

## Transcript GNSO Council Teleconference 13 October 2016 at 12:00 UTC

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<http://audio.icann.org/gnso/gnso-council-13oct16-en.mp3>

Adobe Chat Transcript

<https://gnso.icann.org/en/meetings/transcript-chat-council-13oct16-en.pdf>

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

### List of attendees:

**NCA – Non Voting** – Carlos Raúl Gutierrez

#### Contracted Parties House

Registrar Stakeholder Group: James Bladel, Volker Greimann, Darcy Southwell

gTLD Registries Stakeholder Group:

Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA):

Hsu Phen Valerie Tan

#### Non-Contracted Parties House

Commercial Stakeholder Group (CSG);

Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoblen, Tony Harris absent proxy Wolf-Ulrich Knoblen, Paul McGrady, Heather Forrest

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

Nominating Committee Appointee (NCA):

Julf (Johan) Helsingius

#### NCA – Non Voting –

Carlos Raúl Gutierrez

GNSO Council Liaisons/Observers:

Olivier Crèpin LeBlond– ALAC Liaison

Patrick Myles - ccNSO Observer - absent

Mason Cole – GNSO liaison to the GAC

#### ICANN Staff

David Olive -Senior Vice President, Policy Development Support and General Manager, ICANN Regional Headquarters- Istanbul

Marika Konings - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Berry Cobb – Policy consultant

David Tait– Policy Specialist

Emily Barabas – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

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

Eric Evrard- End-User Support

#### Guests

Beck Burr – Co-chair Draft Framework of Principles Cross Community Working Group

John Berard - Co-chair Draft Framework of Principles Cross Community Working Group

Steve Delbianco – Chair GNSO Bylaws Drafting Team

Herb Waye – ICANN Ombudsman

Coordinator: The recording has started.

Glen de Saint Géry: Thank you very much. Would you please just acknowledge your name when I call it so that we know you are able to speak especially for the votes that we have during this call so that we know that you're on the line and you have now connect difficulties.

Keith Drazek. Don't see Keith yet. Donna Austin.

Donna Austin: Here, Glen.

Glen de Saint Géry: Rubens Kuhl.

Rubens Kuhl: I'm here, Glen. Thank you.

Glen de Saint Géry: Thank you, Rubens. And may I just mention that you have given your proxy to Keith Drazek in case you have connectivity difficulties. James Bladel.

James Bladel: Here. Thank you, Glen.

Glen de Saint Géry: Darcy Southwell. Welcome, Darcy.

Darcy Southwell: I'm here, Glen. Thank you.

Glen de Saint Géry: Volker Greimann. Don't think Volker is on yet. Valerie Tan.

Valerie Tan: Here, Glen. Thank you.

Glen de Saint Géry: Philip Corwin.

Phil Corwin: On the call.

Glen de Saint Géry: Susan Kawaguchi.

Susan Kawaguchi: Here.

Glen de Saint Géry: Paul McGrady.

Paul McGrady: Good morning.

Glen de Saint Géry: Heather Forrest.

Heather Forrest: Here Glen. Thank you.

Glen de Saint Géry: Tony Holmes is absent and he has given his proxy to Wolf-Ulrich Knoblen. Wolf-Ulrich.

Wolf-Ulrich Knoblen: I'm here.

Glen de Saint Géry: Marilia Maciel.

Marilia Maciel: Present.

Glen de Saint Géry: Amr Elsadr.

Amr Elsadr: I'm here.

Glen de Saint Géry: David Cake. I don't see David on the call yet.

David Cake: I'm here.

((Crosstalk))

Glen de Saint Géry: Oh. Thank you, David. Ed Morris is absent and he has given his proxy to Stephanie Perrin. Stephanie Perrin.

Stephanie Perrin: I'm here but I'm not on Adobe. It's still not working for me. So I'm fading in and out just to let you know the response time might be slow. Thanks.

Glen de Saint Géry: Thanks so much, Stephanie, but we can hear you and when you vote that will be very good. Stefania Milan. Stefania is on the call, I believe. Julf Helsingius.

Julf Helsingius: Here, Glen.

Glen de Saint Géry: Carlos Gutierrez.

Carlos Raul Gutierrez: Good morning, Glen. Thank you.

Glen de Saint Géry: Olivier Crépin-LeBlond. I know if Olivier can't answer he is on the call.

Olivier Crépin-LeBlond: I'm here. I'm present and I can talk just now.

Glen de Saint Géry: Thank you, Olivier. Patrick Myles is absent, the ccNSO observer. Mason Cole, the GAC GNSO liaison to the GAC.

Mason Cole: I'm here, Glen, good morning.

Glen de Saint Géry: Thank you. Thank you, Mason. And for staff we have David Olive, Mary Wong, Marika Konings, Julie Hedlund, David Tait, Steve Chan, Emily Barabas, Nathalie Peregrine and myself, Glen de Saint Géry, as well as Berry Cobb, sorry. And for our guests we have John Berard with us, Steve DelBianco and we are going to have Becky Burr, who is going to join us when she can. Thank you, James, and just before I say completely over to you, may I please remind everyone to state your name before you speak for transcription purposes? Thanks, James, and now it's over to you.

James Bladel: Thank you, Glen. And good afternoon and evening to Europe and Asia and good morning to the folks here in the US. I hope you've had a chance to get a cup of coffee, especially West Coast folks.

This is our GNSO Council call for I believe the date is incorrect, it is the 13th of October, 2016. And coming on the heels just a couple of weeks from our previous call on the 30th of September, however, we still have a fairly fully agenda so let's dive right in.

Just a few administrative notes first of all. Does anyone have any updates to their Statements of Interest or any other announcements relative to their status on this council? Okay, seeing none. Does anyone have any comments on the agenda? I

have a couple so I'll put myself in the queue but I will defer to anyone else that would like to raise their hand.

Okay, just a couple of proposed amendments that I hope will be acceptable to the Council. I'd like to move Item Number 9, the Council discussion on ICANN 57 planning, up to become the new Item Number 7. I believe that that one has been getting short shrift here at the end of our agenda for the last couple of meetings, and given that this is our last opportunity to chat before we go to Hyderabad I think it's important for us to cover that now.

The second change I'd like to make are two notes of AOB, one is a discussion of the proposal that was received, the letter and proposal that was received from the board and the small group regarding second level protections for IGOs. And the next order of business is AOB, 11.2, is we've been requested to set aside some time for the new ombudsman – Herb Wayne to introduce himself to the Council.

And what I committed to is that if we have time at the end of this call we could certainly invite him to join us and give a brief introduction of himself and his office, but more likely we will probably not have time for that and we'll have to allocate some time for Herb in Hyderabad. But I just wanted to make those changes there. Does anyone else have any changes to the agenda or does anyone have any concern with those changes? Fairly noncontroversial.

So okay let's move on then to noting the status of the minutes that were both, I believe, for the previous Council meeting – previous two Council meetings, I believe, were adopted and were posted to the GNSO Website. So I don't know that there were any issues there. Thanks, by the way, whoever is adjusting the agenda on the fly, I appreciate that.

So then I believe if everyone's okay well dive into Item Number 2, review of the projects and action list. Open project and the action list. So if I could ask for that to be loaded into the Adobe room and we'll just go through those fairly quickly. There have been a few changes to both of those documents.

Okay, up first is the open projects list. And I'm going to probably lean on Marika a little bit here. I think that the one primary change is that the CWG on Stewardship

was concluded. And that would have been in Phase 7. But if there were any other changes, Marika, that you want to draw our attention to or highlight?

Marika Konings: This is Marika. No, I don't believe there were any other major changes just the regular updates to mark work that's progressing.

James Bladel: Okay, thank you, Marika, for confirming that that was the only change. Does anyone else have any questions or updates? I know it's fairly early to be picking on folks like that but does anyone have any questions on the project list? Okay seeing none then if we could load the open action items? We'll take a look at that. Thank you.

Okay, and just remember here that blue indicates that this is something that we will discuss on our agenda. Green is completed. And white is an open item. I can see that we have our first completed note here is that we did in fact approve the transition-related costs – budget and cost control mechanisms at our previous meeting.

We noted that we would continue to discuss the measure for two-letter labels on the Council list. We are still, I believe, in the process of assembling volunteers for the GNSO review implementation group. And the CWG Stewardship will be discussed in – I'm sorry, the stewardship actually has been concluded. Any other concerns or notes with items that appear on our action list? And again, if they're marked in blue they will come up on today's call so those are placeholders for those.

Donna.

Donna Austin: Thanks, James. Donna Austin. I just noticed on the outstanding IGO INGO PDP recommendations, and I understand we'll have some discussion about the latest Board communication later in the call, but I do note the two action items that are listed there that the Board developed a decision tree regarding IGO INGO which includes consideration of curative rights. I don't believe we've received that.

There's also staff to send the IGO INGO comparison chart to the Board. Just a question whether we did that or not? I seem to recall that we did but I just want to confirm. Thanks.

James Bladel: Thanks, Donna. Good questions. Mary, I think you may be able to answer or shed some light on some of those.

Mary Wong: Thanks, James. Thanks, Donna. On the comparison chart we definitely did send that. On the decision tree, I followed up with Board support after Helsinki but I don't think that we have got something like that. So I can follow up on that again.

