

GNSO Council Meeting Adobe Chat transcript – 21 July 2016

Marika Konings: (7/20/2016 22:38) Welcome to the GNSO Council meeting of 21 July 2016

Mary Wong: (7/21/2016 22:19) Hey Volker!

Mary Wong: (22:19) You're early too! :)

Volker Greimann (I'm baaaack!): (22:23) yup

Glen de Saint Gery: (22:25) WELCOME Volker!

Amr Elsadr: (22:53) Hi all.

Julf Helsingius: (22:54) Hi!

James Bladel: (22:55) The Old Volker is Dead! Long live the New Volker! :)

Philip Corwin: (23:01) Hello. waiting for operator

Carlos Raul: (23:01) what????

Stefania Milan: (23:01) Hello everyone!

Carlos Raul: (23:01) get us beer

Julf Helsingius: (23:01) Some of us don't have airco...

Stefania Milan: (23:01) @Julf simply because some of us never really need it..

Nathalie Peregrine: (23:01) @ Phil, will get the operator to respond quickly

Philip Corwin: (23:01) On audio now

Rubens Kuhl: (23:01) Some of us are in Winter nowadays...

Julf Helsingius: (23:02) @Stefania - we do need it. 3 days a year....

Marilia Maciel: (23:02) Hello everyone!

Stefania Milan: (23:02) @Julf it is already cold again :-(

Julf Helsingius: (23:02) @Stefania I would call it nicely cool again :)

Volker Greimann (I'm baaaack!): (23:03) dialing in - but present

Valerie Tan: (23:03) Good morning everyone!

Julf Helsingius: (23:04) morning!

Volker Greimann (I'm baaaack!): (23:06) in now

Edward Morris: (23:07) Welcome Emily!

Donna Austin, Ryst: (23:07) Welcome Emily

Donna Austin, Ryst: (23:07) Here here James

Amr Elsadr: (23:07) @James: Indeed.

Stephanie Perrin: (23:07) Apologies for being late

Emily Barabas: (23:07) Thanks everyone

Paul McGrady: (23:08) Apologies for being late

Carlos Raul: (23:08) Good replacement by the way

Edward Morris: (23:08) Only Volker could replace Voplker!

Volker Greimann: (23:08) Right?

Amr Elsadr: (23:09) Well..., there was that one time Volker..., if you recall. ;-)

Paul McGrady: (23:09) Problems hearing. Dialing in

Heather Forrest: (23:09) I have an AOB item to add, please

Nathalie Peregrine: (23:10) to mute your microphones, please click on the microphone icon at the top of your tool bar in the AC room

Heather Forrest: (23:10) thank you James

Paul McGrady: (23:11) Dialing in

Paul McGrady: (23:11) Dialed in

Susan Kawaguchi: (23:11) thanks!

Nathalie Peregrine: (23:11) Thanks Paul!

Paul McGrady: (23:12) thanks!

Philip Corwin: (23:13) @James--your eyes are not failing. They are merely getting old, along with the rest of you ;-)

James Bladel: (23:13) Thanks Phil! :0

Philip Corwin: (23:14) I have experience in this area--and two pairs of reading glasses

Marika Konings: (23:15) That is correct

Marika Konings: (23:15) a date still needs to be confirmed

Donna Austin, Ryst: (23:17) And the Board may be going down the path of separating Red Cross from IGO Acronyms - Chris didn't state this explicitly but what I inferred from what he said.

Julie Hedlund: (23:21) @Wolf-Ulrich: That is correct. It is linked.

Julie Hedlund: (23:22) @Wolf-Ulrich: We have a slide we can bring up that shows the timeline for the rest of the CSC process .

Donna Austin, Ryst: (23:24) Two or maybe three

Heather Forrest: (23:24) Let's start now

Rubens Kuhl: (23:24) Staggered 2/3.

Paul McGrady: (23:24) Is it a voting role?

Paul McGrady: (23:25) Sorry, more clearly, will James Gannon be voting on the CSC?

James Bladel: (23:25) My understanding is that it is not a voting role.

Paul McGrady: (23:25) @James, thanks!

Rubens Kuhl: (23:26) The 2nd option would be not having a GNSO Liason. It's an optional role in the structure.

Philip Corwin: (23:26) I believe only the contracted parties have votes on the CSC

Paul McGrady: (23:26) @Phil. Thanks!

Julie Hedlund: (23:26) @Susan: It is not an alternate -- it would have been primary or secondary.

Julie Hedlund: (23:26) There would be only one liaison.

