

**Transcription ICANN Helsinki**  
**GNSO Meeting Update 1**  
**Monday, 27 June 2016**

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James Bladel: This is the first – as you’ve heard already twice today – the first ICANN policy forum. And I’ve been told not to refer to it as Meeting B, but it’s going to be a hard habit to break. I wanted to first just kind of set the expectation that I think we’re going to move a little bit faster than we’re typically used to.

I mean, if you remember a typical ICANN meeting we would already be in day three. We’d be sick of looking at each other and hearing each other’s voices by now. But now we’re just getting started so we’re all fresh and have a full tank of gas.

But with that in mind, keeping - taking a look at the schedule which I think we’re getting loaded, some of the topics that we’re covering today we have allocated maybe 30 minutes, maybe an hour.

So I would ask for your assistance in keeping the interventions brief and succinct and driving every topic towards a GNSO action item. And I think that will help us maintain focus for this very, very compressed and condensed session that we're going to have today.

I wanted to also – she's not here so it's kind of hard to say -- that the planning for this particular meeting and this schedule today and also on our sessions on Thursday began almost the minute the meeting in Marrakech ended.

And the community discussions on that were – should we say – spirited in determining which items would be included and which items would have to fall by the way side or be shortened.

And for the most part, the GNSO was represented in that effort by Donna Austin. And I think that she did an amazing job not only of making sure that all the GNSO's needs were met by this format but also in keeping faith to the spirit of the policy forum and not letting it get too bogged down with some of the other things.

So I wish she were here and we would applaud for Donna. Let's say that when – I won't say if – when this format is a smashing success, there's going to be a long line of people standing up to take credit for it but I think at the front of the line we should always make sure that Donna is acknowledged for that. So with that, let's - I'm trying to get into the Adobe room and I'm not there yet, so...

But let's take a look at our agenda. We're just a couple of minutes behind schedule. We are going to discuss the transition. We have some implementation issues to discuss including a motion from Paul that we'll probably cover or introduce in this session but also cover in depth when we discuss the motions this afternoon.

We have a acknowledgement or an update of the CFC and also the CCWG which I believe we have Lise and Jonathan - there you are, great. We're not going to do the whole slide deck and Q&A but we are going to at least get an update of all the outstanding action items and what the path forward looks like, so again focusing on compressed and focused update.

And then we will begin to prepare for our board meeting. We had two topics that were circulated on our list and I didn't see any other traffic on that. So if there's any new topics that we want to introduce I think this is probably the last chance to get those on the table and get those hashed out.

We should discuss who's going to take the lead in raising those topics when we meet with the board. And again it's not a meeting between the GNSO council and the board. It's a subset of the board, some board members. We were calling it a attendance of the willing will be joining us later on.

And then I believe shortly thereafter we'll break for lunch. Then we'll discuss our motions for our general council meeting which will occur on Thursday. And then we will talk a little bit about the next steps forward for the GNSO review which I understand is very close to being adopted by the board as well.

So if there's no objections or concerns or anyone have any other items they'd like to discuss as part of our agenda we can just dive right in. No? Okay.

Let's start with Jonathan and Lise if you don't mind. Going to put you on the spot a little bit. Look at this. Yeah you were born to be on the spot. And again let's keep this fast, informal. Let's not stand on ceremony. We have a little bit of time here and then we can move on to - I think next step we'll talk a little bit about the selection process for the CFC liaison and the other members of that committee.

So if you don't mind I think you had one particular slide that we wanted to put up. No? Are we loading it?

Marika Konings: We have the slide deck I think of the slide that you're presenting to the GAC. If there's any of those that you want to show or call out, we can do so. Or if you prefer to talk more generally.

Jonathan Robinson: Okay so it's Jonathan Robinson for the record. James, we are a little on the hop here. I haven't prepared specific remarks or a slide. We were expecting to update the GAC, and this only came up yesterday that we would be at this session here.

So we are very much in the implementation phase. As you know, the CCWG did its work, made the proposal. It got integrated into the larger proposal with the other communities. And I guess from a structural point of view the unusual thing is it hasn't been typical that a working group then gets directly involved in the implementation.

But it was felt that the experience and history with the work on the proposal, it made a lot of sense. And so that was discussed and worked on. And so the CCWG is taking an active role in working with the staff-led implementation of the proposal.

So ICANN staff is running the implementation of the proposal, and the CCWG is taking an active role in ensuring that that implementation is consistent with I guess the letter and spirit of the proposal.

