
HYDERABAD – GNSO Council Public Meeting (Part 1)

Monday, November 07, 2016 – 13:45 to 15:00 IST

ICANN57Hyderabad,

India

List of attendees:

NCA – Non Voting – Carlos Raúl Gutierrez

Contracted Parties House

Registrar Stakeholder Group:

James Bladel, Volker Greimann – absent Temporary Alternate Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group:

Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA):

Hsu Phen Valerie Tan - remote participation

Non-Contracted Parties House

Commercial Stakeholder Group (CSG);

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

Non-Commercial Stakeholder Group (NCSG):

Amr Elsadr- absent Temporary Alternate Mathew Shears, Stephanie Perrin, David Cake, Stefania Milan, Marilia Maciel - absent Temporary Alternate Sara Clayton, Edward Morris

Nominating Committee Appointee (NCA):

Julf (Johan) Helsingius - remote participation

NCA – Non Voting – Carlos Raúl Gutierrez

GNSO Council Liaisons/Observers:

Olivier Crèpin LeBlond– ALAC Liaison

Patrick Myles - ccNSO Observer - absent -apologies

Mason Cole – GNSO liaison to the GAC

JAMES BLADEL:

We are scheduled to begin the open GNSO Council meeting in, I don't know, a minute or two, but I can see folks are still going to get something to drink, using the restroom, and so we'll

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reconvene once we get everyone if we could start making our way back, that would be great. Thank you.

Let's try to reconvene the council in the next three to five minutes, please.

For those who are following remotely, we are reshuffling the room, we're playing a little bit of musical chairs. We're trying to get everyone situated around the table here in the next couple of minutes and then we'll get started.

Okay. If we could get the councillors to take their seats. And if our guests could find their way to -- make themselves comfortable in the audience, that would be great. We'll get started here in just a couple of minutes. Okay. Thanks, everyone, and thanks for all who participated in our discussion with the board. Waiting to get access to the Adobe Connect room, but this is the GNSO Council open session for -- what is today? It is the 7th of November, from ICANN 57 in Hyderabad. Welcome.

Glen, if you don't mind, if we could get going and start the recording and call the roll, please. And I note that we have a number of -- I saw a flurry of proxy assignments on the list in the last 24 hours, so if we could be sure we cover all those that would be great. Thank you.

GLEN de SAINT GÉRY: Thank you, James. I think the recording is up and going. Keith Drazek.

KEITH DRAZEK: Present.

GLEN de SAINT GÉRY: Donna Austin.

DONNA AUSTIN: Present.

GLEN de SAINT GÉRY: Rubens Kuhl.

RUBENS KUHL: Present.

GLEN de SAINT GÉRY: James Bladel.

JAMES BLADEL: Here.

GLEN de SAINT GÉRY: For Volker Greimann we have temporary alternate Michele Neylon.

MICHELE NEYLON: Unsure.

GLEN de SAINT GÉRY: Darcy Southwell.

DARCY SOUTHWELL: Here.

GLEN de SAINT GÉRY: Valerie Tan is absent, but I think she's on the line. Valerie, are you on the line?

VALERIE TAN: Yes. Hi, Glen. I'm calling from Singapore.

GLEN de SAINT GÉRY: Thank you very much.

VALERIE TAN: (indiscernible) to everyone.

GLEN de SAINT GÉRY: Thank you. In case there are any connectivity issues, Valerie has given her proxy to Donna Austin. Phil Corwin.

PHIL CORWIN: Present.

GLEN de SAINT GÉRY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Here.

GLEN de SAINT GÉRY: Paul McGrady.

PAUL McGRADY: Here.

GLEN de SAINT GÉRY: Heather Forrest.

HEATHER FORREST: Here, Glen. Thank you.

GLEN de SAINT GÉRY: Tony Harris.

TONY HARRIS: Here.

GLEN de SAINT GÉRY: Wolf-Ulrich Knoblen.

WOLF-ULRICH KNOBEN: Here.

GLEN de SAINT GÉRY: Marilia Maciel is absent, and there is a temporary alternate in her place who is Sarah Clayton. Sarah?

SARAH CLAYTON: Here.

GLEN de SAINT GÉRY: Amr Elsadr is also absent and he has as temporary alternate in his place, Matthew Shears. Matthew?

MATTHEW SHEARS: Here.

GLEN de SAINT GÉRY: David Cake.

DAVID CAKE: Present.

GLEN de SAINT GÉRY: Edward Morris?

EDWARD MORRIS: Here.

GLEN de SAINT GÉRY: Stefania Milan.

STEFANIA MILAN: Here.

GLEN de SAINT GÉRY: Stephanie Perrin.

STEPHANIE PERRIN: Here.

GLEN de SAINT GÉRY: Julf Helsingius is on the phone with us. Julf, can you hear us?

JULF HELSINGIUS: Yes, I can hear you loud and clear. I'm sorry I can't be there with you guys, but I'm here.

GLEN de SAINT GÉRY: Thank you so much, Julf. In case of connectivity issues, we also have a proxy for Julf who is Carlos Gutierrez. Carlos Gutierrez.

CARLOS GUTIERREZ: Here. Thank you.

GLEN de SAINT GÉRY: Olivier Crepin-Leblond.

OLIVIER CREPIN-LEBLOND: Present.

GLEN de SAINT GÉRY: Patrick Myles is our ccNSO liaison. I think Patrick is at meeting. Mason Cole.

MASON COLE: Here.

GLEN de SAINT GÉRY: And that is all for the council. Thank you, James. And over to you.

JAMES BLADEL: Thank you, Glen. And welcome everyone. Two names that we did not hear on that roll call were Chuck Gomes and Jeff Neuman. I can see are both in the room as visitors. And Chuck, to understand this is your 54th ICANN meeting and Jeff just went golden with his 50th ICANN meeting. So thank you for your service, and please find a hobby.

[Applause]

Okay. Thank you. As we proceed through our agenda, does anyone have any updates to their statements of interest or anything relevant to their status as a councillor?

Seeing none, we will move on to item 1.3, which is a review of our agenda. The agenda, as is often the case, has changed a little bit since we've arrived here in Hyderabad. And we've moved some things around and altered the titles of some of our sessions. I think I would note that we do have one request from staff, which is that, during the administrative section where we have the election for chair, which is item number -- I'm scrolling quickly here -- I think it's possibly in the next session. We have a

request from staff that we have an option whether we can have an open vote where, either by stating our vote or raising our hands, we are identified. We also have an option for a secret ballot where the ballots could be kept secret. If we choose the secret ballot option, staff needs to go print some ballots. So we need to get them started on that now. Can we make a decision now, while we're hammering out the agenda, which of the two voting methods we would prefer when we approach that time? I put this question to the incoming councillors as well, who will be participating on that vote. Heather, go ahead.

HEATHER FORREST:

Thanks, James. I can speak on behalf of the IPC and say we're happy with an open vote and don't see a need for a closed vote. I'm looking to my fellow councillors from the CSG. See we're happy with an open vote. And NCSG are happy with an open vote as well. So from our house, we're happy with an open vote.

JAMES BLADEL:

Thank you. And I see heads nodding from registries and registrars as well. Any objections? Going once, going twice, we'll conduct that with an open vote. You're off the hook, Glen. Thank you. Thank you, councillors.