James Bladel: Thanks, Mary. And Donna, did you have a follow up question? Okay. Thanks, Donna. Any other questions or comments relative to the action items? Okay, the queue is clear. So let's update this accordingly and of course after the call we'll post an updated action item list.

We can move on then to Agenda Item Number 3 is our Consent Agenda, which is empty. So we'll move then to Agenda Item Number 4, our Council vote. And this is our first motion of the day. It is relative to approval of the proposed framework and principles for cross community working groups.

The motion was made by Donna. It still needs a second before we can address this. And I believe that we have Becky Burr on the group today to help us if we have any questions relative to this...

Becky Burr: Yes, I'm here.

((Crosstalk))

James Bladel: Hi, Becky.

Becky Burr: And John Berard.

James Bladel: Hi, John. Yes, good morning.

John Berard: Hi, James.

James Bladel: And thanks for...

John Berard: Good morning to you.

James Bladel: ...attending. I see that...

John Berard: Sure.

James Bladel: ...since I started talking about this we now have picked up a second so thank you, Rubens. So what I'd like to do is first act Donna to introduce the motion and read the resolve clauses and then we will open the queue for discussions and Q&A for Becky and John. So Donna, if you don't mind, could you start us off?

Donna Austin: Thanks, James. So motion to approve a proposed final framework for future cross community working groups. So, James, you don't want me to read the whereas clauses? We just go to resolved?

James Bladel: Your preference. Sometimes the whereas clauses can be pretty lengthy but today they seem fairly manageable.

Donna Austin: Okay so we'll do the whereas, they provide some background anyway.

"In March 2012 the GNSO Council approved a set of initial draft principles relating to the formation and operation of cross community working groups and directed ICANN staff to solicit feedback on the principles from the other ICANN Supporting Organizations and Advisory Committees."

"2, In June 2013 the ccNSO provided detailed feedback suggesting further clarifications and possible additions to the initial draft principles. In October 2013 the GNSO Council approved the formation of a Drafting Team to develop a Charter for a new CCWG to take forward and synthesize the initial work of the GNSO and the ccNSO feedback, and develop a final framework of operating principles that can function effectively across all SO/ACs relating to the formation, operation, decision making and termination of future CWGs" in brackets, "The Final Framework of Operating Principles for Future CCWGs".

"The ccNSO Council and GNSO Council approved the Charter for the new CCWG to develop the Final Framework for Future CCWGs in March 2014. The CCWG published a proposed initial Framework for public comment in February 2016.



Following review of public comments received and further community deliberations at ICANN 56 in June 2016, the CCWG completed its proposed Final Framework and submitted it to the ccNSO and GNSO Councils on 19 September 2016.”

“Resolved: The GNSO Council approves the Final Framework of Operating Principles for Future CCWGs. 2, the GNSO Council thanks the CCWG for its work on developing and finalizing the Final Framework. And 3, the GNSO Council directs ICANN staff, upon the ccNSO Council’s adoption of the Final Framework, to inform all SO and ACs of the two Councils’ adoption of the Final Framework, and recommends that the principles and recommendations contained in the Final Framework be consulted by the ICANN community in considering the creation of all future CCWGs.”

Thanks, James.

James Bladel: Thanks, Donna. Awesome. I appreciate that. And now we’ll open the floor of discussion or questions and once again, appreciate Becky and John for making themselves available. We’ll open the queue. First up is Donna.

Donna Austin: Thanks, James. Donna Austin. So Becky and John, I note within the framework that it specifically called out that the CCWG is not to replace any policy development process work. And I think that’s an important issue or thing to be called out for the Council. So I just to the extent that you can provide some background or information about how you see that that distinction will hold because obviously we see that there’s a potential risk for the CCWG might replace PDP work in some way. So if you could address that would be great, thank you.

Becky Burr: I’ll take a shot at it and then hand it over to John. We thought that that was very critical issue to highlight and flag and so all of the report is designed to sort of reinforce that the notion that in general the cross community working groups are not policy development. In some cases they might be, you know, they might be – take place in advance of policy development to facilitate the development of consensus. But that all policy has to go through the policy development processes.

We’ve been pretty clear also about specifying budgeting limitations. What we were concerned about is that somehow the CWG and the CCWG on Accountability could

be mistaken as sort of the ordinary cross community working group which we think is not the case. It is very much the extraordinary situation.

But I think, you know, the chartering, the process of ensuring that there is a charter in place is going to flag issues where a policy development process is inappropriately being replaced through a CCWG. John.

John Berard: Yes, sure. Thank you, Becky. A little to add to that except to say that because of what I think of as most important part of the whereas clauses, Number 4, where the Councils approve the charter, essentially it guarantees that the Council maintains control in an environment where we are hoping to accelerate and make easier collaboration.

So I think that there's little – there's really nothing to be worried about that the CCWG would encroach upon policy because ultimately the Council itself would be the arbiter of that and ensure in approving of the charter that it does not happen.

James Bladel: Thanks, John and Becky and great question, Donna. It was on my mind as well. Next up is Phil.

Phil Corwin: Yes, thank you. Phil for the record. And my question is kind of the flipside of the one that was just asked. What does the charter indicate or what is the expectation for the creation of CCWGs? This was something new created for the transition because that was a topic that involved the entire community. But what type of – what does it say and can you give any examples of what would be an appropriate topic for future CCWG? Is this something we expect to see used rarely or used on a rather regular basis going forward? And if it's going to be regular...

((Crosstalk))

John Berard: Becky, I can start on that one if it's okay?

Becky Burr: Yes, go ahead. Go ahead.

John Berard: Sure. Hey, Phil, good morning. A CCWG would be formed when two or more SOs or ACs conclude that there is value in working on a matter together. My – our feeling

was that we're not – well we do not lay out specific guidelines or specific rules for when it may be implemented.

Our mission was driven by the fact that they are becoming more common because the interest of each of the SOs and ACs within the community have converged in ways that had not been anticipated years ago, and that there needed to be a framework by which those SOs and ACs could work together when to hit the nail on the head with a hammer again, when the SOs and ACs determined that it was in the best interest of the community for them to do so.

So it comes down to the same sort of control as that the Council has in approving a charter. It has the same amount of control in instigating a cross community working group or deciding to participate in that cross community working group. So our mission was to streamline, make easier the creation, operation and conclusion of a cross community working group and not dictate term on issues that qualify for a cross community working group.

Becky?

Becky Burr: Yes, and I think, you know, the CC community has quite a lot of experience with this and I'm just putting in the, you know, one of the areas is that, you know, you can use it to identify places where a policy needs to be developed. But I think that there have been, you know, a steady sort of number of them over the years. I don't really see it increasing dramatically although I think, you know, they're very useful discussions for facilitating understanding.

James Bladel: Okay thank you John and Becky. And, Phil, does that address your question?

Phil Corwin: Well, just a quick follow-up. What if – and what happens if two components of the community other than the GNSO decide they want to start a CCWG on a topic that the Council believes is properly solely a matter for policy development by the GNSO? How is that difference if view – how would that difference in view be resolved?

John Berard: Becky, this is John again. Phil, I think a matter like that would be resolved as it would be resolved today if the GNSO Council felt that any other SO or AC was getting involved in policy development. I would imagine there'd be an approach and a

discussion and a clarification and, you know, the Council and whoever the other is would work it out.

This is not designed to create an end run around Council policy making capabilities – the Council’s policy making rules. In fact, the framework clearly says that in order for it to be meaningful, in order for it to be effective there needs to be not just a shared approval of the participants to the charter but also the shared approval of the participants to the work product. So I think the Council is protected in the ways that it has been and is not exposed in any new ways going forward.

Phil Corwin: Okay. Thank you very much.

John Berard: Sure, Phil.

James Bladel: Okay thanks, all. Next in the queue is Wolf-Ulrich. Go ahead.

Wolf-Ulrich Knoben: Yes, thanks, James and Becky and John. Well my question is in two parts. The one is, you know, I understand that a CCWG could consist of two or more communities. So that’s what I understand. So just in case, for example, in future, if a CCWG is going to be created just between the ccNSO and the GNSO, from now on, these principles if adopted by both councils, will be the basis for those just from the beginning for these CCWG? That’s one question.

And for the other ones, the more across, you know, if other AC and SOs are going to join where we are going to recommend those principles, how do we expect, you know, the timeframe? Did you have any context to other AC SOs because they have already been participating – may have been participating about the comment period, how they see that and then what do you expect from the timeframe here? Thank you.

John Berard: I’ll yield to you on that, Becky.

Becky Burr: I’m not sure, I mean, I think it depends on what the issue is. And I don’t think that CCWG is sort of slow things down necessarily. I mean, they’re often used as a way of facilitating consensus in advance of policy development. So, you know, there are a couple of examples in the CC community where, you know, where it was important to

sort of develop consensus on the IDN Fast Track, for example, that was one area before the policy issues were put in place.

So the thing is it would – it would go – it would – it should not necessarily lengthen the process and hopefully it facilitates consensus development. And the recommendations of the – of any cross community working group would only go to the Board for, you know, to be noticed to the Board if all of the chartering organizations agreed to it based on the rules that they put in place in the charter. So there are lots of protections for inappropriate use of them to delay or to extend policy into some other area.

James Bladel: Thanks, John and Becky. Wolf-Ulrich, does that address your question?