What happened in Marrakech when staff presented an update there was a sense that staff had got out of sync perhaps with the CWG and we weren't working as closely and effectively together as we might. And so we then set up a group called the implementation oversight task force.

And essentially we pooled what we called design team leaders who had worked on leading detailed components of the proposal together with myself and Lise as co-chair into a more rapid iterative group that could meet with staff as regularly as twice a week.

And we've been meeting regularly since then and dealing with particular and specific issues. As we get the project management update from staff we're able to iterate those and then bring those back to the full CWG at regular intervals.

Probably the most significant item that we've sort of hit a bump on was the one that in essence stimulated the creation of the IOTF in Marrakech, and that has been the whole issue of how the post-transition IANA affiliate would be staffed and whether or not the staff from the current IANA group within ICANN which as you know has to some extent operated separately but nevertheless there's no significant boundary between the two groups.

And a key component of the transition proposal is that the IANA group will be in a separate affiliate. And the question then came up about do the staff transfer or do they remain within ICANN and be simply (seconded) and in effect permitted to work for the PTI.

And that's created quite some discussion. And the most recent outcome of that is that the implementation staff ultimately led by Akram Atallah, head of ICANN's Global Domains Division, have come back with a revised proposal for the way in which to manage that staffing.

And essentially it boils down to staff being (seconded) initially but ultimately being transferred wherever possible to the post-transition IANA entity.

So I think that's at a high level that's what's been going on. I think Lise's probably going to give you a couple more detailed updates and then we can do Q&A and formal discussion as you suggested. Thanks.

Lise Fuhr: Thank you. Lise Fuhr for the record. Well as Jonathan said, staffing has been a big issue within the group. Furthermore we're looking into the more legal stuff, the PTI bylaws, the contract between the PTI and ICANN. Those were supposed to go in parallel. They have not. We have looked at the bylaws first and then now we're going to look at the contract.

And of course the solution on how we do the staffing is also going to be key in relation to the staffing. So that makes sense. And another area that we're still working out on too is the (IPI) issue, which we work with the other communities. So we have three big issues still floating out there but working hard to get this established within the next couple of weeks. Thank you.

James Bladel: Thank you Jonathan, Lise. I'm wondering if we have any questions. I notice people were still kind of settling into the room while you were giving that update so I apologize for that distraction but we are trying to kind of keep things moving. Any questions regarding any outstanding items for the transition?

Jonathan Robinson: I'm happy to take any questions or comments or input if there's anything that people - don't feel shy. If you haven't been tracking, it's been a huge amount going on. So if we've rushed over things with an acronym that you didn't get, I'm happy to discuss or hear questions or comments on any elements of it.

James Bladel: I can open the queue but in the meantime I have a question which is do you anticipate - what do you anticipate will be the next deliverable that you'll need from the council or from the other chartering SOs and ACs?

Jonathan Robinson: Not sure we're actually looking for something right now. I'm probably not seeing something substantial. But I guess the one issue - and I think one of the sort of elephants in the room - and I suspect this might percolate out

more – is that for many there's a significant concern over the costs that have been incurred during the course of the transition.

One of the things that I've found most sort of interesting and stimulating about working on this notwithstanding the sort of historic nature of the work and so on has been the whole - it's my personal interest I get in the sort of processes and the mechanics and how all of this works.

And what Lise and I instituted in the CWG on accountability – on the transition which is slightly different to the accountability work – was a mechanism of working with the legal advisors.

And as many of you know, both groups incurred costs. And when you look at the costs of the transition, the costs are not insignificant, and the major contribution has been legal fees. So I think one of the things that the community more broadly has to handle, both within these cross-community working groups and from a sort of SO and AC perspective is how we manage and handle the incurrence of external costs.

And in a sense it's a problem for -- primarily I guess right now – for the Work Stream 2 accountability group. And I'm sorry I missed the sessions yesterday. I couldn't get here in time, so I don't know how much of that was covered.

But sooner or later that's going to have to be worked out between ICANN and the community as to how we properly manage and control costs. So that's certainly not strictly about the IANA transition work, but we were part of incurring significant costs and we made some what I think were good attempts to manage the process and control those. But it's not a settled position yet.

James Bladel: Becky you had a comment?

Becky Burr: Yes just on last point. We are just kicking off Work Stream 2 on the CCWG accountability. And the legal costs, I think I want to say two things about it. One, yes those costs were very significant. Incredibly significant legal work has been undertaken and is being undertaken and it was very important to get it right.