Okay.

And then item 1.4, the status of the minutes from the previous meeting from our council meeting on October 13th before we left for India.

And the status of that, I believe those minutes were approved. I think we approved -- I recall approving those. And those were posted to the list and also to the web page. Is that correct, Glen?

GLEN de SAINT GERY: Yes.

JAMES BLADEL: Okay. Fantastic.

Excellent. Okay. Then moving on to item 2 is where we typically review our active projects list and our action items from previous meetings. I don't know if we can pull those up on the screen quickly to walk through those. Here they come. I think most of this is fairly familiar to everyone. It hasn't changed significantly since our call on October 13th. But, if you have any questions or any comments you would like to make, this would be a good time to do so.

Marika, to put you on the spot here, do we have any significant updates or changes to this since our last call? All of the active projects are in the same state that they were when we last

discussed them? And I see no indication around the table that we would like to address any of these.

Okay. If we could bring up, then, the action item list. And we'll wait for a moment while that loads.

Once again, our color coding is that green is completed and will not appear on the next action item list.

Blue is something that appears later in our agenda.

So, just scrolling down very quickly, we have IGO, INGO PDP recommendations that are outstanding. We certainly have beaten that topic to death this week including in our last session. But, if anyone has any comments, I think Heather had mentioned that she wanted to table some of the discussion in our wrap-up session later this week as we start to look for a path forward. So --

HEATHER FORREST:

James, sadly -- this is Heather Forrest. Our wrap-up is today, not later in the week. And I just want to put a marker on this to make sure that we do something about it.

JAMES BLADEL:

Absolutely. And we will capture it for the wrap-up agenda.

There is a CWG on Internet governance that we have -- that comes up later in our agenda. And the PDP improvements. I'm actually not familiar with that, or perhaps I'm familiar with it by a different name. Where does that appear in our agenda? It's marked blue, so it should be there somewhere.

Yeah.

We took away Marika's microphone. That was a tactical error on our part. Marika, go ahead. Could we enable the floor mic, please.

MARIKA KONINGS:

Can you hear me? This item on the survey staff conducted. So I think it's the last item on the agenda where we'll brief you on the outcome of the survey and proposed next steps.

JAMES BLADEL:

Thank you.

The procedure to address WHOIS conflicts with national law. We're trying to convene a group of councillors who volunteered on that issue on a mailing list we're trying to get together in an ad hoc session later this week. I think it's tomorrow.

The ICANN board letter is complete.

We have a slate of liaisons that we'll need to fill for implementation review teams. And we'll certainly flag that as part of our wrap-up because we will also have some incoming councillors who may wish to volunteer for some of those liaison roles.

We have a charter for our new Cross-Community Working Group for auction proceeds. That comes up later in our agenda.

And we have a continued discussion on the GNSO's -- that one, actually, is the interim GNSO representative to the empowered community. I think that one is currently green, but we do have a discussion of the draft bylaws later on our agenda which would be blue. Michele

MICHELE NEYLON:

Thanks, James. Michele Neylon, for the record. I, unfortunately, won't be present for the wrap-up session either as I'm doing a high interest topic with the GAC. But I know you will quite happily volunteer me for lots of things without consulting me. That's okay. He's in my stakeholder group. He's kind of allowed to do that.

JAMES BLADEL: That is kind of one of the standing objections, especially as we have our incoming councillors and sign them up as liaisons for all kinds of working groups like that.

That's our action list. Anyone have any other items on the action list with a question or update or discussion?

All right. The queue is clear. So we can then move to item number 3 on our agenda.

Item number 3 is our consent agenda. And usually this is the easiest part of my day because it's empty. But today we were able to move two motions to our consent agenda. The first is to adopt the final status and report from the GAC GNSO consultation group. And the other is to approve the appointment of a GNSO liaison to the Government Advisory Committee. And that would be the approval of Carlos to succeed Mason at the end of this meeting in Hyderabad.

Just a quick question: When we have the motion on the consent agenda, is it typically the convention of the council or is it under our operating rules, Glen, to read the motion into the record? Or can we simply proceed to a vote or any -- I would open the floor as well to any discussion points relative to these two items on the agenda?

Glen, that was a question or -- is it typical that we still continue to read the motion into the -- okay. So when it's on the consent agenda, they're voted as a package

GLEN de SAINT GERY: James, I'm sorry, no. It goes through just as the title of the motion.

JAMES BLADEL: Thank you, Glen. I believe did you raise your hand Rubens?

RUBENS KUHL: Just point out if people could consent to the consent agenda or if they want to move something to the standard agenda. I'm not suggesting anyone.

JAMES BLADEL: Certainly, we can reconfirm that. These were moved to the consent agenda when we put together our discussions during this week. But does anyone have any new objections to these items being in the consent agenda where we would pull them out individually? Let's open up for discussion on any of these items on the consent agenda before we move to a vote. Heather.

HEATHER FORREST: I was only going to make your comment.

JAMES BLADEL: We're exchanging Heather for Donna.

DONNA AUSTIN: Donna Austin. I'm wondering if I can make my comment before we actually vote.

JAMES BLADEL: Absolutely. Go ahead.

DONNA AUSTIN: Just in relation to the appointment of the GNSO liaison to the Governmental Advisory Committee. Thank you, Carlos, for your interest. And we really are looking forward to having you in the role given that you have direct knowledge of the GAC and the inner workings that go on over there. I think it's a very important role and becoming more so as we move forward. So thank you very much for volunteering for the position. And we hope that you can -- I guess should I give you the opportunity to pull out now? Or we'll just go ahead?

And sorry. And also just to recognize the work that Mason did. And thank you very much, Mason, for filling the role. You know, it was the first time that anybody had done it. It's always hard to

submit a new role. And I think Mason has done a really good job and provided Carlos with a good entry into the GAC. Thanks to the work that you've done setting it up. Thank you to Mason as well.

[Applause]

JAMES BLADEL:

Thanks, Donna. And thank you, Mason, for your service and Carlos for taking it on. Especially given what we've seen this week. Your plate is full.

I just wanted to make a quick comment as well for the GAC GNSO consultation group and noting that this group also, I think, was the genesis of the liaison role as well as the quick look mechanism and some other discussions that are helping to foster a closer collaboration between the GAC and the GNSO. And I think to that we owe at least an acknowledgment and thanks to Jonathan Robinson and Manal and Olof and Marika and also you on that one as well. So thanks to all who participated on that GAC GNSO consultation group, which my understanding is that group is now standing down as we accept their final report. So thank you.

Any other statements, questions on the consent agenda?

Okay. Then let's proceed to a vote. Glen, if you don't mind.

GLEN de SAINT GERY: Thank you, James. This is for the two motions on the consent agenda. Is there anyone who would like to abstain? Please raise your hand. Seeing no hands, is there anyone who votes against either of the motions on the consent agenda? Please raise your hand. Seeing no hands raised.

Will you all raise your hands if you're in favor of the two motions on the consent agenda? Thank you. The motion passes unanimously, James

JAMES BLADEL: Thank you, Glen. And thank you, councillors. Can we confirm that Julf and Valerie were raising their hands remotely?

GLEN de SAINT GERY: Julf, Valerie?

VALERIE TAN: Agreed.