Wolf-Ulrich Knoben: Well, thanks, Becky. Well, in this regard yes. But, you know, my question was directly in that sense, you know, is this – what we are going – the Council is going to adopt right now, does this be the basis immediately and after it has been adopted by the ccNSO Council, would that be immediately the basis for future CCWGs? Between them two only, you know, from the beginning. Because, you know, for other CCWGs I understand other SOs have at first to discuss this framework and then come back with a decision. So that was my question. Thanks.

Are we going to work on this basis immediately?

Becky Burr: So all of the groups that participated, the chartering organizations, need to review this and approve it. But I think it's very important to understand that the framework is – are really recommendations, there is no you must do this and you must do that. It – I mean, I think we have said CCWGs fail where they don't have a clear charter. And ICANN has some important budgeting things to do.

But, I don't think it – I think that it really – it does – it really captures what we think have been best practices where CCWGs have been successful as opposed to prescribing behavior.

Wolf-Ulrich Knoben: Thanks. Yes, thanks.

James Bladel: Okay, thank you, Wolf-Ulrich and Becky. Next up is Paul McGrady. Paul, go ahead.

Paul McGrady: Thanks, Paul McGrady for the record. Excuse me. So I guess one comment and then one question. First the comment really is that this, you know, how everything interrelates, this is an example of a situation where the GNSO Council is being asked to vote on something that is – for all – will have no effect on policy because it won't replace policy.

But yet all the same voting structure is in place all along the way on this in terms of how we charter things and what we accept and all that. So I just wanted to highlight this as an example of how endemic the – our baked-in voting structure is and we continue to bake it in even more. I know we're going to have a discussion about that later on this call. So that's the opening statement.

My question is, can Becky or somebody else explain the difference between this kind of CCWG and the kind of CCWG that we have ongoing on accountability issues related to the expiration of the IANA contract? Because when we say that this won't have – this won't be – these won't be making policy anybody that's participating in Work Stream 2 on Human Rights, for example, knows that that's the mother lode of policy.

And the things that will come out of there will have profound affects across the organization on how ICANN does business and how the contracted do business. So the current form of CCWG is clearly making gobs of policy. How will this kind of CCWG be different? Thanks.

((Crosstalk))

John Berard: Becky, you may be in a position to start there.

Becky Burr: Yes, so I think it was very important to call out the fact that, you know, every once in a great while we have these huge cross community efforts so the transition, creation of the PTI and the accountability framework; another example would have been the evolution and reform process that happened in 2003 where we're making kind of sweeping cross community decisions about the structure of ICANN and how it operates.

And so we call out in this that, you know, that is a very extraordinary situation. And I guess at some level, you know, it is policy about the structure and how ICANN operates that we made both in the PTI discussions and in accountability.

The policy remits of the GNSO and the ccNSO respectively are quite clear and remain clear and they have not been revised in the current – in the revised bylaws. So nothing that belongs, you know, that – no policy that is owned by the GNSO could be developed through a CCWG.

There are things that look like policy but are not like consensus policies as defined in the bylaws that could be worked on through that process but that would be an extraordinary event as I think we all think the accountability and transition work is.

John Berard: So, Paul, this is John. One of the great concerns that we had as we traveled this path from March 2012 to today is that the transition accountability work was done under the label of cross community working group when in fact it was – it was much more – it was much more than that. And I think what you're – the dissonance that you're confronting is that we are talking about two different organisms using the same label.

I think that if members of the Board could, they would not have called the transition and accountability teams cross community working groups, save that for the more operational approach – operational matters that we're trying to address here. There has also been great concern about for the cost of a cross community working group when you consider both types with the same label.

This – we're not adding cost to the system. We're trying to create a framework by which SOs and ACs can, when they identify things on which they share interest, can work more smoothly and effectively together. We're taking a smaller bite; we're not trying to sometimes I think those larger groups are trying to boil the ocean but they've effectively done it and so I can't dismiss it. But if we could we would have labeled those entities differently than cross community working group.

James Bladel: Okay thank you, John, Becky and Paul, for that discussion. So the question in queue is clear. We have a motion. We have a seconder. If there are no other objections then we can proceed to a voice vote. Glen, if you don't mind?

Glen de Saint Géry: Certainly, James. Sorry, I was just taking off mute. Would anyone like to abstain from this motion? Please say your name. Hearing no one, would anyone like to vote against this motion? Please state your name. hearing no one, would all those in favor of the motion please say, "aye?"

Wolf-Ulrich Knoben: Aye.

((Crosstalk))

Glen de Saint Géry: And we have a proxy for Edward Morris that is being held by Marília Maciel and you are in favor of voting for the motion for Edward, is that so, Marília?

Marília Maciel: Yes, Glen. Thank you.

Glen de Saint Géry: Thank you very much. Thank you very much, James, the motion passes unanimously.

James Bladel: Thank you, Glen. And I know we're just a slight bit over schedule here but didn't we have also a proxy for Tony Harris?

Glen de Saint Géry: Yes, I'm sorry, we did have a proxy for Tony Harris. Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes, aye.

Glen de Saint Géry: Do you – thank you very much indeed. Thank you, James. Indeed that is so.

James Bladel: Thank you, Glen, and thank you, councilors for your discussion and for working on that. And we will ask staff to communicate the results of that motion and that vote to the folks of the CCWG.

We can then move on to Agenda Item Number 5. This is the Council vote to adopt the consensus recommendations from the Bylaws Drafting Team. I presented the motion. I think I'm still waiting for a second. But before we get into the – before I introduce the motion I just want to note that the report was delivered fairly recently and the – there was a very substantial minority report that was also filed just I believe within the last 24 hours.



So, you know, I harbor no expectations that all the councilors have had an opportunity to thoroughly review all of the materials associated with this motion. That said, I would point out that we should be very grateful to Steve DeBianco and Amr and all of the other participants on the drafting team for working diligently since our last call to get these materials finalized and submitted to Council so certainly thankful – thanks to them for all of those efforts.

But I do think it is a bit much to ask to expect everyone to have had a chance to review all the materials. So what I'll do is I'll introduce the motion here and I'll read through the whereas clauses and the resolve clauses and we'll open the queue for discussion. And we'll go from there. Thank you, Rubens, for your second.

So we can discuss the motion, “Whereas, 1, On 30 June 2016 the GNSO Council approved the creation of a Drafting Team that was to work with ICANN staff to fully identify all the new or additional rights and responsibilities that the GNSO has under the revised Bylaws, including but not limited to participation of the GNSO within the Empowered Community, and to develop new or modified structures and procedures, as necessary, to fully implement these new or additional rights and responsibilities.”

“Two, in creating the DT, the GNSO Council requested that the drafting team provide the GNSO Council with an implementation plan which will have the consensus of the drafting team, including any recommendations for needed further changes to ICANN Bylaws and/or GNSO Operating Procedures to enable effective GNSO participation in ICANN activities under the revised ICANN Bylaws, no later than 30 September 2016,” which was later extended, by the way.

“Whereas, 3, the drafting team submitted its report to the GNSO Council on 12 October, 2016; and 4, the GNSO Council has reviewed the DT's report.

“Resolved, 1, the GNSO Council approves the consensus recommendations in DT's report as submitted. 2. The GNSO Council directs ICANN staff to draft proposed language for any necessary modifications or additions to the GNSO Operating Procedures and, if applicable, those parts of the ICANN Bylaws pertaining to the GNSO, for the Council's consideration by no later than the end of February 2017.”

“Three, the GNSO Council directs ICANN staff to post all recommended modifications to or proposed new procedures or structures for public comment prior to the Council’s consideration of the proposals. As resolved previously, the GNSO Council intends to adopt new, or proposed modifications to existing procedures and structures to implement the revised Bylaws for the GNSO by a GNSO supermajority vote.”

“Resolve four, in drafting the proposed language, ICANN staff may wish to consult the drafting team as needed. The GNSO Council therefore requests that members of the drafting team make themselves available for consultation by ICANN staff for this purpose. And five, the GNSO Council thanks the drafting team for its hard work on the report, especially in view of the nature of the limited time frame available to the drafting team.”

So that’s the motion. And I note there’s some things going on in the chat, and I haven’t been keeping up. But we’ll open the queue for discussion and also wanted to note that Steve DelBianco has joined our call and made himself available for questions. Thank you, Steve. And therefore any questions or comments from councilors, now is the time.

First up is Heather. Heather, go ahead.

Heather Forrest: James, thank you very much. Heather Forrest. I wanted to express thanks to Steve and others on the drafting team for their hard work on this indeed in a compressed timeframe. And I’m sorry to do this because I appear to be the poster child for complaints about time pressures, but I take Steve’s – Steve DelBianco’s point in the chat that the minority report is only a page and a half or two pages long.

But these are fairly weighty substantive issues and it’s not super helpful to have a placeholder motion and then really only get the substance of the motion 24, 48 hours before these items come to consideration before the Council. It’s really not possible to have substantive discussion within our respective constituencies and stakeholder groups in that short timeframe.

And so with that in mind, we're really not in an optimal position, yet again, in the name of IANA transition, we're working to deadlines that just aren't helpful. And so I'm sorry to make that point again because I've made it in previous – in previous meetings as well in relation to similar things. But that remains a point of concern for the IPC. Thank you.

