNSO itself will submit a formal consideration of the CCWG report.

But again, I don't think that - to echo what's been expressed here by just about everyone, I don't think that the timeframe that lies in front of us is realistic.

So with that, I would say thank you everyone for sticking with us for the extra 20 minutes. I certainly appreciate your dedication. Thanks for bearing with me my first time out, and I think in the future we'll look for others to take the lead like we planned for the vice-chairs and other councilors to lead as well. This is not a monologue.

Okay, thank you everyone. And with that, if there are no objections or any other items, we'll close the call.

And Glen, you can end the recording.

Man: Thank you James, thanks everyone.

Glen de Saint Géry: Thank you James. We will stop the recording.

James Bladel: Thank you. I will draft and I will circle back with Staff as soon as I'm able.

Man: Thanks so much. Bye-bye.

END