GLEN de SAINT GERY: Julf?

JULF HELSINGIUS: Yes, agreed.

GLEN de SAINT GERY: Thank you.

JAMES BLADEL: Thank you. Okay. Great.

Moving then to item number 4. And this is a motion that I submitted here recently and submitted an update to the list. This is the consensus recommendations for the GNSO bylaws drafting team. This was the subject of quite a bit of discussion throughout the week. There are, actually, I believe two amendments -- one that was posted by Wolf-Ulrich and one posted by myself. And I believe that's where we currently stand. Is that correct, Wolf-Ulrich? I haven't been paying attention to the list for the last couple hours.

WOLF-ULRICH KNOBEN: Yes, James, thank you. Wolf-Ulrich speaking. Actually, I withdraw the amendment on the list just minutes before.

JAMES BLADEL: Thank you, Wolf-Ulrich. I apologize for missing that when we were in a different session prior to this meeting. Thank you for that update. There were several amendments submitted to the

list earlier this morning that reflected our working session last night. And I note that I believe Rubens, as the seconder, has also accepted those as friendly, so we're free to discuss this motion. Why don't I go ahead and read the motion into the record that -- as it stands currently with the -- with the withdrawal and with exception of the friendly amendments. And we'll begin the discussion of this topic. Okay?

So whereas, 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 of 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 or responsibilities.

2: In creating the drafting team, 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 or needed further changes to ICANN bylaws and/or GNSO operating procedures to enable effective GNSO participation in ICANN activities under the revised ICANN bylaws not later than 30 September 2016.

3: During the course of the drafting team's work, strongly divergent views were suggested on behalf of the community leading to production of a final report which included a minority report.

And 4: The drafting team submitted its final report to the GNSO Council on 12 October 2016. And there's the link. The GNSO Council has reviewed the drafting team's report. Resolved, one, the GNSO Council accepts the recommendation in the drafting team's report as submitted. 2. The GNSO Council directs ICANN policy 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. The GNSO Council requests that ICANN legal evaluate whether the proposed modifications are consistent with the post transition bylaws and report their findings to the GNSO Council. 3: The GNSO Council requests that members of the drafting team make themselves available by ICANN policy staff as needed.

4: In acknowledgment of the divergent views within the drafting team, the GNSO Council directs ICANN staff to post the drafting team's final report, including the minority report and all proposed modifications or new procedures for public comment for no less than 40 days. The GNSO Council expects that any comments received will be given meaningful consideration.

5: As a result previously, the GNSO Council intends to subject the adoption of the proposed modifications to existing procedures and/or ICANN bylaws to a GNSO supermajority vote.

And 6: The GNSO Council thanks the drafting team for its collaborative effort, especially with the limited amount of time available for the drafting team.

Excuse me. That is the motion. We've accepted the amendments as friendly. And we have a maker and a second. Let's begin discussion of this topic. We'll start with Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Thanks very much. And Wolf-Ulrich speaking. Thanks very much for all the efforts to bring the motion to that where we are right now.

I don't have to comment on the content on that. It's rather than how we are going to vote on that. Is that motion also understood to be under the threshold of a supermajority vote, or how are we going to do this?

JAMES BLADEL: I'm sorry, Wolf-Ulrich. Was your question whether or not this motion will be held to supermajority vote? The answer to that is yes. Sorry. That was -- that is no? Go ahead, Marika.

MARIKA KONINGS: This is Marika. So the council has expressed the desire or the indent to adopt by a supermajority vote. But, under the bylaws or operating procedures, a simple majority would be sufficient to make it pass, because the operating procedures are very clear that only those votes that are specifically called out and it's -- I don't know what the new section number is. But in the bylaws and different voting threshold, only those could be subject to a different voting threshold. But the council has made it very clear that its intention to adopt the recommendations with a supermajority vote.

JAMES BLADEL: Correct. And we intend to keep that. So that's why I'm confused. I always understood that we made that commitment when we put this out to the drafting team. That's where we're still continuing.

I have Keith or Ed.

KEITH DRAZEK: Thanks, James. Keith Drazek. My question is just a clarifying question to make sure I understood that exchange.

I thought I heard Wolf-Ulrich ask about the threshold, the voting threshold for the passage of this motion. Obviously, this motion has a resolved clause that talks about the intent for a supermajority vote for the adoption of the actual package, right? Of the recommendations of the DT.

But I think I heard Marika say that the -- this motion, because it's not approving or adopting, would actually be a simple majority. Did I misunderstand that?

JAMES BLADEL: Marika, go ahead.

MARIKA KONINGS: This is Marika. So, when the council formed a drafting team, it also indicated that it would accept, adopt, receive those recommendations also with a supermajority vote. It's not something we could enforce because it's not in the operating procedures or bylaws. But the intent expressed by the counsel to make sure that there would be sufficient support to make those voting threshold. Does that help?

UNKNOWN SPEAKER: Thank you, Marika.

JAMES BLADEL: Just to be clear, we made that commitment when we set up the drafting team. And we're essentially reiterating that commitment in this motion for the final output for both.

But, to Marika's point, it's not something we're obligated to do under our bylaws. But it's a commitment we made. Ed.

ED MORRIS: Thanks, James. Given the fact that we just received the friendly amendments within the last hour or so, I'd like to ask for a deferment so I have time to go back to my stakeholder group. But my question for Marika is can I? Obviously, the original motion was already deferred. Can we defer again because of the amendments? Thanks.

MARIKA KONINGS: This is Marika. My understanding is that it's at the discretion of the GNSO chair.

ED MORRIS: We'd like to ask for a deferment, James, if we can.

JAMES BLADEL: As you indicated this would be the second deferral of the motion, but not really because it has changed extensively, based on our discussions here in Hyderabad, particularly in the last 24

hours. So I think it is a fair statement to say that a number of folks have not had an opportunity to fully consult with their stakeholder groups and constituencies and to review the motion. I note that we don't have necessarily an external time frame that we're trying to hit with this. We do have an interim representative to the empowered community. At Wolf-Ulrich's suggestion, when we adopted that interim procedure process, we did put a time limit on it. We may have to take a look at that if this comment period and the subsequent motion go -- start to look like we're going to extend that time period. But, generally speaking, I understand what you're asking. And I'm inclined to grant a deferral, if that's what you're seeking. And I think that would probably be best. That would put this on our docket for December 1. And that would mean that it would be the end of the road for this particular motion because there would be no more opportunities to defer it.

ED MORRIS: Thank you, James.

JAMES BLADEL: And do we have any other folks that would like to continue discussion on this? Heather and Paul.

HEATHER FORREST:

Thanks, James. Heather Forrest. I wanted to make sure we captured the spirit in which the amendments were made. I realize that we haven't had much time to review these but all the more important I think to say a few things now so that when we come back to this in December we don't lose sight of what's been done here. I think we've made some very significant progress in a very short period of time. We do have a fundamentally different motion on the table now. I think that is a positive thing and, of course, that also speaks to us wanting to see it here.