That said, I think that there are some lessons learned that we are trying to work into the CCWG on CCWG's so feed that back. And there will be a process. A process, a budgeting process, is being put into place for Work Stream 2 which happens to coincide with the launch of the ICANN's fiscal year.

So there will be a much more formalized budgeting process for that process, which will largely be focused on external counsel fees.

James Bladel: Thanks Becky. And I know that that is something that probably we'll just start to get talking about towards the end of this policy forum. But we'll be – just a spoiler alert – it's probably going to be on our council agenda for the July meeting.

So be mindful that that is coming down the pipeline and it is a program or an approach to measuring, reporting, and controlling some of the costs that are anticipated for the transition going forward including Work Stream 2. But we are just – I think to your point Becky and Jonathan – just getting started on that.

I don't see any other hands although I really can't see the screen that well. Any other comments or questions for Jonathan or Lise? Otherwise we can cut them loose. We can pivot to the next topic. Thank you for the update – awesome as always.



And I just want to point out that we've also been joined by Chuck, the most recent recipient of the multi-stakeholder Ethos Award. Congratulations Chuck.

I think no matter chair you're sitting in in this table or whatever hat you're wearing there's a pretty good chance that Chuck has worn in at some point in the past. So we all owe you a debt for being a pioneer of the early days of ICANN so thank you for that – and the GNSO and the DNSO, right, before there, the DNSO? Whatever it was.

Okay so next if you don't mind we'll pivot to the next transition related topic which was the CFC. And as you're aware we've begun a process to select not only the members of the CFC but also the liaisons. And then that will in turn come to the GNSO and the ccNSO for sign-off on the entire plate of liaisons and I believe members as well. Is that correct Donna or just liaisons?

Donna Austin: (Unintelligible).

James Bladel: Okay. And I don't know if you are in a position where you could maybe give us an update on where we stand on that. I know the group is just now being stood up and do we have - has that group been self-organizing its own leadership as well?

Donna Austin: That's a good question. I don't know that they're necessarily organizing leadership, but they're working together. So we put together a selection committee. (Susan), Heather, (David), Wolf-Ulrich. I think there's one more.

Man: Rubens.

Donna Austin: Rubens, sorry. Yes so we put together a selection committee. The expressions of interest are due 15th of July if my memory serves me correctly. The selection committee will review those to identify GNSO liaison candidates, potentially one and two, a preferred and alternate.

And then there is a requirement that the - and then the council I think will actually become involved in the ratification of that candidate. But then there's a separate process with the ccNSO and GNSO to review the full membership slate. So that's the members and the liaisons. And that process has to be completed by August 12 I think.

So we do have a timeline, and I think the group's going to meet while we're here. So we'll get a little bit better sense of where we're headed. But I think we sort of - I think we understand what the task is and we'll provide more information to the council as we have it.

James Bladel: Wolf-Ulrich.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben speaking. Thanks James and Donna. So I wasn't prepared for today. I'm more prepared for the (confer) meeting on I think it's Wednesday - so we should have one - and the extra presentation also prepared by (Judy Heckman) for that purpose on Thursday. I think so.

So what we are looking for is to find the place during that time here, during that meeting, to sit together in the selection committee, these four or five people, and to put together some bullet points, you know, for the process in order to find out (the first) from the applications, persons, the first slate of four people which we put forward into the council in order that the council in the next step is going to select two of them (unintelligible) people prioritize in order to put them forward and as a last decision to be taken on the level between ccNSO and GNSO for the candidate who is going to be put forward to the (CFC).

So this is going to be our trial round to find a little bit more in detail during the meeting and then we can hopefully report on that on Thursday. Thanks.

James Bladel: Thank you Donna and thanks Wolf-Ulrich. Just a note from the August 12 time frame that Donna was mentioning. It's going to hit right up against a whole in our meeting schedule, which is typically in mid-August. If you look at what we have scheduled for the policy forum here in Helsinki and then we have a July meeting it's going to take us then through the next meeting I believe is mid-September.

So I think what we've discussed is the potential that this particular issue would go to a vote or a ballot that would be occurring via e-mail on the mailing list so that we ensure that we don't miss that date. So I think that's just one thing.

We're trying to avoid having a special session of the council or a special off-calendar teleconference. If we can do this via e-mail and hit those dates I think that's the goal. And that's kind of what we're aiming for.

But I think working backwards from that August 12 date the motion that we need to be voting on would have to be delivered by the July meeting. Is that correct?

Donna Austin: Yes.