James Bladel: Thanks, Heather. And your concerns about the timeframe are noted. But I certainly want to reiterate that that's in no way a reflection on the drafting team. I know they worked very hard under the gun it's just all of these things happening in very rapid succession.

Sorry, next up is Marilia.

Marilia Maciel: Thank you, James. This is Marilia speaking. I will be brief. I agree with what Heather said. Just would like to join Heather and others who thank Steve and everyone that participated in the working group for the hard work. We knew when we assigned the task that this would be very hard and the time was very short but I think that they did an incredible job and we have been following discussions.

However, the final documents arrived to us in a moment in which it was possible to take the documents into account in our policy call that we use for coordination therefore we feel that we are not prepared to have this discussion right now.

And given the importance of this to the GNSO and to every constituency we believe that it would be more productive to have everyone aligned and behind what is being proposed in our next face to face meeting. Therefore we would like to request a deferral of this motion. Thank you, James.

James Bladel: Thank you, Marilia. And your request for deferral is noted. We still have a few more speakers in the queue so next up is Amr. Go ahead, Amr.

Amr Elsadr: Thanks, James. This is Amr. Yes, I think Heather and Marilia both covered quite a bit of what I wanted to say. But I also wanted to note that we – the drafting team had five weeks to do its work and asked the Council for two additional weeks, which the Council graciously agreed to. And as noted yesterday, the drafting team I think did do

quite a good job in getting this amount of work done in the short timeframe that we had.

I wholeheartedly support the request for a deferral so that we could consult with our stakeholder groups and constituencies before passing any Council resolution on this. But I also wanted to say that I am generally quite pleased with the outcome of the drafting team's work and pleased with the final report.

I believe that it expressed fairly the views of all the drafting team members including the minority. And speaking for myself I was aware that a minority statement was likely forthcoming from the three constituencies of the Commercial Stakeholder Group particularly concerning the first recommendation of the drafting team – of the granting the GNSO Council the role of acting on behalf of the GNSO as a decisional participant in the empowered community.

And having gone over the minority statement I'm not surprised really and I think it actually reflects the minority view, although I don't believe it adds much more to the report because I believe their view is sufficiently represented there. I personally have no objection to minorities in any group submitting a statement of their own to express their opinions. Thank you.

James Bladel: Thank you, Amr. Next in the queue is Paul McGrady. Paul.

Paul McGrady: Thanks. Paul McGrady for the record. So it seems to me like there are quite a few people here essentially are asking for this consideration of this motion to be deferred. I don't have a problem with that. The tight timeframes here were in the motion that I half-baked and you guys helped me finish baking.

And the concern there was that we would – the GNSO would be caught flat-footed in the event that there is some sort of immediate crisis following the expiration of the IANA contract. And/or other folks were more fleet of foot than we were in getting themselves together, maybe we would face some sort of, you know, problem that we wouldn't be able to respond to.

No crisis like that has manifested itself. And so – which is good news. And so I think that if we have this discussion face to face in Hyderabad, especially because there

are such sensitive topics here like the voting issue that I mentioned earlier, where we are taking essentially a voting framework that was meant for policy work and applying it to vastly different things like perhaps someday spilling the Board for doing something that we all think wasn't really a good idea, you know, those are just two very different kinds of things.

And I think that the voting thresholds are an important topic. The limitations or not on what the GNSO Council under the bylaws can do. Someone is typing and I'm having trouble hearing myself talk I guess, sorry.

But any event, the issue of what the GNSO Council's proper remit is under the bylaws, what does GNSO mean? These are all really important topics and can be sensitive and as wonderful as conference calls I think sometimes things – sensitive topics like this are best dealt with face to face so that's a long-winded request that, you know, that if there was a groundswell to defer this thing that that seems wise to me. Thanks.

James Bladel: Thanks, Paul. I have Wolf-Ulrich and then Amr, is that a new hand?

Wolf-Ulrich Knoben: Yes, Wolf-Ulrich, speaking.

((Crosstalk))

Wolf-Ulrich Knoben: Thank you.

James Bladel: Wolf-Ulrich, you're up.

Wolf-Ulrich Knoben: Hello?

James Bladel: Yes, Wolf-Ulrich, go ahead.

Wolf-Ulrich Knoben: Thank you. So before I joined this deferral cause, I would like to draw your attention to the fact that, you know, we as Council we have two weeks ago we have approved, you know, the request for giving this drafting team two more weeks, well, to come up with their report and the staff team was really not in the best situation. In the end, you

know, it seemed to be until yesterday that there may have been no report available. But there is a report.

So this one thing. So I understand all the other things, you know, that there is little time about that. But what I would like to say is we should be more careful in future, you know, when it comes up to that question to give a drafting team more time whether we could bring the deferral question earlier rather than just right now when it's relatively late.

And that brings me to the specific question maybe staff could answer that is the question with regard to the urgency of the overall decision about that that report and the following actions to – having to be taken. How urgent that is really.

So are we under – under which time pressure are we as Council, well, to find the decision about that? What is going to happen if it takes longer than in Hyderabad and so are there any consequences? This is my question, thanks.

James Bladel: Thank you, Wolf-Ulrich. And I note that Amr is reporting that his line has dropped and Paul is – I believe has rejoined. Go ahead, Paul, and respond to Wolf-Ulrich while we wait for Amr.

Paul McGrady: Thanks. Paul McGrady for the record. Wolf-Ulrich, thank you for your question. The answer is we don't know, which is why we should not let it slip past Hyderabad and why we should set aside an appropriate amount of time to work through this question and come to an agreement because just because the, you know, the surprise crisis that we might not be ready for hasn't emerged yet and hopefully won't between now and two weeks from now when we're all together, doesn't mean that it won't happen or can't happen.

So I don't think by deferring this at least hopefully I'm not giving the impression that I think that time pressure is off. I still think time pressure is on and I think we should be responsible and deal with this as early as possible. But I think that the difference between today and, you know, two weeks from now to go back and socialize this within our own communities and come forward with thoughtful positions, I think that's time well spent. But I don't want to see it slip past the next face to face. Thanks.

James Bladel: Thanks, Paul. Amr, if you've reconnected you can have the floor and then we'll give the last word to Steve before we close the queue. I think we're still trying to reconnect to Amr. I don't know if you can hear us. Let's go to Steve first while we – sorry – I promised Steve the last word, I guess you get the second to the last word, Steve, if you can go ahead and speak now and then we'll try to reconnect to Amr.

Steve DelBianco: Thanks, James. It's Steve DelBianco. I did want to thank Council for the extra two weeks. It made a difference. We needed the time. And wanted to note for all of you who didn't understand, there are nine members in this drafting team. Five of them are among the councilors on this call, Wolf-Ulrich, Farzi, Amr, Matt Shears and Ed Morris; and then there were four others, David Maher and Darcy Southwell, Steve Metalitz and myself.

The final reports that we delivered – there are two major reports, one is a very brief set of recommendations, which you can read on Page 1 and 2, and then an extensive set, a detailed map that staff prepared. And we take each change of the ICANN Bylaws and map it to the recommendations of the drafting team. And then as you mentioned, there's a minority report that has rationale on expanding an alternative.

I did want to make it very clear, though, that any changes to GNSO procedures or the GNSO section of the ICANN Bylaws would require a GNSO supermajority for approval. Working backwards from that, you designed your motion this summer to require GNSO supermajority to approve this report.

And in that regard, we worked on this drafting team to make sure we were clear about the level of consensus. We answered two questions for you: who should speak for the GNSO? And how should the GNSO – or Council or stakeholder group should make their decisions.

We had strong support but significant opposition, which still qualifies as a drafting team recommendation that Council should speak for the GNSO. And I want to suggest that the minority in the CSG, who did not think Council should speak for GNSO, were very cooperative in the sense that they all participated to come up with true consensus recommendations on the assumption that Council speaks for GNSO, what would be the voting thresholds.

So the real meat in this recommendation report is the threshold levels. Is it a majority of each house? Is it a supermajority? And how would each of the decisions be made in response to the new bylaws that are available?

So we had a two-step process, who should speak and then how? And while we didn't have strong consensus on the who, we did have good consensus on the voting threshold. So we look forward to questions that might come from councilors and drafting team members will be available to answer queries both before and during the Hyderabad meeting. Thank you, James.

James Bladel: Thank you, Steve. Appreciate that characterization of both the level of support and how the drafting team arrived at those discussions. I believe Amr was able to rejoin the call so, Amr, go ahead. And I put myself in as the caboose of the queue here because noting that we need to wrap this thing up. So, Amr, go ahead.

Amr Elsadr: Thanks, James. This is Amr. I just wanted to note a couple of things from a Council perspective on the work of this drafting team and how it went about doing it.

This drafting team, as well know, was not actually chartered; it was – the scope of its work was defined in a Council resolution but there was no actual charter that it followed. And another sort of distinction between this team and other GNSO groups that the Council forms or charter is that it didn't have a Council liaison.

And I would just like caution against repeating this in the future without considering whether the - both of those may be necessary or not. There were times during the discussion in the drafting team where there were disagreements on what was within – what was in and out of scope of the drafting team's work. And all we really had to go on was a – is a Council resolution.

It seemed – it seemed sufficient but I'm – but it still did leave some questions to be answered. And similarly, not having a Council liaison to a drafting team like this one may not necessarily be a good idea. I think it's important for the Council to have a mechanism to communicate with the drafting team especially one that has such a short timeframe to complete its work because Council needs to be informed at all times on progress that is being made.