We listened very carefully to the comments that were made in our working session when we first discussed this motion, and the attempt here was to capture for, let's say, the general audience who wasn't with us yesterday evening, you don't perhaps know that we meet informally prior to the council meeting to discuss the motions that are on the table, and thereby, let's say, try and raise any more complicated matters before we reach this table so as to have our time here be most efficient. And there was a tremendous amount of good will and willingness to work on a path forward towards achieving motion language that we could all agree on. And the amendments were made in that spirit. And I hope that we have adequately captured that attempt. I will say that I'm the -- speaking from the perspective of the IP constituency, we recognize the time

that -- the limited amount of time that we've had to see this, however -- [phone ringing] given the good faith --

JAMES BLADEL: So we have a dial-out going on on the speakers. Okay. Heather.

HEATHER FORREST: Great, thanks. Given the good faith effort that's been undertaken here, we are prepared to vote today. We recognize and it is captured in the final -- in the final clause there, 6, we recognize the tight time frame here. But in order to continue to express good will for this effort, we are prepared to vote today. Thank you.

JAMES BLADEL: Thanks, Heather. Paul.

PAUL McGRADY: Paul McGrady. In the event that the motion ends up not being deferred I have some substantive things to say, but it sounds like that may be where it's heading. All I wanted to say at this point is a special thank you to James for his leadership in this and slowing down the process enough to give this a chance to work out and also the two co-chairs who I know were very much

involved in this process as well, Donna and Heather. So thank you very much.

JAMES BLADEL:

Thanks, Paul. And I certainly would share all the credit with Heather. She and I were performing emergency surgery on these motions at an early hour so glad we were -- and Marika. Okay. So any other comments on this agenda item and this motion? Okay. Ed, your deferral is granted and we will take this up again at our meeting December 1. So please use the intervening time to consult with your stakeholder groups and constituencies and give it a thorough review. Thank you.

Next up is -- yeah, I've got to scroll here. Sorry. Agenda item number 5, which is the discussion of our status as the GNSO as a chartering organization for the cross-community working group on Internet governance. As many of you are aware we've had a number of discussions here in Hyderabad as well as some topic of conversation with our ccNSO colleagues regarding the status of this group and this is a follow-on, of course, to discussions we had with the CCWG-IG in Helsinki and in Marrakesh. As a result, we are changing course from where we were starting prior to when we left for Hyderabad where we were considering withdrawing our support and instead based on our discussions with those other folks and in our working session last night we

arrived at a slightly different approach. And if there are no objections, I'll go ahead and read this into the -- into the record, and we'll get started. However, I would note, I think -- am I still missing a second for this one? I am missing a second for this motion. So I'm seeing Paul is -- Paul McGrady is seconding the motion. Thank you, Paul. Okay.

So let's read this into the record. And we can start our discussion. And I just lost -- there it is. Thanks. The motion title has also changed, so I'll read that as well. Motion, conditional participation of the GNSO as a chartering organization for the cross-community working group to discuss Internet governance issues affecting ICANN -- oh, I'm sorry. This was Darcy's motion. Darcy, welcome to council. Would you please read your motion into the record?

DARCY SOUTHWELL:

Absolutely. Motion to conditionally participate -- okay. Hold on. That doesn't make sense. Sorry. Conditional participation of the GNSO as a chartering organization for the cross-community working group to discuss Internet governance issues affecting ICANN. Whereas the GNSO Council adopted the charter for a cross-community working group to discuss Internet governance issues affecting ICANN and make recommendations to the

chartering organization on these issues on October 15, 2014, and as such became a chartering organization.

B, the charter foresees that at each ICANN annual general meeting starting 2014 the charter and deliverables of the working group shall be reviewed by the participating SOs and ACs to determine whether the working group should continue or close and be dissolved. Consistent with the ICANN community practices, the working group will continue if at least two of the participating SOs or ACs extend the charter of the working group and notify the other participating SOs and ACs accordingly one month after the annual review date. The CWD -- excuse me, the CWG-IG provided its first written status update on June 23, 2016.

D, the GNSO Council recently adopted the uniform framework of principles and recommendations for cross-community working groups which details the life cycle of a CCWG which includes initiation, formation, operation, decision-making, adoption of final report by chartering organizations, and closure of CCWG and post-closure of CCWG.

E, the GNSO Council has observed that the CWG-IG does not follow this life cycle nor has it established and adopted an initial work plan and associated schedule as foreseen in its charter.

F, the GNSO Council recognizes the importance of a continued dialogue and discussion in relation to the topic of Internet governance within an ICANN context.

G, the GNSO Council has shared its concern with the ccNSO council and representatives of other SO/ACs on the subject of this CWG and its future.

Resolved, the GNSO Council will continue to participate as a chartering organization for the CWG-IG. However, this participation is conditioned upon a comprehensive review of the CWG-IG charter by the CWG-IG in accordance with the CWG framework.

B, the GNSO Council expects that the CWG-IG will present by ICANN 58 a report on its findings which may include a revised charter or a recommendation to reconstitute the group under a new structure.

C, following the submission of the CWG-IG report, the GNSO Council will consider the recommendations and decide whether or not it will continue as a chartering organization.

D, the GNSO secretariat will communicate this decision to the CWG-IG chairs as well as the other chartering organizations.

JAMES BLADEL: Thank you, Darcy. It's not as easy as it looks. So this is the revised motion, and Darcy accepted our amendments as friendly based on our discussions from last night where we have offered conditional extension of our -- our participation based on the terms that were outlined in the four resolved clauses.

So discussion of this motion and the CCWG-IG charter. Michele.

MICHELE NEYLON: Thanks, James. Michele, for the record. We did discuss this in our meeting with the ccNSO, and I think it's something that ultimately the discussion there we decided that killing -- removing our support for this completely would have been counterproductive. I think we felt that having these discussions was important. It was more around the process and the technicalities of how that fits in within the entire ICANN framework. So the idea behind this is, if they could please refocus themselves and then come back to us, I think that would be a positive move. And we're supportive of the work they're doing.

JAMES BLADEL: Thanks, Michele. I agree, and using the opportunity of the recently adopted framework for CCWGs as a jumping off point for that change is probably also a timely decision on our part.

Any other comments. If there are no other discussions on the motion, then we could proceed to a vote. Any objections to a show of hands vote? Obviously including a verbal indication from Julf and Valerie. Okay. Glen, if you would proceed, please.

GLEN de SAINT GÉRY: Thank you, James. Would anyone like to abstain from this motion? Please raise your hand. Seeing no hands raised, would anyone like to vote against this motion, please raise your hand. Julf, Valerie, would either of you like to abstain or vote no against the motion?

JULF HELSINGIUS: No.

VALERIE TAN: No.

GLEN de SAINT GÉRY: Thank you. All those in favor of the motion, please raise your hands. Julf, Valerie, would you please say yes if you're in favor of the motion?

JULF HELSINGIUS: Yes.

VALERIE TAN: Yes.

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

JAMES BLADEL: Thank you. And I do note that we have a hand raised from Julf, and I don't know if that was to indicate his vote or he had a comment or question?

JULF HELSINGIUS: No, it was just to indicate a vote.

JAMES BLADEL: Thank you, Julf. It was perfect. You had a little icon of a hand raised. It worked very well. Glen, if you could note that. And as we indicated, communicate that to the CCWG-IG chairs.

GLEN de SAINT GÉRY: Thank you, James, that will be done.