James Bladel: Okay. And we're on target for that? Fantastic. You wanted something else to add there? That was it, okay. Any other questions on this? I think this is – first of all thank you to all of you who volunteered for the selection committee and thanks in advance to the folks who are circulating those call for volunteers.

This is moving fairly quickly and I think the chief concern that we have is making sure that we hit those dates. Well now what do we do Marika? We're getting ahead of schedule.

Marika Konings: Yes this is Marika. There is also the question of the implementation of the bylaws but I don't know if you want to take that together this afternoon with the motion, the discussion.

James Bladel: We could. I know Paul you made a motion on the list and we're waiting for a second. So if anyone has an opportunity to do that either now or in the afternoon session. But I think that is part and parcel of implementing not only the transition related work but the bylaws that are associated with the accountability mechanism.

Paul I don't know if you're in a position that you could walk us through the motion or talk a little bit about some of the issues. Don't mean to put you on the spot but it's now or the afternoon, whichever you prefer.

Paul McGrady: Now is fine. I don't actually have the motion up but I can at least lay the ground work for the purpose behind it, which is - by the way Paul McGrady for the record. So hey we're all going to be empowered in the fall, right, if the transition happens, except where we're not ready.

And so the purpose of the motion was to get the GNSO community thinking about what those issues are, getting us together with a plan of how to be part of the empowered community and again with the idea that it doesn't necessarily follow that everything defaults to the GNSO council but there may in fact be these structures we need to build or those kinds of things.

The motion itself is meant to be inclusive in that it doesn't set limits on participation and things of that nature and is meant to bring in the GNSO community as a whole and not just be like a drafting team of the council itself. And again the primary purpose is just to get us thinking about these issues because September 30 is approaching quickly. Thank you.

James Bladel: Thanks Paul. And I think we have also some resources that were prepared by staff when they did an analysis of this. There's a chart. I don't know if that's something we can load here into the room so we can get it on the screen.

So I think we're presuming that should this motion pass and that we stand up this group that they would reference these materials including this staff prepared chart. And at least that would be the beginning of a shopping list for some of the things that this drafting team would have to tackle. Does that align with your thinking Paul?

Paul McGrady: That's right. It's a good starting point.

James Bladel: Okay, and then they would build off of that. Yes, Marika.

Marika Konings: Yes this is Marika. From a staff perspective we did have a question in relation to the Resolved Clause 2, which reads, "The drafting team shall comprise volunteers from the GNSO community who can demonstrate reasonable knowledge or experience with the process of revising the ICANN bylaws."

So the question is what is envisioned in that regard? Are there any criteria that the council wishes to set that staff can objectively validate? Is the council expected to approve who joins that drafting team? So we just want to make sure that there's a clear understanding of what that means also in relation to the call for volunteers, that staff would be issuing, what is expected in that regard.

Paul McGrady: Paul McGrady. In an earlier draft, there was this idea that you would have to have been part of the CCWG accountability group or something more formal like that in order to qualify. We thought that was fairly narrow.

Again I suppose that language is in there and we did have some help from staff drafting this. So I guess that language is in there because we want to

have some level of knowledge of how ICANN works in order to participate in this.

But again I don't know in terms of criteria that's certainly something that we can all talk about. However I think that drawing it so narrowly is being involved on the CCWG maybe it's a bit more narrow, but that may presuppose that people who participated on that have the full understanding of everything the GNSO does. And I think a broader net is in order. Thanks.

James Bladel: So Paul, just – and I don't want to read too much into this – but were you thinking that this would be a desired skill set as opposed to an actual criteria that someone would be checking and enforcing or...? Is it the council that's going to be checking and enforcing that or would it be staff?

Paul McGrady: That's sort of the question that all groups like this face, right, that we're a volunteer organization and one man's expert is another man's know-nothing, right? So I think if we develop these criteria maybe we look at being able to show a number of meetings attended or years participating or things of that nature.

But I don't think that we're going to administer a bylaws test or that sort of thing. You know, you don't need to be a lawyer, things of that nature. And again if these criteria are causing consternation, what I don't want to do is to get wrapped up in a whereas clause. The point is to de-bog us and to get us moving, not to bog us down on this.

James Bladel: Thanks for that clarification. I agree and I don't think we've actually changed the bylaws frequently enough to have someone with like any kind of serious real-world expertise. I think it's happened a couple of times but Chuck's here. Well he's going to rescue us. I see Wolf-Ulrich wanted to weigh in on this and Aubrey did you...? Okay. Wolf?

