

**ICANN
GNSO Council Teleconference
Thursday, 15 December 2016 at 12:00 UTC**

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Date: 15 December 2016

Coordinated Universal Time: 12:00 UTC

<http://tinyurl.com/jmry4q4>

04:00 Los Angeles; 07:00 Washington; 12:00 London; 15:00 Istanbul; 23:00 Hobart

List of attendees:

NCA – Non Voting – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: James Bladel (travelling, proxy to Donna Austin), Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl (late, proxy to Keith Drazek)

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan

Non-Contracted Parties House

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

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Stephanie Perrin, Stefania Milan, Edward Morris (absent, temporary alternate Martin Silva Valent), Marilia Maciel, Rafik Dammak, Martin Silva Valent

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

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Patrick Myles - ccNSO Observer - absent

Carlos Raul Gutierrez– GNSO liaison to the GAC

ICANN Staff

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

Marika Konings - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director
Steve Chan - Senior Policy Manager, Policy Development Support
Berry Cobb – Policy consultant
Emily Barabas – Policy Analyst
Glen de Saint Géry - GNSO Secretariat – absent - apologies
Nathalie Peregrine - Specialist, SO/AC
Terri Agnew - Secretariat Services Coordinator, GNSO
Eric Evrard – Specialist, End User Support

Coordinator: Excuse me, the recordings have started.

Glen de Saint Géry: Thank you very much. Shall I do the roll call for you, Heather?

Heather Forrest: Yes, please, Glen. Go right ahead. I'll say to start out, welcome, everyone to the meeting of the 15th of December, 2016. Just a reminder to use both the AC room and the phone bridge. Glen, be delighted if you'd do the roll call for us, thank you.

Glen de Saint Géry: Thank you very much. When I call your name would you please answer so that we know that you are – that you can be heard when the vote comes up if it's necessary.

Donna Austin.

Donna Austin: Here.

Glen de Saint Géry: Keith Drazek.

Keith Drazek: Here.

Glen de Saint Géry: Keith, you have the proxy for Rubens Kuhl in case he is not present at the time of the vote. Rubens will be late coming onto the call. James Bladel. James is not yet on the call. Donna, you have the proxy for James. Darcy Southwell.

Darcy Southwell: Here.

Glen de Saint G ry: Michele Neylon.

Michele Neylon: I'm sure, here.

Glen de Saint G ry: Valerie Tan.

Valerie Tan: Here, Glen.

Glen de Saint G ry: Thank you. Susan Kawaguchi. Susan, I don't see yet. She will probably be joining. Phil Corwin.

Phil Corwin: Yes, Glen. I'm here. Could you send out the link for today's Adobe room? The one I have is not working for me.

Glen de Saint G ry: We'll do that right away, thank you, Phil.

Phil Corwin: Thank you.

Glen de Saint G ry: Heather Forrest.

Heather Forrest: Here, Glen, thank you.

Glen de Saint G ry: Paul McGrady.

Paul McGrady: Here, Glen. Good morning.

Glen de Saint G ry: Good morning. Wolf-Ulrich Knoblen.

Wolf-Ulrich Knoblen: I'm here.

Glen de Saint Géry: Wolf-Ulrich, you have the proxy for Tony Harris who is absent and not able to be on the call. Stephanie Perrin.

Stephanie Perrin: Here, Glen.

Glen de Saint Géry: Thank you. Amr Elsadr.

Amr Elsadr: I'm here.

Glen de Saint Géry: Rafik Dammak.

Rafik Dammak: I'm here.

Glen de Saint Géry: Rafik Dammak.

Rafik Dammak: Yes, I'm here.

Glen de Saint Géry: Marilia Maciel. Stefania Milan.

Stefania Milan: Here. Present.

Glen de Saint Géry: Thank you. And Edward Morris is unable to be on this call and the coming one in January. So the NCSG has appointed a temporary alternate in Martin Silva Valent. Martin, are you on the call? I know you are trying to get into the Adobe Connect room. So perhaps he's not on the call yet. Julf Helsingius.

Julf Helsingius: Here.

Glen de Saint Géry: Erika Mann.

Erika Mann: I'm here.

Glen de Saint Géry: Cheryl Langdon-Orr.

Cheryl Langdon-Orr: Here, thanks, Glen.

Glen de Saint Géry: Our ALAC liaison. And Carlos Gutiérrez, our GAC liaison – GNSO liaison to the GAC.

Carlos Raúl Gutiérrez: Thank you, Glen.

Glen de Saint Géry: Thank you, Carlos. And for staff we have David Olive, Marika Konings, Mary Wong, Steve Chan, Julie Hedlund, Emily Barabas, Nathalie Peregrine, Berry Cobb, (Eric Eberhard) from IT support and myself, Glen de Saint Géry. Thank you very much, Heather. And please let me know if I've left off anybody. I don't see anybody has joined since the roll call so please continue. Thank you. Just to let you know, Martin Silva has joined. Thank you, Heather and over to you.