Nathalie Peregrine: (23:28) @ Amr, dialing you back

Amr Elsadr: (23:28) Thanks Nathalie. Was just asking Terri. :)

James Bladel: (23:29) @Susan. That's a good question.

Stephanie Perrin: (23:35) Totally agree, setting up a rigorous procedure was great, kudos to all involved.

Susan Kawaguchi: (23:35) I agree Donna

Rubens Kuhl: (23:36) TLD registries, both gTLD and ccTLD, are CSC members.

Rubens Kuhl: (23:37) (appoint)

Marilia Maciel: (23:38) Thank you Donna and James

Marilia Maciel: (23:38) Clear now

Paul McGrady: (23:42) WHATT??! we love our calls. :)

Rubens Kuhl: (23:42) No objections.

Amr Elsadr: (23:42) I'm fine with an email vote.

Donna Austin, Ryst: (23:42) No objections

Julf Helsingius: (23:42) good idea

Stefania Milan: (23:42) I am fine with an email vote

Philip Corwin: (23:42) I support moving to an email ballot

Valerie Tan: (23:43) no objections, thanks.

Mary Wong: (23:47) @James, all - yes. This is what the Operating Procedures say about Voting Outside a Meeting: "Any motions to be voted on outside meetings must meet the same requirements as motions voted upon during GNSO Council meetings. For the avoidance of doubt, voting on motions outside meetings is permitted only in

cases where a motion has been submitted for inclusion on the agenda for a GNSO Council meeting in accordance with these Operating Procedures."

Donna Austin, Ryst: (23:48) The ASO has decided not to provide a Liaison.

Paul McGrady: (23:50) Call dropped. Dialing back in.

Nathalie Peregrine: (23:51) @ Paul, if this happens again, we can dial out to you

Nathalie Peregrine: (23:51) out

Paul McGrady: (23:51) @Nathalie, thanks! back on now.

Paul McGrady: (7/22/2016 00:01) +1 Heather

Paul McGrady: (00:01) Rubens is very hard to hear

Marika Konings: (00:03) SG/C can decide that as part of their appointments, but in addition anyone can join as a participant

Amr Elsadr: (00:03) @Phil: I've been involved in both groups, as have others. I imagine that there would be overlaps.

Julie Hedlund: (00:03) @Rubens: The proposed revisions on motions and chair/vice chair elections are out for public comment, closing on 14 August. A motion will be put before the GNSO for consideration to adopt the revisions at its meeting on 01 September.

Rubens Kuhl: (00:04) Thanks Julie.

Amr Elsadr: (00:07) Resolved clause 1.

Amr Elsadr: (00:08) I would like to point out that the SCI has done very well using full consensus for making decisions.

Amr Elsadr: (00:09) The distinction between the two is in the charter.

Amr Elsadr: (00:09) 1. Full consensus - when no one in the group speaks against the recommendation in its last readings. This is also sometimes referred to as Unanimous Consensus. 2. Consensus - a position where only a small minority disagrees, but most agree.

Amr Elsadr: (00:11) Let's not forget that this group will not be developing review recommendations. It will be incorporating existing recommendations into the operating procedures.

Amr Elsadr: (00:12) Which is why I believe full consensus would work well.

Marika Konings: (00:12) @Amr - not all GNSO Review recommendations may result in changes to the GNSO Operating Procedures.

Amr Elsadr: (00:12) @Marika: True.

Paul McGrady: (00:13) @Nathalie - dropped again. Can you guys call me? thanks!

Marika Konings: (00:13) it could also be recommendations in relation to training or diversity

Nathalie Peregrine: (00:13) yes Paul!

Marika Konings: (00:13) which may not require changes to the operating procedures but are more directions to staff or SG/Cs to implement

Rubens Kuhl: (00:13) Amr, what about "5. The GNSO Council requests the GNSO Review Working Group to inform whether improvements received Full Consensus or Consensus, and suggests the Working Group to strive to achieve Full Consensus in all recommendations. "

Amr Elsadr: (00:14) @Marika: So if this group handles both, we could clarify in the charter that changes in the operating procedures requires full consensus, while other implementation issues do not?

Marika Konings: (00:14) yes, I believe that is possible

Marika Konings: (00:14) if that is the preference of the Council

Amr Elsadr: (00:14) @Rubens: Not exactly the same thing. Having been on the SCI for a few years, I would say the distinction is relevant.

Marika Konings: (00:14) you could also agree as a Council to only accept recommendations with full consensus from the WG in relation to the operating procedures and communicate that as such

Paul McGrady: (00:15) I'm back!