Wolf-Ulrich Knoben: And Marika?

James Bladel: Oh and Marika. Okay do you want to defer to Marika first?

Wolf-Ulrich: (Unintelligible).

Marika Konings: This is Marika. Something that we have not suggested or put on the table from staff side, one thing you could consider is that stakeholder groups and constituencies put forward volunteers.

And that way, you'll probably know in your group best who has the relevant experience or knowledge to do this work and you can serve them as a kind of vetting mechanism and use it in that way.

Because as we're looking at quite detailed and complex issues that will require probably changes to the GNSO operating procedures, maybe not necessarily the bylaws, and in a relatively short timeframe, or ideally, a short timeframe in doing that work, you do want to have the right people for the job instead of creating a very large group where you may start re-discussing why do we actually do this and what does the bylaw mean? And why didn't we do this instead of that? I think that's, at least, from a staff perspective, an idea you may want to consider.

James Bladel: Thanks, Marika. Go ahead Wolf.

Wolf-Ulrich Knoben: Yes, Wolf-Ulrich speaking. Yes, I'm fully in support of what Marika was saying. So we (head off) a short discussion in our group with regards to the question whether some specific skills should be implemented here and this motion or requirement for skills.

So I would like to see it in a more general way and that - because, okay, (from the account we) know about that. So - and that's, you know, we wanted to discuss that in our ISPCP meeting as well later on, you know, before we come back (unintelligible).

But if it is possible, well, to frame it in a more general way or just - or even to remove that part for - if that is not a (breaking) point so it would help us a lot. Thanks.

James Bladel: Paul, you wanted to respond?

Paul McGrady: Just - thank you, Wolf-Ulrich, and I agree that this is about having robust, inclusive participation. And if this is causing a - if it's causing is consternation, I understand the desire not to have a stampede either and have a giant working group.

I think we might have the opposite problem of getting people interested in helping at this point. There's so much burnout. But if we're concerned about this being in the way of robust participation, then we should take a look at it and see we can refine in a way that keeps the gate open enough for people who want their voice heard to be heard.

James Bladel: Avri?

Avri Doria: Thank you. Avri speaking and grateful to be at the table again as a temporary alternate for a week. Yes, I think there was some consternation among a bunch of us that it was really too narrow in terms of bylaws.

I think - and I think it may relate some of the stuff that (Michael) said - people that have gotten a lot of experience with the operating procedures with other functioning of how the GNSO and the Council operate that I really do think you need a wider group than just bylaws.

I think the operating, you know, principles, people, are the people that have created charters for various working groups and such sort of builds a greater group of people that have experience that could help in this. Thanks.



James Bladel: Thanks, Avri. You know, it sounds like, Paul, the intention was to, you know, not necessary cast too small of a net and I think, to your point, if we get enough folks here, concerning everything that's going on, the goal is to move quickly and to stand this up and get moving on it.

So we don't have to solve it right now on the table. We have some time this afternoon, and again, for discussion on Thursday. So maybe I could recommend if you wanted to visit with it sounds like Wolf-Ulrich or with staff and maybe tweak the language a little bit.

And I don't think it needs to go overboard entirely. I get the point that you're trying to make and, whereas, to I just - I think we can address some of the concerns raised here that it's constraining participation, which I know is not what you're going for, then we can just get it fixed and we can get on the (agenda).

Man: Thank you. Will do.

James Bladel: Okay, awesome. Okay, we're running into - I believe the next session begins at 10:00, so any other comments or discussion relative to this particular item or to IANA CCWG bylaws implementation generally? Really? It's that easy? We just knocked it that out here in 30 minutes.

Man: (Unintelligible).

James Bladel: It is. It's working. Boy, you guys really - okay, well, I think, is this one of the breakpoints where we stop the recording, Glen and then we can move onto our 10:00 topic, which is to prepare for discussion with a subset of the board members?

Okay, we have two - oh, are we good? Okay, thanks. So the recordings are now started. We have to topics that were circulating around the list without much comments or commentary.

And I don't know if we can get those loaded or if we can cut and paste them into the Adobe room. But one, I believe, was a discussion of the - was it the Red Cross and the continuing saga of the Red Cross and IGO, NGO, INGO issues that are still remaining in terms of permanent protection.

And then the second one was the status of a PDP that we completed on the Council that is sort of pending board approval, privacy proxy accreditation issues PDP.

And I think that those were the two topics that we had addressed for the board. I think what we want to accomplish year in the next half an hour is to understand exactly what we would like to cover during those two topics.