And of course, any Council liaison also has a role in settling disputes between working group members and the chair or cochairs. So I'm just – I just wanted to raise that point and hope that we can consider this in the future teams – in the teams moving forward. Thank you.

James Bladel: Thank you, Amr. Appreciate that. And noting in the chat that Steve is saying that we didn't have a Council liaison but we did have five participating members from Council. And I would note just as an administrative point that Darcy Southwell, who participated on this drafting team, has now joined the Council as the Registrar representative. And I say that mainly because I forgot to mention that at the outset of the call. Sorry about that. And welcome, Darcy.

But okay so just to bring this one in for a landing, it sounds like there is overwhelming support to defer this motion given the timeframes that we have and of course that is not a reflection on the work of the drafting team that we believe did yeoman's work getting this turned around in such short notice.

And as Paul noted, there is no impending crisis or, I mean, to Heather's point, this is actually slightly different than other IANA related items because we actually don't have a ticking clock from some externally-driven timeframe. We have the luxury to defer this to our meeting in Hyderabad and discuss it there.

And that would give everyone not only time to fully digest the report, the minority statement but also to consult with their stakeholder groups and constituencies.

So I think that we will go ahead and defer this motion until our face to face meeting at ICANN 57. And once again want to thank Steve and Amr and all the participants on the drafting team and we'll hope that at least a significant portion of folks will be available in Hyderabad to address questions as well.

And with that, and we can then move on, if there are no objections, to Item Number 6. This is a discussion on the letter received from the ICANN Board on new gTLD subsequent procedures. And just a time check, we're running a little behind schedule but I think we might be able to make up some time here.

If you recall, the ICANN Board sent us a letter asking the GNSO for its views on what reviews, activities and PDPs needed to be completed before the next round of gTLD applications could begin. We, as the GNSO, we submitted this question to the leadership of the PDP that is currently discussing subsequent rounds, as well as submitted this out to the leadership of the stakeholder groups and constituencies.

What we received in return from the PDP was sort of an open response that they are still examining all of these basic questions and could not report a final position at this time. That was essentially the subject of their ongoing work, that the other stakeholder groups and constituencies had positions and submitted those. They were not necessarily aligned, there were some differences of views.

And what we had asked a small group to – a small group of this Council to step aside and synthesize all of those into a single response that notes the difference of views from the parts of the GNSO community. So this is – this letter is not in response to the Board. It's not necessarily putting forth a single position. It is merely a report of the various positions within the GNSO and an acknowledgment that the PDP is still ongoing.

So with that, first off, I want to thank I believe it was Phil and I'm sorry, it's early in the morning, I'm drawing a blank, but a number of folks worked on this letter and I wanted to certainly thank their contributions for turning this around so quickly. And as well as Steve Chan from staff who helped stitch together all of the different responses from the SGs and Cs.

So with that here is the letter in the screen. It is I think fairly reflective of the different positions. And with that I'll open it up for discussion. I think that generally however our plan would be to get something back to the Board prior to meeting in Hyderabad, so what I think the objective here is that if we can discuss the issues in this letter, make sure that it's accurately reflects the views of various positions that were submitted and that we can then present this on the mailing list. We can iterate a little bit until everyone is pleased with this and then we can respond to the Board so that they can continue this discussion at ICANN 57.

So with that I'll open the queue for discussion. And the queue is clear. I'm surprised no one wants to dive right into this. Oh, Carlos, thank you. Go ahead, Carlos.

Carlos Raul Gutierrez: Yes, thank you, James. This is Carlos for the record. I just want to mention one input from the PDP on subsequent rounds, which I think it's very important and very general. As liaison to that group I want to – that they presented a very important question that is what is the context for this request?

Because the discussion in the subsequent rounds PDP went around why are they asking or what are they expecting or why are they suggesting like a fast track – hold it, this is a phone bridge. But, sorry. So this was for me a very important point to report outside of the input from the GNSO Council. Thank you, James.

James Bladel: Thank you, Carlos. And that is a good point. And I don't – it's been a little while since I've reviewed this letter and I don't remember if that's reflected in this response in terms of a question to the Board. But it is something that if it's not in there we can certainly add it back.

And, sorry, I do note that this is – well, I'm going to ask staff here for a little bit of help. I do note that we had a motion on this but it's listed as a discussion item. I think that's because it came in slightly after the deadline so I've been treating this as a discussion item but if we want to back up just a second and reboot this topic as a motion that's available for a vote, we can certainly do so. I think we should, first, note as a Council that we would need a waiver of this submission because it came in after the deadline and we would also need a second. But I'm happy to go either way on that one. But I see that Paul currently has his hand raised. Paul.

Paul McGrady: Thanks, James. Paul McGrady. So is this really a motion? I mean, and I don't mean that in a procedural sense. This is – and what we're doing with this letter is distilling down what everybody brought back from their specific community. And as long as no one has an objection to how their community is being represented in this letter, the views, I think this really is a discussion issue and then we send on the letter. We're not voting on a new policy. So I'm comfortable with it being just a discussion and everybody saying, yes, this letter looks good and off it goes. Thanks.

James Bladel: Yes, thanks Paul. And that's kind of how I was treating it as well but I wanted to leave open the idea that folks would want to vote. But to me this is, because we just, as you said we just aggregated the different responses and are reporting that back in a

response to the Board, it feels like this is just – we are giving legitimacy to mostly what was a staff exercise.

But I wanted to leave the possibility open that some folks might have some, as you said, some objection to how they were portrayed in this or how their views were positioned here. And leave that door open. But I see a number of folks in the chat are agreeing with you on that point.

So let's – so if there are no objections let's proceed like this. Let's post this for review one more time on our list with the goal of submitting to the Board by I believe middle to late next week. Let's iterate on this and ask for additional comments and edits and especially corrections. And once the Council is satisfied, I don't think we need to vote on this; we can just simply say if there are no further objections or comments or edits we will transmit this to the Board. If that's sufficient.

And if it does go – become a little more spirited and we want to subject this to a vote then we will – we'll examine our procedures for doing that in Hyderabad. I don't see any objections to that approach. So I guess if we can note that and, Carlos, as the maker of the motion, I think we should first just get your explicit consent that that approach is acceptable to you. If Carlos is still on the line. Yes, green checkmark. Thank you, Carlos.

Okay, we'll proceed then accordingly. And move on to Item Number 7, which is the Council discussion of GNSO meeting planning for ICANN 57. We have a bit of a – I don't what we're going to share here, if we're going to put up the block schedule perhaps or the most recent – here it comes, okay.

So we have this draft schedule still available. However, there is still, I think, some open questions at the higher level of where the high interest topics and Constituency Day will be structured. I think that we are still trying to nail that down. And I recognize that it's fairly late in the process and that a lot of folks have expressed some frustration with just how this is proceeding.

But we do have what we have prepared thus far is currently displayed on the screen. I don't know if we have a member of staff that wants to walk us through exactly what we have here. We did try to resolve some conflicts that were coming up and move a

few things around to – I hesitate to say make everybody happy. Let's say anger the fewest number of people as possible because I think when you're dealing with a schedule that is as complex as one for an ICANN meeting it's always a matter of addressing the conflicts in the most equitable way possible.

So I don't know if, Glen, if you are – if I can put you on the spot here at the moment, if you have a few minutes that you can walk us through some of the highlights of the schedule?

Glen de Saint Géry: Thank you, James. Yes, what we tried to do with this schedule is bearing in mind that the – there's no schedule yet published publicly on the ICANN Website. But staff has access to what we call an iScheduler, it's where meetings are placed to find a time and a date and a space for them.

So what we have taken is we've taken the meetings from the iScheduler and we've put them onto the schedule to give people an idea of where the meetings might be. Now this is by no means set in stone. But it does give you an idea where we tried to fit in meetings and also the important thing is that we have tried as best as possible to use all the slots that were requested.

So when a stakeholder group or constituency requested a meeting in a certain slot we tried to put it in there. If that meeting has not succeeded in getting into that slot, then there has been some other conflict, and there's very little we can do about it. However, I think perhaps the most important thing might be to look at the Friday schedule because there we would have to fill in and we'd have to contact people quite quickly about who will be able to present and what we would like presented on Friday.

We've also got the information from the Board that they will not be able to meet with us on Friday. And they have not yet been able to provide us with alternative slots. We're still waiting for those and we're very conscious of those.

I think that's all we can say at this stage, James. Would you – if there any questions I'm glad to take them.

James Bladel: Thanks, Glen. I think that was sufficient. And just a few comments here, I think getting involved in this process as recommended and proposed by Heather, about a month ago, has given me a new appreciation on a personal level for what's involved in this and what Glen, the gauntlet that Glen has to run to put these things together. So thank you, Glen, for your work on this. And there are a number of these gears that are still turning that will ultimately affect the final schedule.

I see some notes in the chat and I see no one has raised their hand. I just want to maybe close off this discussion by noting that we did also put out a call for topics for our meetings with the – I believe it was the Board, the GAC, the ccNSO and executive GDD staff.