Amr Elsadr: (00:15) @Marika: Then why not amend the charter to make it a requirement?

Marika Konings: (00:15) as that is more difficult to do on the fly ;-)

Amr Elsadr: (00:15) True again. :)

Rubens Kuhl: (00:16) What will be the threshold in the Council to approve the WG recommendations ?

Marika Konings: (00:16) simple majority of each house

Amr Elsadr: (00:16) @Rubens: I believe it's a simple majority.

Amr Elsadr: (00:16) And since Marika says so, then I know it is. :)

Rubens Kuhl: (00:17) So, what about raising the threshold for approving non-Full-Consensus recommendations ?

Amr Elsadr: (00:17) @Rubens: That, in itself, would require a revision of the operating procedures. :)

Rubens Kuhl: (00:18) Catch 22... ;-)

Amr Elsadr: (00:18) ;-)

Heather Forrest: (00:18) To James' other point about SCI2, surely that is something we can deal with as Council at the future point when it arises

Carlos Raul: (00:18) Beach?????

Heather Forrest: (00:18) love the beach retirement plan

Stephanie Perrin: (00:18) Me too!

Carlos Raul: (00:18) may i suggest Costa Rica?

Carlos Raul: (00:19) good pirce for Council members

Stephanie Perrin: (00:19) Heat warnings here today....

James Bladel: (00:19) WE'll have to divide our time between Costa Rica and Hawaii, I think.

Donna Austin, Ryst: (00:19) I thought you were already there Heather.

Amr Elsadr: (00:19) @Marika: That sounds great.

Wolf-Ulrich Knob: (00:19) I agree

Wolf-Ulrich Knob: (00:21) friendly!

Wolf-Ulrich Knob: (00:22) This should be communicated officially to the SCI

Amr Elsadr: (00:22) @WUK: Yes, it should.

James Bladel: (00:22) Agreed.

Mary Wong: (00:23) Yes, noted

Amr Elsadr: (00:23) @James: It was a little late, but well done.

Stephanie Perrin: (00:24) +1 good job

Mary Wong: (00:24) 29 July

Mary Wong: (00:24) being the date of the Board meeting where they are expected to take up consideration of the PPSAI recommdations.

Marilia Maciel: (00:24) Sounds like a good suggestion

Rubens Kuhl: (00:33) They can advise us if they wish, just don't expect deference... ;-)

Carlos Raul: (00:33) @james order changed

James Bladel: (00:34) ah, you have the last word then, my friend.

Nathalie Peregrine: (00:35) Calling you back Amr

Donna Austin, Ryst: (00:35) The IGOs use the GAC as a vehicle to promote their interests, similar to the PSWG.

James Bladel: (00:37) But their response could be to kick the can further down the road... :(

Philip Corwin: (00:37) Agreed, Donna, Rather than engaging in the PDP they seem to prefer to use the GAC to negotiate with the Board.

Donna Austin, Ryst: (00:38) I am concerned that the IRT for the PPSAI will be very challenging.

James Bladel: (00:38) Donna - It will be tons of fun.

Stephanie Perrin: (00:38) indeed.

Donna Austin, Ryst: (00:39) It was interesting that Thomas Schneider suggested that the Board does need to reject either GAC advice or PDP recommendations.

Stephanie Perrin: (00:39) May I point out that many of us are going to be covering a large number of working groups in the upcoming months....

Amr Elsadr: (00:39) With the early engagement pilot, hopefully the GAC will begin to engage in GNSO PDPs at earlier stages than via communiques.

Amr Elsadr: (00:40) To what extent this will mitigate against conflicts between GAC Advice and GNSO recs is yet to be seen.

Stephanie Perrin: (00:40) IS it safe to assume we are going to defer item 7?

Susan Kawaguchi: (00:40) @Amr, I am hoping they will get involved also

Rubens Kuhl: (00:41) Good enough if timing is of essence.

Marika Konings: (00:42) see new language in bold on page 7

Amr Elsadr: (00:43) The GNSO response is directed towards the board, but we've been recently also sending copies to the GAC.

Stephanie Perrin: (00:43) Primary target is Board, but we must be aware that the document also goes back to the GAC

Stephanie Perrin: (00:43) Good way to send diplomatic, discreet messages

Carlos Raul: (00:43) @James That's my understanding. Thanks. To the Board in principle.

Philip Corwin: (00:43) @Amr--the problem is that no individual GAC member can claim to represent the GAC in policy development. Plus GAC members usually have multiple responsibilities in addition to ICANN

Heather Forrest: (00:43) All - I have to drop off the AC but will remain on the bridge

Amr Elsadr: (00:44) @Phil: Yeah..., that's one of the problems with the GAC. ;-)

Stephanie Perrin: (00:44) Phil, that does not seem to stop them asking for things that are not possible....