JAMES BLADEL: Okay. Moving then to the next item in our agenda and I believe it is another motion, and this is the chartering of a new cross-

community working group on new gTLD auction proceeds. This is a motion that -- that I -- I believe I made. I'm trying to -- I don't want to -- yes. Is a motion that I made and was seconded by Wolf-Ulrich. There were additionally, like the other motions, there were some modifications and amendments submitted last night. Wolf-Ulrich, I don't know -- I'm sorry, I haven't been on the list, but have you accepted those as friendly amendments?

WOLF-ULRICH KNOBEN: Yes, I did.

JAMES BLADEL: Thank you, Wolf-Ulrich. So then with the -- with the motion and the friendly amendments accepted, I will read the motion into the record and we can begin our discussion.

The motion is the adoption of a charter for a cross-community working group on new gTLD auction proceeds. Whereas, one, following a number of sessions on the topic of new gTLD auction proceeds during ICANN 53 in Buenos Aires, see link, a discussion paper was published in September 2015 to solicit further community input on this topic as well as the proposal to proceed with the CCWG on this topic.

2, as the feedback received on the discussion paper confirmed the support for moving forward with the CCWG, James Bladel,

GNSO chair, reached out to all of the ICANN supporting organizations and advisory committees to ask for volunteers to participate in a drafting team to develop a charter for a CCWG on this topic. All ICANN SOs and ACs apart from the ccNSO responded to this request and put forward volunteers to participate in the drafting team.

3, the GNSO Council appointed Jonathan Robinson to chair the drafting team, which commenced its deliberations on the 23rd of February, 2016.

4, the drafting team published a draft charter for community discussion in advance of ICANN 56, which was discussed during the cross-community session held at ICANN 56. Following that meeting the drafting team reviewed all of the input received and updated the proposed charter accordingly. On 13th of September, 2016, I guess, this proposed charter was shared with all ICANN SOs and ACs with the request to review it and identify any pertinent issues that would prevent adoption of the charter, if any.

5, subsequently a webinar was held on 13 October, 2016 to allow for additional time and information to undertake this review, see link.

6, as no pertinent issues were raised, the drafting team submitted the proposed CCWG charter with a link for consideration to all ICANN SOs and ACs on 17 October 2016.

Resolved, one, the GNSO Council approves the charter.

2, each GNSO stakeholder group will identify one member for the CCWG by 5 December 2016, taking into account the charter requirement that best efforts should be made to ensure that members, A, have sufficient and appropriate motivation and ideally expertise, to participate in the substance of the work of the CCWG. Appropriate experience could, for example, include experience with allocation and final distribution of funds.

B, commit to actively participate in the activities of the CCWG and on an ongoing and long-term basis.

C, solicit and communicate where appropriate the views and concerns of individuals in the organization that appoints them.

D, commit to abide to the charter when participating in the CCWG. Excuse me.

E, understand the needs of the Internet communities that ICANN serves, standards, domains and numbers.

F, understand the broader ecosystem, the Internet community, in which ICANN operates and the needs of those working on

other aspects of the Internet industry, including those not yet connected.

3, the GNSO Council expects to select a GNSO co-chair for the CCWG from the slate of GNSO-appointed members to the CCWG during its meeting on the 15th of December, 2016.

4, furthermore, in addition to a statement of interest, all members and participants will be required to provide a declaration on intention to apply for or in any way support the application for new gTLD auction proceeds, either as an individual or through the entity you are representing or employed by or are otherwise funded by or affiliated with or support or endorse. It will be mandatory to report any changes in relation to these intentions throughout the CCWG life cycle.

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

And 6, the GNSO Council thanks the members of the auction proceeds drafting team for their contributions developing this draft charter.

That is the motion that we have as amended, and it has been accepted as friendly. I would note just for the record that two SOs or ACs are required to adopt this charter for the CCWG to

become active. And my understanding is that at least two, if not more, have either indicated that they have adopted this charter or intend to do so here in Hyderabad or immediately following this meeting. So the -- the train is already starting to rumble down the tracks. It's simply a question of whether or not we will jump on. So with that, I'll open this motion up for discussion. Michele.

MICHELE NEYLON: Michele, for the record. Do you need a second for that motion?

JAMES BLADEL: No, I don't. Wolf-Ulrich seconded the motion. Thank you. Wolf-Ulrich?

WOLF-ULRICH KNOBEN: Thanks. Wolf-Ulrich speaking. Just under -- I think it's under 2 or 1, that the GNSO stakeholder group should provide a -- the members, the names of the members by 5 December. I would like to add so it's clear that I think staff should send out a call for nomination that's all circulated. Thank you.

JAMES BLADEL: Thank you, Wolf-Ulrich. And we'll send this out not to staff but circulate it to our S, Gs, and Cs. One note -- and I just -- I would

ask maybe Marika and Mary to take a look at this question that was raised to me privately on whether the chart notes that we would have four members in addition to the GNSO co-chair or four members including the GNSO co-chair. There's some discussion of that may be ambiguous. Or do you have an answer? Go ahead.

MARIKA KONINGS:

The charter is actually silent on whether the appointed co-chair needs to be a member. So you can have up to five members, and you have the option to appoint a co-chair. But it, actually, doesn't specifically say that the co-chair needs to be a member. So it's up to you to decide how you fill that in.

JAMES BLADEL:

Okay. Thank you for clarifying or at least acknowledging the lack of clarity in the charter. Because I think the way the motion reads we are indicating that we will select our co-chair from the slate of GNSO members. So is everybody okay with that? Okay.

Yes, Marika.

MARIKA KONINGS: This is Marika. Of course, one option is, not having to change the motion, is if you pick that person as a chair, then you have one additional member that you may want to appoint, for example.

JAMES BLADEL: Okay. Fair enough. Olivier.

OLIVIER CREPIN-LEBLOND: Thank you, Mr. Chair. Olivier Crepin-LeBlond on behalf of ALAC. The ALAC has met earlier today and has resolved to proceed forward with this charter but with the intent of also naming a co-chair for this cross-community working group. Thank you.

JAMES BLADEL: Thank you, Olivier. I wonder if I can put our liaison to the GAC on the spot. Is there any status on the GAC adoption of this charter?

MASON COLE: I'm sorry. I was paying attention to something else. Can you repeat the question.

JAMES BLADEL: Just that Olivier said the ALAC will adopt and put forward a co-chair. I don't know if you can report on any GAC status on this charter.

MASON COLE: No. But I'll find out.

JAMES BLADEL: Excellent. Thank you.

Okay.

Any other comments or interventions relative to this charter? Queue is clear. If there are no objections, then we'll move to a vote. Glen, if you'll done the honors.

GLEN de SAINT GERY: A vote by the raise of hands. Thank you. James.

Would anyone like to abstain from this motion? Please raise your hand. Valerie, Julf, would you like to abstain from this motion?

JOHAN HELSINGIUS: No.

VALERIE TAN: No.

GLEN de SAINT GERY: Thank you. Would anyone like to vote against this motion, please raise your hand. Valerie, Julf, would you like to vote against this motion?

VALERIE TAN: No.

JOHAN HELSINGIUS: No.

GLEN de SAINT GERY: All those in favor of this motion, please raise your hand. Valerie, Julf, are you in favor of this motion?

JOHAN HELSINGIUS: Yes.

VALERIE TAN: Yes.