Please take a look at those, circulate those amongst your stakeholder groups and constituencies and collect the topics that might be of interest to you to raise so that we can have those in advance. Additionally, there are some groups that we used to meet with traditionally in previous ICANN meetings, that we now have asked for just updates prior to the meetings and those are folks like for example, the SSAC.

If you have anything specific that you would like the SSAC to provide in advance of ICANN 57, please note that we probably will not be meeting with them face to face but would be instead asking them to provide an update or a report either via webinar or a slide deck that we can share, a PDF that we can share on the Council list. So if you have any – if you have anything like that please start to get those submission in so we can give those groups enough time.

I note that Donna is in the queue. Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. On the GNSO schedule for Friday we have updates on the various PDPs. I know that we discussed at some point, I don't know whether this was a leadership team or the broader Council, but I think we discussed having a different format for the updates to make them a little bit more succinct and to be a little bit more focused. Have we moved forward with that or is that – have we communicated that to the working groups? So I just wanted to make sure that we're, you know, where we are with that one.

And the other one is the meeting with Theresa Swinehart, I'd like to understand what Theresa's group is responsible for now and whether there's, you know, whether there's value in that update. Thanks.

James Bladel: Thanks, Donna. And to your first question, I think that, yes, we had discussed in I think as a result of our Helsinki discussion we'd pointed out that constituency – or sorry, the Council days didn't need to be a full weekend, that we could be a little bit more efficient with those updates.

I think the question would be maybe best posed to the Council. Do we want a full update from each of these PDPs or could we, for example, some of them are, let's say, in different stages of the lifecycle of a PDP. Is there an opportunity here to simply ask for an update – a written update that we could circulate on the list prior to the meeting in Hyderabad?

I'm open to either of those if there is something that these groups or a compelling reason to have these groups give their updates in person then we can certainly fall back to that. But I think in either case we should probably invite these groups, the leaders of these PDPs to attend this session in the event that we have specific questions.

And I'm just trying to catch up on the chat here. But I think, yes, I think the term that we were trying to avoid when we were discussing this last was death by PowerPoint. And certainly don't want to set up the Council for a full day of that if possible, we want to keep the meeting efficient and productive and focused on Q&A.

Wolf-Ulrich, you're in the queue next. Go ahead.

Wolf-Ulrich Knoblen: Thanks, James. Well, I have one question, well, you know, regarding the Constituency Day or days and the handling of it, so, you know, Glen and I understand this is very complicated so there are some inter, you know, overlaps, so, between for example constituency meetings as it is right now and so-called high interest topic sessions. We will have a call after this Council call about the high interest topic sessions as well.

So if we come back with, you know, with a request, well, to shift one or the other, you know, one of the constituency meetings from our side, for example, or either, let me say, one of the high interest topic sessions, well, to change where we are – we are interested in, how do you see the change, well, really to do so, you know? How – I would like just to get a feeling, well, because we are thinking about, you know, to if there is – if some you mentioned is possible since there are overlaps where, for example, our constituency members are interested in to participate in high interest topic meetings but in others not that much. So and is there a reshuffling possible or not?

James Bladel: Thanks, Wolf-Ulrich. And I think your question goes right to the heart of this issue that we're having with Constituency Day. So just in the interest of time I'll try to summarize, and I'm sure Glen will correct me if I go too far astray.

But we're still wrestling with those questions. We expect that to be answered in the next 24 hours and the full schedule to be published in the next few days. The challenge here is that there are two options. There's one – Option 1 would be what we are familiar with having the full day Constituency Day; and Option 2 would be to have a split Constituency Day.

The stakeholder groups have been asked, and the secretariats for the different stakeholder groups have been asked to prepare for both possible outcomes. But I don't think we have an answer for you, Wolf-Ulrich, until maybe 24-48 hours from now. So anything I say now would just be a guess. So we're trying to prepare for both of those contingencies, and move things around accordingly so that different – the different split Constituency Day as well as the times and dates that have been requested and marked on this schedule don't collide now with changes coming from higher up the food chain.

And that's – and that's the crux of the problem that I think Glen is wrestling with right now. And I don't have a good answer for you except to say that we're hoping to pin all of this down in the next 24-48 hours.

Wolf-Ulrich Knoben: Okay thanks.



James Bladel: And thanks. And that's – you've got right to the heart of the question. So that's an update on the schedule for Hyderabad. And it is – it is still a little bit of a work in progress. I think that we're looking for it to take shape here in the next couple of days. And some further adjustments and modifications will be required. And I think we all owe Glen an extra bit of thanks because this has certainly opened my eyes to just how challenging her role has been in the past on addressing all of these different requests for sessions.

So if we can then move on, if there are no objections, to Item Number 8 and this is a update on the – and discussion on the GAC GNSO Consultation Group for Early Engagement.

Mason, as our GAC – I'm sorry, our GNSO liaison to the GAC, has agreed to provide us a brief update on the status of this group and its final report that was issued recently. So, Mason, without any – if you're on the line and available, then I'll just turn it over to you and you can walk us through this, but noting that we are about 35 minutes left in our call today so if you could just give us a highlight that'd be great. Thank you.

Mason Cole: Sure, James. Thanks very much. Good morning, everybody. Mason speaking. Just for context, the GAC GNSO Consultation Group, as many of you know, was established to find ways to enhance the GAC's working role with the GNSO. Over the past two years, after my appointment as the liaison to the GAC, we focused on creating mechanisms that would enable the GAC to participate in GNSO policy making at an earlier point.

We've come up with some mechanisms that are usable in that regard. They're sometimes used by the GAC, sometimes not. But what we've tried to do is draw some of the conclusions in the Consultation Group to a close so that we can establish these procedures, you know, with some finality so that the GAC understands where they can engage with us more productively.

Marika, I'm sorry, I don't know, do I have – can I click the slides here? Thank you very much. So here's just a quick overview of the contents of this presentation. We've got several things to cover here.

Okay, so here are the outcomes or the recommendations that the Consultation Group is making. So we need some day to day ongoing coordination between the GNSO and the GAC. You see some items here that will be useful in that regard such as scheduling consultations between the GAC secretariat, the liaison and support staff just to make sure that we're all on the same page.

And then determine what, you know, what improvements we might need to make. One B is to further strengthen the contacts between the leadership teams of the Council and the GAC, setting up some periodic conference calls. I think that's – personally I think that's a very good idea.

And then staff can help us develop a process flow based on existing mechanisms. And then pay attention to those that have been added as a result of the Consultation Group's work.

We established a quick look mechanism for the GAC whereby they can take a look at a piece of policy that's begin developed by the GNSO, make a determination as to whether or not they're – they have a public policy interest in that and whether or not they want to weigh in on it. That's worked somewhat over the course of the last year or so.

And then what this – what the CG is recommending is to make that a standard feature of the PDP so that there's an opportunity for the GAC to either weigh in or not so that they're on record.

Number 4, regularly review and discuss GAC's engagement with policy development just as a regular part of the dialogue between the GNSO and the GAC. And then have PDP working groups communicate to the GAC about how its input has been considered and addressed.

And I know that's been an issue for the Council on various policy developments or various PDPs over time because the GAC apparently is unclear about when they do weigh in whether their point of view is considered and there can be a perception at times that if they – if their point of view isn't accommodated then they weren't listened to. So this would be a good way to have that feedback sent back to them.

Have the GAC and the GNSO and the Board take a look at the impact of the early engagement mechanisms and figure out whether or not there can be a conciliation mechanism. And, you know, we're seeing this now come to, you know, some sort of – well we're seeing now as a potentially useful tool because for example, we have the IGO acronym issue where our advice or our policy recommendation conflicts with GAC advice. And there's really no mechanism to work those wrinkles out between the two. So there could be a way to have the mechanism to deal with that.

And then Number 6 is just a way for all the parties involved to meet regularly, use their regular engagements and opportunities to take a look at what the status is for early engagement and make sure that, you know, potential issues are identified early so that they can be dealt with.

Okay and then GAC and GNSO leadership teams take a look at as part of their regular exchanges the status of early engagement in the PDP. And then the liaison to the GAC provide an annual report to the GAC and the GNSO that highlights early engagement efforts to date as well as any improvements. And that's just a way to keep both parties updated and aware of what's going on and then for the people in the trenches doing the work to make recommendations about how that workflow can be improved.

Yes, and then once this status report is adopted by the GAC and the GNSO then the Consultation Group will dissolve. However, the – as you know, the liaison the GAC, the GNSO liaison to the GAC position is recommended to be carried on on a permanent basis. Okay and here's where you can find the information. I think that's pretty much it unless Marika has anything she'd like to contribute as well as staff support for the CG. But, James, I think that's it for me.

James Bladel: Thanks, Mason. Excellent summary. And I would note that a lot of work has gone into this Consultation Group and looks like they're nearing the end of the – of their project. I had a quick question and then just throw it open for a quick discussion amongst the Council, but if we could go back a couple of slides to I think it was Recommendation 6, no 5, where it said something about the GAC and the GNSO Council to engage in a dialogue in those instances where there's an obvious difference between the PDP recommendations and the GAC input that's been provided.

It seems like if the goal is identify and resolve those as early as possible in the process, it seems like that shouldn't be the Council. That should be the – or maybe the Council can facilitate that discussion but that should be the GAC and the PDP leadership. If the PDP's proposals have been submitted to the Council then I kind of feel like it's already too late. Or have I – I mean, this report is on my reading list as something I haven't – I have only skimmed at this point. So I apologize if I have misunderstood that. But I'm wondering Mason or Marika if you could address that? And then I see a queue so I'll drop out. Thanks.