Amr Elsadr: (00:44) @Phil: The early engagement pilot calls for the GAC to set up internal WGs to coordinate their input to PDPs.

Carlos Raul: (00:45) please distribute the draft ASAP then

Philip Corwin: (00:45) @Amr--let's hope it works

Nathalie Peregrine: (00:45) @Anthony, we are trying to dial you back

Carlos Raul: (00:45) Agree with Donna, but give us until monday

Philip Corwin: (00:45) @Stephanie--yes indeed

Paul McGrady: (00:46) I feel bad about this, but are we voting on something today or are there too many open questions with this document?

Donna Austin, Ryst: (00:46) Can we add this to a 9 August vote?

Rubens Kuhl: (00:46) Even in their personal capacities, knowing governments pain points is always valuable to a PDP.

Carlos Raul: (00:46) @Paul we need a few days

Paul McGrady: (00:46) @Carlos. Thanks!

Mason Cole: (00:46) Ready to assist, of course.

Carlos Raul: (00:46) @Paul I have not have time to listen to the GAC Board call yet

Stephanie Perrin: (00:47) That is true Rubens.
Tony Harris: (00:47) Apologies, must leave call
Edward Morris: (00:47) Agree with Donna
Nathalie Peregrine: (00:47) thank you Tony, noted.
Amr Elsadr: (00:47) @James: It may be worthwhile for the Council to have a briefing on how well the early engagement process is working out for the GAC on the currently running PDPs.
Paul McGrady: (00:47) +1 Donna
Stephanie Perrin: (00:48) Much as I like to pick on the GAC, it is an impossible job to get consensus on details in that group, which makes PDP participation in the name of the GAC virtually impossible.
Carlos Raul: (00:48) +1
Carlos Raul: (00:48) Tuesday 26 plus transcript of the call would help
Paul McGrady: (00:48) @James, there was no way for you to control when the Board spoke with the GAC which for me is the missing piece anyway.
Paul McGrady: (00:48) you to control
Amr Elsadr: (00:48) @James: Why not just defer it? To avoid needing to resubmit?
Carlos Raul: (00:50) warm and fuuzzy?????
Amr Elsadr: (00:51) 1 am here. Just sayin'.
Marika Konings: (00:51) Still 9 minutes to go, Amr ;-)
Amr Elsadr: (00:51) (yawn) :-)
Julf Helsingius: (00:52) 1 am here too...
Stephanie Perrin: (00:52) How can you yawn when we are talking about WHOIS conflicts with law, Amr?
Amr Elsadr: (00:52) How can I yawn while talking about something we've been talking about for years?! ;-)
Susan Kawaguchi: (00:55) But we always talk about the same issues for years and years...
Amr Elsadr: (00:55) Hence..., the yawn. :) + that 1 am issue. :)
Donna Austin, Ryst: (00:55) thanks Marika
Philip Corwin: (00:56) ICANN is like Groundhog Day...deja vu all over again
Amr Elsadr: (00:56) :)
Marika Konings: (00:56) @Stephanie - this procedure did come out of a PDP
Marika Konings: (00:57) it is the implementation of the policy recommendations of that PDP
Amr Elsadr: (00:57) @Marika: Sorry..., which PDP are you referring to? I believe Stephanie's referring to the ICANN policy on handling whois conflict with local laws.
Marika Konings: (00:58) The policy recommendations can be found here: <http://gnso.icann.org/en/issues/tf-final-rpt-25oct05.htm>
Stephanie Perrin: (00:58) Nothing is going to emerge from the RDS in time to stop a complaint campaign against the registrars
Marika Konings: (00:58) and note that it is called a Task Force at that was the model for PDPs at that time
Mary Wong: (00:58) The underlying policy was the result of GNSO community policy work, so it is indeed a consensus policy. The policy directed that a Procedure be developed to implement the Policy.
Amr Elsadr: (00:59) @Marika: Haven't gone over this one before. Thanks for the link.

Stephanie Perrin: (00:59) I cannot find the records for any PDP that produced that policy, could you please point me to it Marika? we are talking about the 2005/6 policy on WHOIS conflicts with law.

Marika Konings: (00:59) @Stephanie: <http://gnso.icann.org/en/issues/1f-final-rpt-25oct05.htm>

Mary Wong: (01:00) @Paul, the current discussion is only about whether the proposed changes to the Procedure conforms with the underlying Policy (or not). The Council can review the underlying Policy additionally - e.g. by referring it to the RDS PDP WG.