If you have new topics, now is the time to table those. We want to identify which of the counselors should be on point for each of those topics. Or do you think that one of them needs to go overboard? Now's the time to get rid of it.

Again, we put them out onto the list. We didn't really see anything so I don't consider to be carved in stone although we did circulate them, I believe, with board staff so we don't want to do too much of a bait and switch. So any thoughts on those two topics? Anyone want to volunteer to take one or the other? Yes, Heather.

Heather Forrest: Thanks, James - Heather Forrest. I think it's important to emphasize that lets in the rationale behind putting their Red Cross on an agenda was primarily for us to hear the board, not for us to do the talking. I think, as we all understand it, the actions are very much for the board to take. No, and not for us, let's say. Thanks.

James Bladel: Right, and I think that's true for both topics. And I think that we also sent a letter recently on the Red Cross issues in particular but maybe it's just

opportunity to check in on that, make sure that that was received and that has been considered as part of their discussions on this topic and ask them what their intended or anticipated next steps are.

I - Rubins, were you raising your hand or just kind of - okay. So does anyone want to take the lead on Red Cross? I'm looking at Heather. Would you because I think you have a degree of familiarity with that?

Okay. The privacy proxy issue is, I think, something similar. I think, you know, just cards on the table. We have approved to this PDP but we know that it is subject to some discussion between the board and the GAC.

I don't know that there's anything necessarily that we are specifically asking for or perhaps it's just to let them know that we're aware of that. I think that we are discussing it with them Tuesday, some of - some group of us are - primarily the co-chairs of the PDP are addressing this on Tuesday.

And making sure that the board is aware that those conversations are going on to, you know, I guess help them reach a decision in this meeting of what they're intending to do with this - with these outstanding recommendations from the Council. And, Stephanie, I think you wanted to weigh in. Was it this one of the previous one? I didn't see one your card one up, Steph.

Stephanie Perrin: Stephanie Perrin for the record. And, no, it was this one and it might be just a teensy bit off-topic, but I just saw Bruce Tonkin post to the list about this last minute meeting to discuss public safety issues which are in some ways associated with the problem that we have over the privacy proxy discussion.

I mean, it's all about whether law enforcement - I'm trying to find a way of expressing this - is satisfied with the ultimate (saw off) that we arrived at in the privacy proxy.

But this is a much bigger issue. And I just think it's worth discussing with the board as a more generic - okay, how are we going to actually get down and deal with this?

Because, to me, it's ICANN remit discussion time, big time, and if we don't agree on this, well, we're not going to be able to solve each one of these issues when they pop up - the privacy proxy only being the latest but we're going to have it big-time on the RDS group. Thanks.

James Bladel: Okay, so, if I'm understanding correctly, it's this broader discussion of the role of the public safety working group and the recommendations it's making via the GAC or...

Stephanie Perrin: Exactly.

James Bladel: I'm trying to put some boundaries around the issue you raised here because I think it's a big one, but.

Stephanie Perrin: Yes, I just kind of lobbed a grenade in there and blew the whole thing up for you, James. If we're going to have this a broader discussion, and I suspect we are, then let's start in a disciplined and organized way rather than be dealing with it ad hoc every time we come up with policy recommendations because I, for one, don't want to work for five years on the RDS and then have the same thing happen as we just had on the privacy proxy.

James Bladel: Yes, it's a fair point, and I think that that - and I think we had Mason in the room. Did he - he left unfortunately. I think, you know, that's one of the topics we have with our session with the GAC is a discussion of the consultation group and, you know, how we can continue to court - I mean, it's a recurrent theme at each meeting.

But how do we get them engaged? How do we make them aware of what we're working on? How do we continue to build and strengthen that exchange

with the GAC so that they are participating throughout the process and not just at the end result?

Stephanie Perrin: Exactly. And my point in raising it is we want the board to support us on this.

James Bladel: Agreed. Well, and generally - and then I see Marília's in there - and generally we have a process and we need to support the integrity of our process, I think is the bottom line because otherwise, I think when we start to chip away at our process, what happens is we'll never get anyone to volunteer for PDPs.

You mentioned RDS being a five-year process. It starts become a slap in the face if someone invests five years of their life only to see it kind of horse traded away at the end. So I think - understand your point. Absolutely.  
Marília?

Marília Ferreira Maciel: Thank you, James. Maybe this has to do with the point that Stephanie has raised. It's Marília speaking for the transcript. Recently we received an email from the board that a meeting will be held to discuss contractor compliance and on the case that registrants act in a way that (not) abide by applicable law.