Mason Cole: I'll defer to Marika on this. She has her hand up.

Marika Konings: Thanks Mason. Yes, so this is Marika. So James you're absolutely right. The whole intent of the work of the consultation group is to facilitate and encourage early engagement. And the hope is obviously that through that process there will be or there will be instances where, you know, advice and recommendations are, you know, complete opposites.

But there is a recommendation that of course there's still regardless of those early engagement opportunities there may still be instances where differences remain. So I think this is indeed a recommendation whereas recognize that, you know, there may be - there may not be a one size fits all approach or a kind of a conciliation and mechanism that, you know, can be easily developed. And that may need more consideration. But I think what the consultation group tried to do here is to ensure that there is open lines of communication and dialogue.

So even if it gets to the stage where the PDP Working Group recommendations differ from, you know, GAC advice or GAC input the council doesn't close the door to have a dialogue with the GAC and, you know, have conversations around where the differences lie. And (unintelligible) that needed whether either at that state or there is still a way to address those or just recognize that indeed there are differences but at least there's a complete understanding between two groups where that comes from.

So this is really a kind of ultimate resolve – resort. And, you know, all recommendations are really intended to ensure that there's early input and engagement. And issues can be addressed at an early stage of the policy

development process through a need engagement with the working group and the GAC (unintelligible).

James Bladel: Thank you Marika. I note that there's a queue forming now. And note that there's also about 25 minutes left in our call. And because they're so many other things going on today we're going to have a hard stop. We're going to be able to go beyond the top of the hour. So I'm going to go ahead and oh well basically if you want to get in the queue now is the time. Please do so and raise your quickly because I want to close the queue here and move to our other agenda items. The next up is Amr.

Amr Elsadr: Thanks James. This is Amr. As you note that Mason and Marika responded to the question I wanted to raise in the chat because I posted it there as well. I was just wondering because - and I do apologize because I haven't been participating in the work of the consultation group over the past few weeks. But early in - in an earlier slide I think it was the first or second slide there was something about outstanding issues and recommendations on those.

And I do note that when the consultation group began its work it had been to work through the different phases of the PDP and to see how GAC early engagement could be achieved along those different phases not just issue scoping phase but through the actual PDP Working Group phase as well. At the time we opted to begin with the earlier stages of issue scoping and so forth. But I was wondering if the consultation group actually got around to doing more work on the PDP Working Group phase or was - or is this part of the outstanding issues that were referred to. Thanks.

James Bladel: Marika did you want to respond, or Mason or...

Marika Konings: Yes this is...

Mason Cole: Go ahead Marika.

Marika Konings: Yes, this is Marika. Amr just on your question basically was the report that identified which were some of the outstanding questions or issues that were identified in the patterns (unintelligible) the survey amongst data as well as GNSO membership (unintelligible) dialogue and conversation. And it came to, you know, these

recommendations to try and wrap up and close out the items that were still left outstanding.

In relation to your question on PDP Working Groups there are some things in here that I think talk to that. But I think the same time to and what I put in the chat as well some of the recommendations here are here in abbreviated form that has been altered on the slides and there are some more context that is provided in the report. So would I really encourage you as well to read report, it's relatively short so it shouldn't too much time to get the full picture in relation to it.

But I think this was a recognition from the (unintelligible) which is work that they will need to do internally to make sure that, you know, they are able to participate and engage at the level that is required or perceived kind of recommendations. And I think some of the PDP Working Groups we've seen that, you know, is slowly developing. But as said I think there is recognition that, you know, from a GAC side they may need to do more on their internal working which is not really the scope of the consultation group apart from encouraging that which I think you also bring back in the report.

James Bladel: Thanks Marika. And I just note that your audio was breaking up a little bit there. So if you can dial in or something I think we're probably going to be calling you again. Next in the queue is Susan, good morning Susan.

Susan Kawaguchi: Good morning James, Susan Kawaguchi for the record. Could we back up to number four on the slide? I'm concerned with number four and five but more concerned with four in that well maybe it wasn't four. I'm reading this again. Anyway it just seems that some of these recommendations point to giving GAC special treatment when I thought that we were - that the GAC had agreed to be engaged in these PDPs and provide their own liaisons basically to the PDP who would report back.

I mean we do I know and I'm working on the RDS PDP. And I know that there are GAC members or at least one that participate in that. I don't mind a conversation with the GAC but to actually come back to the GAC and go okay this is why the community as a whole discussed your recommendation or your point of view and decided against going in that direction with the recommendation.

I mean this is what we were facing in the PPSAI recommendation. So, you know, I just feel like even though I think always it's good to have a conversation I just don't see how the GNSO Council can guarantee that the PDP Working Group is going to come back and explain to the GAC every time sorry we took that into consideration but we, you know, the community did not agree. I really think that is a role for the GAC. So I'm not sure how this - some of these recommendations fit in to a PDP how it would practically work in a PDP and how the GNSO Council could do anything once the recommendations are received from the PDP. So I'm concerned with some of these recommendations.

James Bladel: Thanks Susan. And I think you and I share the concern of Item Number 5. An Item Number 4 I agree that if we're doing all of this stuff for the GAC are we highlighting them by not doing the same for ALAC, RSAC, SSAC and some of the other groups.

Susan Kawaguchi: Exactly.

James Bladel: You know, rolling out the same level of service I guess. And I see that there's agreement with you in the chat as well. Marika did you want to respond?

Marika Konings: Yes. This is Marika. And I'm on Adobe Connect audio so I hope that's slightly better. Just to note again that I think, you know, these recommendations need to be seen in the totality of the package of, you know, recommendations that, you know, have already been implemented or that are being proposed in relation to, you know, GAC early engagement which include, you know, regular dialogue between GNSO leadership and the GAC, you know, encouraging participation (unintelligible) mechanism.

And, you know, Item 6 I think, you know, at least how that has been interpreted, you know, by me as a staff member or sorry Item 4 is to specifically communicate to the GAC when the public comment review is published because I think the assumption is there that, you know, that, you know, if the GAC provides formal input that will be reviewed similarly to other formal input that's provided by other groups. And each PDP Working Group always goes very diligently through that input and documents, you know, what it did with that input, you know, what changes it made or which changes it didn't make as a result.

So I think that the ask of the GAC or at least as I understood it as part of the discussion was merely to make sure that, that then gets back to the GAC so they're able to, you know, review and see okay so how was their input dealt with? And I think that's the intent behind it. I don't think there's a desire to give, you know, the GAC a special treatment or special status it's more making sure that, you know, working groups and I think the same could be said then as well for anyone else that provides feedback that is communicated back once a working group has reviewed that input and which they obviously do and share that back with those that provided input.

James Bladel: Thank you Marika. And thank you Susan for raising the question. Next up is Phil.

Phil Corwin: Yes, Phil for the record. I'll be brief. I've learned over my years in Washington that one needs to watch what they do not what they say. Notwithstanding some of the quibbles about the language here while the sentiments are nice I don't think we're going to have much time to get into today but what we've actually seen during the two years that this has been getting developed these recommendations is that on a specific issue which is curative rights protections for IGOs members of the GAC and the IGOs and the small group or members of the GAC have deliberately not engaged with the ongoing working group. And have used talks with the board on a previous PDP regarding preventative measures for IGO names and acronyms to launch a discussion of a topic which is being addressed by an ongoing PDP.

So not only has there been no engagement a deliberate decision not to engage as members in that working group but pursuit of a separate path to what they want for direct negotiations with the board. So I'll stop there. I don't know if we'll have time to discuss that letter we got from the board the other day on the IGOs but whether we do it on this call are not this council needs to convey a message back about what the proper ways for GAC and GAC members to engage with the policy process. Thank you.

James Bladel: Thanks Phil. Appreciate you providing a specific example. And stand by I think we will shuffle around the remaining agenda so that we can cover that letter. Next up is Heather. Heather, go ahead.

Heather Forrest: James thank you, Heather Forrest. And I will follow-up on some of the comments made by Susan and Phil. And say I think they're raising quite legitimate concerns.



And I - and noticing the reaction that we are getting mainly informal to our efforts in the last two face to face meetings so Marrakesh and Helsinki to encourage GAC members to participate in PDPs and the message I sincerely hope I'm wrong but the message that I'm taking away from the response to our efforts to do so is that GAC members are reluctant to engage in PDP activity when this might not result in GAC preferred outcomes.

In other words why bother to participate if we're not going to get what we want. We'll just go to the board at the end. And I think the example that Phil points up is a good one. This is a concern. And I think it's something that we do need to address substantively when we have the time. Thank you.

James Bladel: Thank you Heather. And I think good point. Carlos, you wanted to respond to something that was raised earlier and then we'll close this one out. Carlos?

Carlos Raul Gutierrez: Yes. Thank you very much James. Carlos for the record. Just a general recommend why we I think we chose such a general language in the recommendations. Earlier in the process two years ago working all the time about the GAC bringing in public interest concerns very specifically but then the public interest develop its own life. And then ICANN took the responsibility to search for a definition of public interest. And now the person who was supposed to do that I think is leaving the corporation.