GLEN de SAINT GERY: Thank you very much. James, the motion passes unanimously. Thank you.

PAUL MCGRADY: Sorry. Paul McGrady here. I'd like the record to reflect that Heather had my proxy for this vote. So I don't know if you need to do anything different, Glen, on that front, other than to make sure it's in the record.

GLEN de SAINT GERY: Thank you, Paul. We will note that.

JAMES BLADEL: Glen, Heather is voting yes.

HEATHER FORREST: This is Heather Forrest. Just to note officially that I vote in favor of the motion using Paul's proxy.

GLEN de SAINT GERY: Thank you very much, Heather.

JAMES BLADEL: Thank you for that clarification. Thank you, Glen. And if you will communicate that to the other SOs and ACs that we have also adopted the charter and we will be putting forth our members soon and putting forth an announcement and call for volunteers from staff to begin circulating that to stakeholder groups for members.

GLEN de SAINT GERY: Thank you, James. That will be done.

JAMES BLADEL: So did we blow right through our break? Just looking at the agenda. We're good until 3:00. Okay.

Next item on our agenda is the discussion. And this is the ICANN board letter regarding policy implications of the final report from the IRD, Expert Working Group. And, if you recall, we submitted the letter and the questions posed in the letter to the co-chairs of the PDP on translation, transliteration and asked them specifically for some points here. And I understand that Jim Galvin was one of the co-chairs of that -- okay. He was on the IRD. Thank you.

We received a response, though, from the PDP co-chairs. Is that correct, Marika? I'm trusting my memory here and it's -- so go ahead

MARIKA KONINGS: No, this is Marika. Staff reached out to the co-chairs of that working group. But unfortunately, we have not been able to get any response. We got a response from the chair that he actually was busy with -- had other priorities at the moment and wasn't

able to respond to this. And we haven't been able to get any response from the vice chair. So we then reached out to some of the working group members that we knew were active and had been following this debate closely. And Jim Galvin was one of those. And he actually was on also the IRD expert working group. So he's the one in the end who provided feedback and input for the council to consider.

JAMES BLADEL:

Okay. If I'm not mistaken, Jim had a conflict and wasn't able to attend. And that's why he submitted this briefing in writing. And has this been circulated to the list as well? Okay.

So I don't know if there's an executive summary to his report here. Go ahead, Marika.

MARIKA KONINGS:

This is Marika. I believe -- I've put a note up as well in the Adobe Connect room. I believe in summary in his view the recommendations that were identified as potentially having either overlap or conflict are actually intended to be complementary. And in his view as such, there's no issue. But he notes as well -- and maybe I should just summarize -- I'll read the last sentence.

Finally, with respect to what steps the GNSO Council should consider, I would suggest that the problem to be solved is have a clear and unambiguous statement of whether or not there are any conflict between these two recommendations. It is my personal opinion that there is no conflict based on my recollection of the my engagement with the two working groups that created steps of recommendations respectively. I recognize that, since one set of recommendations is a result of consensus policy, there may be a requirement for additional review and consensus statements to confirm this.

JAMES BLADEL:

Thanks Marika. And please convey our thanks to Jim for putting this together on short notice.

And also thanks for outlining the challenges of consulting with a working group years after it's completed its work. That was a foreshadowing, by the way, if anyone has been following our IGO saga.

Discussion? Questions? Comments? Okay.

Proposals for next steps. We owe the Board a response. We have a fairly robust position from Jim Galvin. We have -- and we should thank him, because some of the other pertinent folks have not yet weighed in on this.

So my proposal -- and we should probably flag this for the wrap-up session -- is that we would begin to compose that response to the Board letter. And we probably would include Jim's statement as an annex for that as we address their questions and let them know that we believe these recommendations are complementary and not necessarily in conflict. And yes, Marika.

MARIKA KONINGS:

This is Marika. It may actually be worth recirculating as well within your respective groups the response from Jim. Because, obviously, there were more working group members active in that group. And it would be important as well to make sure his interpretation aligns with other working group members, especially in view that we haven't been able to get the co-chairs of that effort to provide their perspective.

JAMES BLADEL:

So question, Marika. Can't we just send that directly? Do we have to go through the council and the stakeholder group lists? We have their names and emails, right? It seems like, if we wanted to reach those folks we should reach them as directly as possible, recognizing, again, that the time interval -- some may have moved on or changed email addresses or something, so -- okay.

Any other thoughts, comments? I don't suspect from the reaction around the table that this is generating a lot of fireworks in the stakeholder groups.

So okay.

All right. We'll take that as an action item. And we will flag that and wrap up and endeavor to get some sort of a draft response to the Board that we can post to our list and get that finalized.

Okay.

Agenda item number 8 is the GNSO newcomer survey.

I think David is on the hook for this one. David, if you'd like to kick us off and let us know when we're ready, we'll open for discussion. David.

DAVID TAIT:

Thanks, James. This is David Tait from staff. This is deferred from the last GNSO Council in October. It relates to an instruction given to council at its 30 June meeting to ICANN staff to undertake a survey to assess the familiarity that the community has with different newcomer and training tools as well as their perceived usefulness. On that basis staff deployed a survey and to look at five tools in particular -- the GNSO wiki, ICANN Learn, GNSO introductory course, the one-page PDP

updates, the working group newcomer open high sessions, and GNSO working group communication tool. We received 29 responses. Those responses were summarized and shared with the council in advance of the previous meeting.

I won't go through all of that. But there are really four high-level recommendations or conclusions that were reached and two recommendations which staff would like the permission of council to take forward.

Those two recommendations are to improve the GNSO wiki by adding some facilities to the wiki itself, some of which are currently present on the at-large page. Secondly, in relation to ICANN Learn and some elements in restructuring the introductory course in two separate modules which might be easier to engage with and understand and will also do a better job of explaining the relationships between GNSO procedures and the rest of ICANN. So that's, essentially, what this item deals with.

JAMES BLADEL:

Thank you, David. Discussion amongst the councillors. Can you give us a highlight? You said there were two recommendations for changes. Are you saying that that that might be something that would require us to open up our operating procedures for

amendment or something that would just be a convention.
Staff, can you walk us through that?

DAVID TAIT: It wouldn't be anything as dramatic as that. It's just making some amendments to existing resources. They're on line. They're not making any changes to operating procedures.

JAMES BLADEL: Thanks for clarifying. Michele.

MICHELE NEYLON: Thanks, James. Michele, for the record. Just very briefly, this survey went out to pretty much everybody, didn't it, or am I mistaken, David?

DAVID CAKE: That's correct.

MICHELE NEYLON: And you have how many responses?

DAVID TAIT: Twenty-nine. They came from the NCSG, at-large, CCNSO, RSSAC, and GAC. Apologies. I should have said those are the communities that provided no response.

MICHELE NEYLON: It's just because it's the low-level of participation, I suppose, is what kind of concerns me, that we put out surveys and you get back so few responses, that it's very hard to use the results of that survey to make any determination. Just a note more than anything else. Thanks.

JAMES BLADEL: Thanks, Michele, for your comment. On the other hand, just turning it around a little bit for the sake of discussion, 29 people asking for the same thing would probably be sufficient to make a lot of changes within ICANN, particularly if it's not something that requires us to revisit our operating procedures. And I think David's group identified some fairly common themes. Okay.