Heather Forrest: Thanks, Glen. Sorry much. In my note we have a few folks who planned potentially to join us late. Rubens, is planning to join late and James is traveling and asked Donna or I to chair the meeting in case he had connectivity issues or delays. And it's a shocking time for Donna in California so I agreed to chair today's meeting. So with your patience and indulgence, we will move into Item 1.2 in our agenda, which is updates to our Statements of Interest. Does anyone have any updates that they would like to raise?

Seeing none then we have an opportunity to review our agenda here. And I would note that we have two items on the consent agenda today. One item has received some discussion on the list just in the few days before the meeting, and that's our confirmation of the Council response to the Board letter regarding the final report of the IRD Expert Working Group.

Amr, I notice, you've posted some suggested drafting amendments to the list. I think it came through today my time; it might be yesterday everyone else's

time. Amr, would you like to move that item off the consent agenda to – you or anyone else, to facilitate discussion on it?

Amr Elsadr: Hi, Heather. This is Amr. I don't know about taking it off the consent agenda but if folks would like to look at this – just take a little more time looking at it that that's fine by me. No objections at all. I think generally all the questions that the ICANN Board via Steve's letter directed toward the Council are – could be answered easily I think be reassured by the work the GNSO has done to date on this.

So I just – I just think if we reflect that clearly in our letter that they should be fine with the response we give them. There is work that they referred to that has already been done in the GNSO; there is work that is underway. A lot of the things that they identified in their letter which was sent to us in May of this year, were actually identified by the Next Generation RDS PDP months in advance of them sending the letter. So generally I think if we just reflect all that in the letter it should be very reassuring to them. But to answer your question, I'm fine whichever way folks here would like to go. Thank you.

Heather Forrest: Thanks, Amr, very much. In light of the comments that Amr has just made, and the comments on the list, bearing in mind that if we put this on or if we keep this on the consent agenda, we won't really have the opportunity to discuss the amendments that Amr has raised. Does anyone feel that it would be inappropriate then to leave this on the consent agenda for that reason? If anyone hasn't had perhaps time to review Amr's comments.

I'll tell you what, I think in light of that so Erika has raised the – Erika has raised the request to take it off the consent agenda. And, Erika, I agree, I think that's – seems to be a sensible thing to do. So let's do that then and we'll make that our new Item 4 in the agenda. We'll just shift that one down a line I think.

So with that in mind, does anyone else have any further comments or concerns or amendments to make to our agenda as it now stands? I don't see anyone with a hand so then we'll take our agenda and we'll work our way through.

Item 1.4, the minutes for the previous Council meetings, I think we've all been behind the eight-ball since Hyderabad and racing along and we've had several meetings in quick succession. So I'm happy, since I'm in the hot seat, to take the blame for not having – not having had the chance to review the minutes and get them out in time for this meeting.

But I will commit myself and Donna and James to do that and make sure that that's done in the very near future. So we have already noted the posting of the minutes of our first part of the Council meeting in Hyderabad and we have Part 2 and then our most recent meeting on the 1st of December to post. So we'll do that straightaway.

The next item on our agenda is the review of the projects and action list. And those were circulated prior to the call with their relevant amendments. Again, it's only been two weeks since our last meeting. But, Marika or Mary, could I ask one of you to walk us through the changes to that document since we last met?

Marika Konings: Heather, this is Marika. We actually just had a small power cut here so I've been kicked out of Adobe Connect so if I can ask one of my colleagues to upload the documents if they haven't done so yet. And probably Mary would be in a better position, then, to walk through it. I hope to be back shortly online.

Heather Forrest: Not to worry, Marika. Thanks very much. Nathalie or Mary or anyone of you amazing people, could we put – maybe we start with the projects list. Could we put the projects list up in the AC room? And Mary, may we put you on the hot seat for this one?

Mary Wong: Hi, Heather. Hi, everybody. This is Mary. Sure. Essentially the project list, as everybody knows, is a monthly or regular update that tries to show at a glance all the projects that are underway in the GNSO, PDPs as well as other projects. And I think as most folks know, if you look at the first page of the project list they are all coded and colored according to the status where they are whether they're in initiation, in working group phase, at the Board vote stage or implementation.

So it's an easy at a glance for everybody to click on the link with any item that they want to do and just take a look at a little bit of the background as well as where we are with all these different projects. I think the other thing is to note is that the project list also sets a target date which sometimes changes for these projects. It also notes who holds the token, and sometimes that would be a working group, sometimes that would be the Council.

So we did circulate this. And thanks again to Donna for catching a lot of the inconsistencies and so forth. We will continue to try to make this as uniform and as easy to read as possible going forward. So I see that Marika is back online. And I think I'm just going to hand it back over to her. Hopefully that's a useful overview for folks. And hopefully people have had a chance or if you haven't please do take a look at this list because as I mentioned, it does give you what we hope is a good concise overview of where every project in the GNSO currently stands. Marika.