So my assumption or my - the way I recall is that we have to find kind of a narrow remit for GAC inputs only in terms of public interest. We don't want to mix up the document now with that issue. But I want to just to explain to Susan this point. And I hope that in the future we will concentrate not on participating through the whole PDP but just the early engagement this quick look at the very early stage of the PDP. And basically at some point go back to the concept that what we are expecting from the GAC is just there (unintelligible) an issue in terms of public interest not about all the other rest of issues that might arise with the PDP. Thank you very much.

James Bladel: Thank you Carlos. Okay so just to put a button on this topic. I think that this has prompted a very substantive discussion on the council. I would ask everyone to please review these recommendations and more importantly the full report that provides the context and a rationale of some of these recommendations. And let's get

some of these thoughts expressed on our mailing list so that we can capture them and raise them in our discussions.

We can also refer them back to the consulting group but we can highlight them for our discussions with the GAC in Hyderabad because I think that we clearly have more questions that need to be addressed and solutions that need to be closed up on this report. So please take some time to review this in the next few days and let's get a healthy discussion going on the list because I think these are very, very almost existential questions.

So with that said and I think Phil alluded to it and some of the other speakers as well I'd like to move if there are no objections I'd like to move up AOB 11.1 into our queue. We only have about 11 minutes left. Item 9 the board's letter for the IRD we've received a response and we need to send a response back to the board. So we'll defer that to the list. But I would ask everyone to take a look at that thread when it gets posted.

Item 10 sorry (David) while the certainly the results of the GNSO newcomer survey are important they're not as time critical as some of our other items here so it will have to move back to the list as well. And Item 11.2 as expected we probably won't have time to go to an introduction to (Kurt) so we will probably eagerly expect to chat with him when we get to Hyderabad.

So Item 11.1 and I don't know if we have that, that we can load. This is a note from the board on the IGO issue. And I don't want to belabor it by introduction. I think we're all very familiar that the board sent us a letter. And the letter contains some requested actions as well as an attached proposal from the small group.

Phil and some others have made some pretty substantial contributions on this topic to the list. But I just want to point out that in a kind of rapid fashion that the leadership of the council myself, Donna and Heather as well as some folks that are very close to this issue including Phil and Amr and really a cross section of the council met this week to discuss what our potential response approach might be on this and as well as Mason our liaison to the GAC.

That wasn't meant to exclude anyone. That was done just really to be rapid. And we certainly will expand that to include any and all interested councilors going forward. But we did meet to discuss what the letter is saying. What it's asking for. What the proposal means? We've asked staff to prepare a compare and contrast matrix between the PDP that we adopted and the proposal as well as the GAC advice so just really trying to gather all the necessary material to make sure that we can approach this from an informed position.

With that I think I see a queue is already starting here. Carlos I don't know if that's a new hand or an old hand. But I know that Phil has some thoughts on this as well as other folks might want to weigh in as well. So I'll just in the remaining few minutes I'll tee this us up to the queue. Phil you can go ahead and go first.

Phil Corwin: Yes, thanks James. I'll try to be fairly brief on this and just a couple of key points. The first thing I would point out is it's clear when you read this cover letter that the proposal that's attached to the IGO small group proposal has not been endorsed by the board, has not been endorsed by the GAC and has not even been endorsed by the wider group of IGOs who participate in the GAC. It's simply a proposal from a small number of IGOs.

In terms of council response there's three key points I would like to see in any council response. First they ask that they proposal be referred to the working group on curative rights protections for IGOs. And I'm one of the cochairs of that along with former councilmember Petter Rindforth from the IPC. We already have that report. We have a call in three hours in which we'll be discussing it. So one that group is looking at it and our group has made every effort to get the GAC and specifically IGO members of the GAC to engage with our working group.

I was told I'm not going to name names personally by one of them early on in our process that they had decided not to become members of our working group because they didn't think they would get what they wanted from us which I think is very informative. But nonetheless we continue to seek their input. In fact three employees of IGOs involved with the small group in their personal capacity met with the working group in a face to face session in Helsinki. So we've gone way overboard to solicit their input and they've made a decision not to be members.

The board says in a very important statement in the letter the board will not take action with respect to GAC advice on curative rights protections for IGOs prior to the conclusion of the GNSO's PDP. I think it's very important for council to nail down that we believe the word conclusion of the PDP mean the full process, publication of the preliminary report and recommendations, consideration of public comments, publication of the final report and recommendations and council action on the final report and recommendations that the board should not do anything before the full PDP process is completed. That's the conclusion. Not some point before that. So I think that needs to be in any council response.

And the last point I make is that in the proposal from the IGOs at the end there's a section the last section it's called Next Steps. One the proposal will be circulated and discussed within the larger group of IGOs with the GAC and of course that's their business and with the GNO including the chairs. Okay that's all being done. Second and this is the part I think is just unacceptable. Subject to advice from the GAC and the GNSO the GDD will consider adopting the amended proposal and instructing staff to work up the relevant implementation details for subsequent discussion and approval.

That's completely wrong. The council does not comment on proposals that come in from a small number of members of the GAC. The GDD does not implement proposals coming from GAC members. The GDD only approves confirmed new policy approved by the council and the board relating to gTLDs. So my last point here is I think the council letter needs to address and completely reject this proposed next step in the IGO proposal. And I'll stop there. Thank you.

James Bladel: Thanks Phil. And I note that you raised a number of those points verbally and on the list. And I think they are excellent. And they form a really good framework on which we can build a more comprehensive response.

Phil Corwin: Yes and...

James Bladel: (Unintelligible) go ahead Phil.

Phil Corwin: One last thing. You know, this issue it's not the biggest issue in the world. I know it is for IGOs. Our working group is taken very seriously. But this issue as a precedent for

the operation of the GAC, and members of the GAC and the policy process, and the post transition ICANN is going to set a very key precedent. And we want it to set the right precedent and not provide a way for an excuse for the GAC and members of the GAC to avoid engagement with the policy process and pursue their own aims and direct consultation with the board. So it's very important that this be handled correctly. Thank you.

James Bladel: Thanks Phil, and totally agree. I mean the policy differences here are fairly, you know, fairly minor but it's the process I think that's generating a lot of the concern. Next up is Donna. And then Mary I see is also in the queue. Donna, go ahead.

Donna Austin: Thanks James, Donna Austin. So I don't disagree with anything that Phil has said. But I think we strongly need to keep the focus of our response to process. And what I can see and what seems to be overlooked here by the board is that the original problem that they were trying to solve was the recommendations from the PDP on IGO, INGO. And I'm sorry I don't remember the original name of that working group. So that was the original problem we had was that the GAC advice and the recommendations from that PDP were at odds. So that's one thing that we need to make sure that we cover off.

And what I can see here is that what the board is recommending in that proposal be considered this latest proposal as it relates to curative rights be conceded by the GAC and also the curative of rights PDP Working Group. We're going to be in exactly the same situation again if in Hyderabad the GAC provides advice to the board to accept the proposal and then Phil's working group actually is not, you know, the council actually approves PDP recommendations not just (unintelligible).

So actually the board is driving towards the same problem that we were initially trying to resolve or that the board was trying to resolve by intervening and setting up the smaller group. So I think they're the points that we need to make here is that the, you know, (Crocker)'s letter actually says on behalf of the board I wish to reiterate our belief that the most appropriate approach for the board in this matter is to help to facilitate a procedural way forward for reconciliation of GAC advice and GNSO policy.

And as we said to the board previously there is no process that allows the board to do that. They have to reject the GAC advice or they have to reject the GNSO

recommendations. There is no other option here. And all they're doing is driving us towards another situation where GAC advice is potentially at odds with another PDP effort and its recommendation. So I think we need to be very clear in how we respond to the board in terms of the process that is available to the GNSO and also remind the board what they, you know, from our perspective what they can and can't do. Thanks James.

James Bladel: Thanks Donna. And I think that you and Phil make some very critical points that need to be captured in our response to this letter. I note that Mary has her hand up. Mary...

Stephanie Perrin: Can I jump in here James?

James Bladel: Stephanie yes. Just a note we are at the top of our hour and we have another call starting now. So please be as brief as possible. Thanks. Go ahead.

Stephanie Perrin: Sorry. I just wanted to second what Heather just said. That particular sentence had me scratching my head and it draws one back to the situation that we had with the PPSAI workaround where we're addressing the policy questions, i.e., not taking their advice in the Implementation Working Group. So I think that, that is what a procedural method means in code. And we absolutely have to straighten them out on that. So that's all I wanted to say. Thank you.

James Bladel: Thanks Stephanie. Okay so just noting that we are over our time just a little. This is a critical issue. You might also, you know, I don't think it would be too over the top to say this is potentially an existential precedent for the GNSO and its role as policy development organization. So it's very critical that we get this right. I note that again a small group of folks have started to work on an approach to a response. And we will continue that and open up the call for anyone else that wants to join that effort.

I note that we deferred Item Number 10 and Item 9 and Item 10 to the list. And Item 11.2 is kicked to Hyderabad. Sorry. But with that I would say that we could probably adjourn the call for the day if there are no objections but knowing that we have some important follow-on work that needs to occur both at our next meeting in ICANN 57 as well as in the intervening weeks between now and then. So if there are no objections I'd like to adjourn the call for now and everyone can move on to the rest of their appointments for the day. And I will see you on the list. Thank you.

END