Paul McGrady: (01:00) @James, thanks. If we are going to go down this path I think we need to be very clear what we are talking about and identifying whether or not that thing has already been discussed.

Donna Austin, Ryst: (01:01) I think you summed it up pretty well James

Carlos Raul: (01:01) mur

Carlos Raul: (01:01) mute

Carlos Raul: (01:02) Volker for Volker for the transcript

James Bladel: (01:02) Were talking about a policy that doesn't work, with a trigger that doesn't work, and adding a new trigger that doesn't work.

Stephanie Perrin: (01:02) That policy was not developed in the way we do it now, and the implementation being as massively flawed as it is, it strikes me that we need to take another look at the policy

James Bladel: (01:02) Welcome to ICANN! :)

Marika Konings: (01:02) @Stephanie - the task force model was the way in which policy was developed. The current way of working is the result of the last GNSO review.

Mary Wong: (01:02) In other words, approving the new Procedure (including asking for additional work to be done on more triggers) doesn't preclude the Council from taking on an effort to review the underlying Policy. The obvious option for the latter is to refer the matter to the RDS WG rather than start a brand new PDP at this time on what is essentially a related topic.

Stephanie Perrin: (01:02) +1 Volker for Volker

Amr Elsadr: (01:03) @Volker: +1

Stephanie Perrin: (01:03) Yes Mary but results on this will take years.....

Mary Wong: (01:04) @Stephanie, perhaps - but starting a new PDP would also take a long time. In the meantime, not acting on the IAG report means that the current Procedure (without any additional triggers) continues to apply.

Stephanie Perrin: (01:05) It is not as if approving this thing will solve anything, so perhaps we can dream up a way forward over the next few weeks.

Stephanie Perrin: (01:07) If I were a registrar, I would feel like I was up to my neck in quicksand, and the only guy on the bank who could throw me a stick or a line to grab is Max Schrems. Just saying.....

Rubens Kuhl: (01:09) CCT-RT ? Carlos ?

Carlos Raul: (01:09) no answer yet on CCT RT

Carlos Raul: (01:09) Staff does not like the idea....

Susan Kawaguchi: (01:10) I have to sign off

Paul McGrady: (01:10) I too have to go shortly. Sorry!

Rubens Kuhl: (01:13) My take of the India visa website is that it could be done online. But since my country is not required to, I didn't read too much into it.

Carlos Raul: (01:14) BRICS

Rubens Kuhl: (01:14) Reciprocity. ;-)

Donna Austin, Ryst: (01:14) I like the skeleton
Rubens Kuhl: (01:15) Considering the new gTLD subsequent procedures have the full WG and 4 work tracks, it's quite possible one of those take the opportunity of a F2F meeting. But this comment is like weather forecast...
Carlos Raul: (01:16) woops
Donna Austin, Ryst: (01:16) This is most unfortunate.
Carlos Raul: (01:16) serious issue
Mary Wong: (01:16) We are consulting with Legal.
Philip Corwin: (01:16) I am a Co-Chgair being maligned by that person and we are working with Mary and others to deal with it
Stephanie Perrin: (01:17) Very serious issue. Applies not just to COuncil but to all volunteers, none of whom are covered for legal expenses.
Amr Elsadr: (01:17) Sorry to hear that it's come to this, Phil. Not cool.
Donna Austin, Ryst: (01:18) I think the deadline for submission is tomorrow
Mary Wong: (01:18) Will do, James.
Mary Wong: (01:18) @Donna, yes
Philip Corwin: (01:18) @Stephanie--actually I inquired and was told that at least co-chairs are indemnified by ICANN if we face legal action based on decisions we make using proper procedures
Julie Hedlund: (01:18) @James: The deadline is 22 July.
Stephanie Perrin: (01:19) That is good news, PHil. I was actually thinking about this during the Marakech meeting as we discussed the harassment issue. While I was a public servant I was covered for anything that might be required to protect me legally at international meetings, not so now.
Marilia Maciel: (01:19) thank you all
Carlos Raul: (01:19) txs
Julf Helsingius: (01:19) Thanks all!
Rubens Kuhl: (01:20) Thanks all!
Donna Austin, Ryst: (01:20) Thanks James
Paul McGrady: (01:20) Thanks!
Philip Corwin: (01:20) have a great summer/winter
Rubens Kuhl: (01:20) See you later in the year, northern hemispherians...
James Bladel: (01:20) Thanks, all. Appreciate letting run a bit over.