So this is something with the point that you raise, I think, that maybe one thing it should be - which is important, is to understand where the meeting comes from because as far as I understand, it was called sort of last-minute and the leadership's should be present and it will be transcribed, but it won't be open meeting.

It seems to me that the ideas to create the framework to discuss this issue in a more maybe sustainable manner. And I think that this is positive. But in this meeting, for instance, I think that the concerns are not equally represented.

I think that we do have concerns with that, with crime and applicable law, but for instance, when this point comes up, you know, consistently there is a

concern that ICANN starts to develop issues related to concerns and this is a sensitive topic for us.

So maybe to ask the board where the meetings come from, what are the next steps, what they are envisioning for this, what is this framework that they are talking about, and maybe ask for more full participation in the discussions because (they) want to hold a meeting about this in ICANN 57, I think, from the email that I read.

James Bladel: Thanks, Marília, and I just want to maybe throw a little bit of caution on this because it sounds like we're going the on the topics that we provided to the board and we're expanding and now into just a general discussion of ICANN's role in remit which is okay but I think we really need to flagged that as a separate topic and identify some folks who want to take the lead on that as opposed to trying to kind of shoehorn it into this discussion that we've already tagged as far as privacy proxy.

And that's just - I want to make sure that we're not overloading the conversation that we have because we have a very short amount of time with the board and I think we want to keep that as focused and succinct as possible and not try to boil the ocean because these are big topics.

And I don't mean to sound - to discount them. I think that we need to be careful about expanding them too much. Last word, Stephanie, and that I had a specific question for the Council. Go ahead.

Stephanie Perrin: Yes, Stephanie Perrin for the record. Just to say that exactly, Marília, that was the email that triggered my response or my question or my grenade. And I think you can deal with my concerns by just almost a two liner that says this is only one instance of a much broader concern that we have about discussion of ICANN's remit and where it goes with content.

And, you know, how we're going to deal with this and what that is doing to our procedure and policy process because that's where we have a very legitimate concern. If we're entrusted to deal with this, then follow the procedures, folks. Thanks.

James Bladel: Okay, thanks, but getting back to the actual privacy proxy PPSAI and where it stands now, do we have someone who would want to volunteer to be a spokesperson on that topic when it comes up with the board? (Susan)? Awesome. Thank you.

And then specifically we have also, I think, a certain segment of that meeting with the board. I'm kind of looking and Marika's direction. Is that the first 30 minutes that is going to be a meeting with (Yorun) as well?

Marika Konings: Yes, this is Marika. (Yorun) will be here as well as part of the meeting with individual board members and he's agreed to give a sort of welcome our introduction for, I think, we said the first 15 minutes.

James Bladel: Okay, and so then the question to the Council is, do we have any topics specifically that we'd like to raise not necessarily with the board is a whole but with (Yorun)? Nobody wants to (Yorun) right out of the gate?

Okay, well, we'll allow him to maybe make his introductory remarks and then we'll just (fold) his conversation and with the board. And the other topics we'd like to raise with the board?

There is certainly no shortage of discussion points whether it's related to the transition and the new bylaws. I know that we have a number of PDPs they may want to ask us about that are currently underway.

We could certainly, you know, I like the landscape like that if there's time. Everybody is kind of checking their mail, so I'm guessing everybody is good with those two topics or - okay. Donna.

Donna Austin: Thanks, James. So one of the things that strikes me with the IGO, INGO, was a temporary measure that was put in place two years ago in the Red Cross that's outstanding. It's been a two year issue as well.

What kind of tracking list does the board have with issues that are outstanding? So how do we manage the workload? You know, we've got something like this that has been sitting out there for two years now. It's unresolved.

We don't really have a good insight into what the delay has been. We keep being told with the Red - with the IGO issue that, yes, there's a smaller group and yes, they're working and, yes, we'll get something back to you soon.

But two years is a long time to be kind of hanging around waiting. So I think it might be helpful maybe if we could understand how the board manages their workload and how they track these issues and do they get a red flag after six months, that, you know, we really need to focus back on these and get some momentum back on it.

I mean, I understand that the transition is probably taking a lot of energy from the board but still, this one particular issue has been sitting out there for two years.

We probably have other ones out there, too, that we're just not aware of. So I think it may be helpful if they can appreciate, you know, the timelines that we work to with a PDP and what our processes are, they may be of the could explain to us how they move through their processes and what hiccups they have along the way. I don't know, it might be just a useful exchange of information.