Stephanie.

STEPHANIE PERRIN: Stephanie Perrin, for the record. This is a totally non-relevant comment. Just a reminder that the acoustics in this room are really not great. If people could speak close to the mics, that

would be great. Some of us have colds. Possibly I'm going deaf. I seem to be the only one complaining about this on a regular basis.

JAMES BLADEL:

Thanks, Stephanie. I don't know if you're referring to me. I'm trying not to cough into the microphone. I'm probably not doing a very good job, but point taken.

Any other comments on the PDP survey results, recommendations?

Next steps. I think, David and staff, what we'll probably be doing then is giving you some indication from the council on proceeding with your recommendations. We'll aim to do that between now and our next meeting. If we could capture as an action item. Kim.

We have another item here, which is something that we do for our face-to-face meetings when we're at ICANN meetings, which is an open microphone. This is an opportunity for councillors -- well, we have our own opportunity for AOB. But our visitors and guests from the room, if they'd like to raise any issues. If they have any specific questions on any topics, they want to throw rocks at us, we can request that they are very small rocks.

We'll take a queue for discussion. And please feel free to use the microphone here at the front of the room.

Our first victim is Thomas Rickert. Thomas.

THOMAS RICKERT:

Thank you, James. I just wanted to speak briefly to the discussion around the IGO, NGO topic. As you know, there has been a PDP. There is another PDP on curative rights mechanisms going on. And there was considerable debate between the GNSO Council and the GAC the other day. And what I see with some concern is that we seem to be falling back into old behavioral patterns in a pretransition phase. So I saw there was communication on that topic as well. And there was this small group that has been criticized by many between the GAC and the Board and IGOs. And I would recommend, in order to take the steam out of this discussion, that maybe the GNSO Council offers to the GAC and ICANN, the Board specifically, and the NGOs to have a small team to just establish the status quo of where we are, the team not to do any policy, not to come up with any recommendations. But there seems to be considerable misunderstandings in terms of process. There seem to be substantial cross talk or talking past each other. And I think this topic would benefit from a paper established by all parties that are involved in this to just be able to inform all groups where we

are, what's missing, and then put it back to the consultation process with a community or first PDP group. I see that Phil is eager to use the mic now. But I think it would be a sign of maturity from the GNSO Council not to close the door but to offer dialogue and maybe to do that in a small team. If I can help with this and revisit my PDP trauma and IGO and IGO names, I'm more than happy to do that.

JAMES BLADEL: Thank you, Thomas. I note that this topic is also scheduled for part 2 of our meeting. No, it's perfect.

THOMAS RICKERT: I do apologize.

JAMES BLADEL: No apology necessary. We're glad to have you in the room, but that's something we also considered as a potential step forward, and we'll discuss that and other options and proposals that have come up during the course of the week as well. I think you are -- but one thing I do want to agree with is that we need to maybe take some of the steam out of this issue, as you mentioned. It is very complex. And, if one thing is clear from our discussions here in Hyderabad, it's that's not everybody has a 100% grasp of all the details of the issue. Thank you. Avri.

AVRI DORIA:

Thank you. Avri Doria speaking as a visitor and a guest.

I want to bring up the issue of the GNSO having closed meetings. It, historically, was one of the things one could be proudest about in the GNSO is that everything was done openly and transparently without any closed meetings.

Now whether the types of meetings that you had that were listed as closed count as the type of sessions that the operating procedures say need to be voted upon to be closed, I don't know. I would think they would. So I'd be curious about whether there had been any voting among the members of council on closing various sessions.

I understand there was no voting at that session. But I also understand that those sessions are used to iron out the issues before you come here for these sessions so that people won't see the messy work that goes into finding consensus amongst you all.

So I really want to question this new practice. I want to caution against it. And I do want to ask that, if you do decide to have sessions that are closed, that you do it deliberately and that you take votes amongst you all to determine who indeed favors

open meetings and who indeed favors closed meetings. Thank you.

JAMES BLADEL:

Thanks, Avri.

Two quick points of clarification. I think you said meetings. But, to my understanding, we're just referring to the working session we have each night prior to council meeting. It's an informal session. It's not a meeting of the council necessarily. I wouldn't question your interpretation of the bylaws. Whether we voted to close it or not, I don't know that it was an actual meeting. So I don't know that we took that formal step. I just note that it's also not that recent. I think 2012, 2013. It's been a number of years -- at least predates my time on the council. But points taken and thank you for your intervention. Any discussion then from the table? Paul, go ahead.

PAUL McGRADY:

So my hand relates back to what Thomas said rather than what Avri said.

JAMES BLADEL:

I'm sorry. Maybe I closed that queue prematurely.

PAUL McGRADY:

Just a reaction to what Thomas said. Thank you for your idea about a method to begin the reconciliation process. And, with regard to those two PDPs, I do think that finding a way to calm the rhetoric and reach some sort of reconciliation, if that's possible, makes some measure of sense. But I do want to raise the concern that I have -- and, by the way, a mosquito has decided to come after me right now. So that's really terrific.

I thought for a moment that there was a typo and the North American meeting was in Indiana. But we are -- mosquitoes seem to be everywhere whether Puerto Rico or India.

But in any event, I want to -- thank you -- I want to raise a concern about bicameralism. And this idea now that we are -- that the IANA contract has expired in the bylaws contain the provision requiring board to -- mandatory board voting on GAC consensus policy, which was not supposed to happen under the drafting instructions that were passed in Marrakech when the accountability Work Stream 1 was adopted. In any event, we are where we are. We have this odd situation now where the GAC can opine really at any point in the process including well after all the hard work of building consensus within the GNSO on a particular policy. And we're then could end up in this -- the particular pickle that we're in with the IGO issue. We may end up in that pickle all the time. The bad news about that pickle is the GNSO is not built to be in that pickle and neither is the GAC. This

is not a House of Representatives in a Senate. And there is no mechanism to have a reconciliation committee hearing and work everything out at the end. I agree that, on this particular issue, a conciliatory tone is absolutely what we need and it's a mechanism to move forward. But I do think that we ought to be very aware that because of the expiration of the IANA contract, we could end up going down this path where we end up quite dysfunctional because we essentially adopt a bicameralism that we're not built to adopt. And that will undermine the role of both the GNSO and the GAC. Thank you.

JAMES BLADEL:

Thanks, Paul. Certainly, point taken about we're not built to do that. I don't want to speak for Thomas, but I don't know that his proposal was that we would merge or harmonize the different things. It was just more of kind of an idea to get us out of the woods.

PAUL McGRADY:

I agree. I'm happy to hear any suggestions on how to get us out of the woods on this particular issue. My goal was just to highlight the overarching concern that we do not want to end up in a bicameral situation that we simply will never be able to figure out how to deal with.

JAMES BLADEL: 100% agree. Any other folks from the floor? Any other comments or questions? I think we're due for a -- sorry. Ed, go ahead.

EDWARD MORRIS: Thanks, James. I share Avri's concern. I see the benefit of the informal sessions. If the same point, when we come out and we go back to our support organizations, we say we've decided X, Y, and Z, it's like coming out of a big black box. That's not what we're supposed to be doing here at ICANN.