James Bladel: Thanks, Donna. That's a good point and can you maybe - can I put you on the hook to remind us to raise that during our conversation with (the board)?  
Okay, thanks. (Phil), you had your hand up in the Adobe room.

(Phil): Yes, I just wanted to mention in relation to this whole topic, that the PDP of which I'm co-chair of the working group with Petter Rindforth is meeting tomorrow at 1:30 to 3:00 pm.

That's the working group on (curative) rights processes for IGOs. And we have now received the final legal memo from our legal expert on the question of sovereign immunity for IGOs and we'll be reviewing that tomorrow from 1:30 to 3:30 here in Hall B.

So people understand that topic should attend that because it's quite an excellent work product from our legal expert in that and will be going through the intricacies of the analysis during that meeting, taking questions. Thank you.

James Bladel: Thanks, (Phil), and then would you be available to speak to that if there were questions specifically about the status of that PDP aside from the legal memo?

(Phil): Oh, sure. Yes.

James Bladel: Okay.

(Phil): Well, I'm available at any time to talk about the status.

James Bladel: I didn't think you're going to be shy, so thanks. Okay, it looks like the queue is clear. Anyone else want to weigh in on our conversation with the board? Did anybody have coffee?

I mean, (get the) caffeine going, you know. Becky, do you have anything that you think we should prepare for? Do you have any insights as an incoming board member you can...

Becky Burr: No, I do think a lot of the issues that you're talking about are on the board's radar and I think the board would very much like to hear about the views on the privacy and proxy (key P) process issues.

So I think all of these issues are very topical. I don't think that there is any particular mystery about the small meeting. I take people's point that the interest in that, but it really is to begin a dialogue that has to be a whole community dialogue to make sure we're all on the same page about ICANN's remittance.

James Bladel: Okay, thanks, Becky. We're way ahead of schedule. Is this - this is what you envisioned, right?

Woman: (It is).

James Bladel: It's exactly - we are just - we are going above and beyond. I think there was one other topic relative to - and I'm trying to remember what it was because I kind of lost it following the exchange relative to the - and I think it was something Donna said about how it's been two years now and the temporary protections are sort of starting to look fairly permanent because there just doesn't seem to be any forward momentum on that.

And I think asking specifically how, you know, how the board sees its work plan, whether or not it sees any sort of self-imposed deadlines or whether it's just waiting for the squeaky wheel this week a little bit before it takes the next step.

I think, you know, one question that I always had is what sort of criteria would you use if you were on the board and you received these conflicting

recommendations to say we're going to invoke the scorecard with the GAC are were going to vote against the GNSO recommendations? I think right now we're stuck in limbo where neither of those are happening.

Woman: Because we don't want one or the other to happen.

James Bladel: One or the other has to happen, I mean, according to the process. So I think that's where I get a little confused, is how long can we just kind of, you know, sit in the median of the highway without using a direction?

And I think that kind of goes back to your point about, you know, how their managing their task list and how they can allow something to kind of just hang out there for two years.

Donna Austin: Yes, thanks, James. Donna Austin. I think maybe just to pick up on something you said, I think potentially one of the reasons that - I think the registry is (seeing) with the new gTLD program is that, you know, the GAC advice that has come out - they came out late or, you know, different iterations along the way, is that the board, in trying to not invoke that, you know, requirement to reject GAC advice, has tried to find a workaround for it.

I think that has led to a lot of the delays that we have that has resulted from that and I think that's particularly the case with the IGO INGO issue. So and I think eventually they probably thought they were going to save some time by not going down the path of rejecting GAC advice and whatever else - whatever other connotations come with that.

But I think at the end of the day, they could have been fixed in six months, maybe, but now it's (eased) down the track, so maybe there's a challenge that we have with their own processes that is leading to the board or the GAC or - I don't know that the GNSO actually goes down this path but looking for ways around the current process is creating some of the problems. I mean,

it's just an observation. But I think that's where we get into some of the challenges that we've got now.

James Bladel: Thanks, Donna. I don't see any other hands up her cards flipped over so our next session begins at 10:45. I think that we can possibly consider taking a break, getting some coffee, preparing for the arrival - I would say if you can collapse the empty space between the chairs, make as much room as possible at the tables for the board members.

How many of them are we expecting? It's something like eight to ten, give or take. Yes, so if we can, you know, make some room and join back at the table at 10:45 and we'll stop the recording for now and will pick up then.

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