What I would suggest going forward is perhaps the development session we have coming up, at least as a starting point maybe we could talk among ourselves to figure out a way to retain the benefits of the informal session but being able to open up a little bit so folks know what we're doing. I'm not sure what the solution is, but at least we can start the conversation.

JAMES BLADEL: Thanks, Ed. Good proposal. And, if we can salvage the benefits and address the concerns, that's always a good path forward. Susan.

SUSAN KAWAGUCHI: I agree with that. And I do think that, to me, the informal sessions are invaluable, because you --

UNKNOWN SPEAKER: Microphone, please.

SUSAN KAWAGUCHI: Sorry.

They're invaluable, just because you feel very open to be able to express your concerns or viewpoint. And the wine doesn't hurt either, in my opinion.

But if we could figure out something, you know, that is better for the community but it still allows that free flow of ideas, then I'm all for that.

JAMES BLADEL: Thanks. I think that's a good idea. And yeah, we would have to really take a hard look at the wine and beer if we're going to open this up or record it. Phil? By the way, that's a joke. It is not anything like that. I'm sorry. I guess to Avri's point, it's hard to tell when I'm being sarcastic. Phil, go ahead.

PHILIP CORWIN:

Yeah, thank you, James. And I'd like to get back to Thomas Schneider's comment about making people aware of where the working group on CRP protections for IGOs is. There's been no difficulty for anybody at any point to understand where we were in our process or what we were moving toward recommending. We have operated in a completely transparent manner. We proactively reached out to both the leaders of the IGO small group and the chair and vice chairs of the GAC very early on in our work and appealed to them to engage. They chose not to in any formal way. But I do know that the IGOs were carefully monitoring our work, listening to our MP3s, reading the transcripts, and everything else. We had a session this morning, an open session, in which we updated people on the likely output of our draft recommendations which will be published before the end of the year. We -- I provided the board with an update on where we are and what we're likely to recommend and how we got to that place when we met with the board earlier this afternoon. So there's been no obstacle to anyone with any interest in that subject knowing at any point in our process what we were doing, what recommendations we were likely to come out with.

I'll say two other things. There's -- by contrast the -- there's been a situation where the GNSO, more than two years ago, provided recommendations on preventative measures, the GAC provided

conflicting advice, and the board, for whatever reason, chose to meet with the GAC and IGO representatives for closed door, non-transparent discussions on that with no parallel meetings with the GNSO which has the lead role in recommending policy, and that's a concern. And I will say the IGO small group proposal which was conveyed to council last month, while provide more details, it really -- our working group has been aware of what the IGOs wanted for two years now. We've just never seen a compelling rationale to go down the route that they've requested. And as we got into our work and researched the legal and policy relevant considerations, we became stronger in that view.

And the last thing I'd say, and again, I'm not trying to stir anything up, and I'd be happy to participate in any briefing of the GAC on our work process or our probable recommendations because I think it would be useful for the GAC to hear both sides before they render advice on these subjects. But I did hear one of the IGO's representatives state during our meeting between the GNSO, the GAC the other day saying well, the co-chair of the working group publicly stated that their recommendations are going to differ from our proposal -- from the GAC advice. Well, that's okay. If -- if working groups on policy matters were compelled to adopt GAC advice, we really can dissolve the GNSO. Because there would be -- if -- if that would be our job,

there's really no reason for chairs or working group members to put in the countless hours we do in coming up with these recommendations. We could simply defer to the GAC. But then we would no longer have the multistakeholder model that we've all worked so hard to preserve by getting the transition completed. So I just want to emphasize there's been complete transparency, there's been, from our working group, a complete openness to communicating our process and our substance, and we're happy to continue doing that, but any such briefing should not be for the purpose of negotiating the final result of our working group. We're going to publish our preliminary draft report by the end of December. It's going to go out for public comment. Anywhere on the planet, anyone on the planet is free to comment on that, including IGOs and GAC representatives, and we're going to take all those comments very seriously before we deliver our final report recommendations next spring. Thank you very much.

JAMES BLADEL:

Thanks, Phil. And we're going to cover this subject as well during our second part and our wrap-up, so -- but I think Donna wanted to make a quick response. And then we have a break, so Donna, you have the last word. Go ahead.

DONNA AUSTIN: Thanks, James. Donna Austin. Just very quickly on this. I think we have to acknowledge that we're in a little bit of an unusual situation. To some extent you have to ask the question, why would you participate in a PDP when you've got the ear of the board. So obviously we had an unusual circumstance. I think in relation to Thomas' suggestion that we just try to, you know, clear the air here and start afresh to the extent we can. I think we need to move past this. We understand the history, but let's try to move forward so we can get a resolution that works for the GNSO and also the GAC. So I hear what you're saying, Phil. I acknowledge it. But I think we also need to understand that this was an unusual situation. Hopefully it doesn't happen again. Let's try to move forward in a positive light. Thanks.

JAMES BLADEL: Thanks, Donna. And yeah, totally agree. No one is proposing we trade away ongoing PDPs or even closed PDPs. But we are just trying to find a way forward. Okay. So with that, we kind of blended open mic and AOB. We'll adjourn for this section of our agenda and we will pick up I believe in part 2. And because this is an AGM, Marika, is this correct, in part 2 we will be joined by our new councillors? So first, before we do, can I ask our departing councillors to stand? So we have David, Carlos, and we just want to thank you for your service. It's been a pleasure working with you. Glen is coming to the front with gifts. Who,

me? Thank you, gentlemen, for your service to the GNSO Council. Carlos, not off the hook. You're not escaping that easily. We'll see you and all of the returning councillors when we reconvene in -- what time do we reconvene? 30 minutes? 15 minutes? Yeah. At let's say 1530, 13 minutes.

DAVID CAKE:

And if I can just say thank you very much. I've enormously enjoyed my four years on council and found it both very productive and enjoyable and made an enormous number of very good friends, particularly unexpected ones in, you know, various -- very different parts of the ICANN community, and thank you very much for making my time so enjoyable and worthwhile. Thank you all.

JAMES BLADEL:

Thanks, David. And I did -- I was remiss in pointing out that Olivier, our liaison from the ALAC, will also be leaving us. And we will be joined by your successor, a stranger by the name of Cheryl Langdon-Orr.

OLIVIER CREPIN-LEBLOND: Yes, James, yes, indeed. A newcomer to the ICANN world.

JAMES BLADEL: We will show her how this ICANN thing works. We'll take her under our wing.

OLIVIER CREPIN-LEBLOND: But I just wanted to say it's been an honor and a pleasure to be on the council, and I really look forward to seeing continued work on the council going on in my absence. And I'll still be around. I'm not going to disappear altogether. So thanks for everything.

JAMES BLADEL: Thank you. And Michele, very quickly, we're about to break.

MICHELE NEYLON: No, no, it's just because Volker is leaving the council and he's is actually following the meeting remotely. So just, you know, thanks to Volker for his service.

JAMES BLADEL: Thank you. We should acknowledge that Volker is also departing. I wasn't aware that he was on the call. So Volker, if you can hear us, of course, you and David both, not only do we thank you for your terms as council but also as vice chairs. Thank you very much. Okay. We are on a break then for 12 to 15

-- maybe 20 minutes. And thank you very much. We're adjourned.

[END OF TRANSCRIPTION]