Marika Konings: Thanks, Mary. And I think you did a perfect overview. And maybe just to add what we do to facilitate your reviews that we share a redline version and a clean version. So especially when we have a short turnaround between calls you should be able to see in a glance what has changed between the last meeting and this one.

So from our perspective, happy to take any questions. Also, if you have any suggestions for improvements or changes or update that we may have

missed, you know, those of course are very much welcome. Thanks again to Donna for picking some of those inconsistencies that were in there. So again, any input you may have please let us know.

Heather Forrest: Thanks very much, Marika. This is Heather. Just to maybe give a one-word explanation on the improvements made by Donna. We were really looking at consistencies and how dates were expressed and things like this. There wasn't any let's say, substantive change to the document that anyone should feel concerned about. We were working on format and presentation of information.

So any questions from anyone in relation to the projects list? No? All right, I'm seeing none then, let's turn to the actions – action items list. Excellent. And we have a number of outstanding agenda – or action items here as our year comes to a close. Of course, the first item there, the ICANN 58 meeting planning is underway. We have been working within leadership to – with – closely with the staff, the GNSO staff to come up with a, if you like, a form document in relation to what a Meeting A might normally look like and work on a GNSO block schedule.

I've probably held that up in a sense that I had trouble with the document that showed the block schedule, the proposed block schedule. So we'll continue to work on that and hopefully have that in a position to circulate very soon.

Marika, anything I should add in relation to – you're the wizard on the ICANN 58 schedule. Anything I should add at this point or are you happy with that as a description? Marika is typing. Excellent. Good, thank you. Marika has given a high level explanation which I didn't begin with that action items are really our tick lists that come out of our Council meetings.

We have the outstanding IGO INGO PDP recommendations sitting on our action items list. These of course have been here for a while. And we'll speak to some of this in relation to our discussion of the GAC communiqué since

the GAC communiqué from Hyderabad picks up on some of these points. So I think we'll hold off on this.

The CWG on Internet Governance, I notice that there was very recently a confirmation that Glen – thank you, Glen, circulated on the Council list to note that our concerns and our requests, if you like, in relation to the CWG IG have been received and they are working on those so that was a pleasant update to receive.

PDP improvements, Marika, your name is down on this one. I notice that we have a completed action here, survey results and staff moving forward. Anything further that we need to know than that, Marika?

Marika Konings: This is Marika. No, just to note that those two other items are still on our to-do list especially integrating the inclusion of the proposed PDP charter, I'm guessing that we will try to do that as part of the other changes that are happening to the Operating Procedures not to have, you know, separate public comment periods. And the draft guidelines is something we're working on as well so we hope to get those back to get those back to the Council in the near future.

Heather Forrest: Great. Thank you, Marika. The next item on the list is the next steps on proposed modifications to the procedure to address Whois conflicts with national law. Staff very kindly put together a new draft as to how that might go forward. It's out on the list and out for discussion and I would encourage us – it's not on our agenda today but I would encourage us all to continue those discussions with our SGs and Cs and report back on the list but thank you very much to staff for putting together that draft.

The CCWG on Auction Proceeds and our identification of members is on our agenda for today so we'll leave that. The approval of the appointment of an interim GNSO representative to the empowered community, that – I would also suggest is at least enlivened by our discussions today in relation to the

strawman proposal put forward by Ed and Susan on how we might go about as a Council and as a GNSO community selecting people when we need people to represent the GNSO. So I think I'd like to park that one as well since that's relevant to that.

Our review of the GAC communiqué is on today's agenda as is the topic of the SSR RT2 representative, or representatives. That is again, in relation to our desire to have some kind of a formalized process for how we go about selecting people to positions like that. So we'll talk about that today.

GNSO liaison to the GAC, done, dusted and we welcome Carlos to this meeting in that role. And indeed he has been identified to the GAC as fulfilling that role.

Our consensus recommendations of the GNSO Bylaws Drafting Team, that of course was completed in our last Council meeting, which was held on the 1st of December. And we have the IRD letter, which sits on our agenda for today. The proposed limited scope for Whois review – or RDS – also sits on our agenda for today. And the Council response to questions from the CCWG Accountability has been addressed and circulated on the Council list.

Marika, or Mary, perhaps, Marika your name is to this, could you remind us the deadline on that, we have that as today. Have we made our final calls for comments and that's all done?

Marika Konings: This is Marika. No, the – you suggested a couple of changes so I'll – I've incorporated those – that in the latest version so if you all agree I'll get that out to the list shortly and maybe give people another 24 hours to look at that. It basically goes to the point that the first question where I think Heather already raised that on the list call that the question asks about, you know, who the GNSO considers parts of its community.

So instead of quoting the bylaws it has more of a description now of the different groups that make up the GNSO Council or the GNSO, sorry. So if you're all fine with that I can circulate that version and hopefully 24 hours will be enough to indicate if you have any concerns or objections to that revised wording. And if not, the leadership can send it on behalf of the Council.

Heather Forrest: Thanks very much, Marika. And indeed, it was my tinkering at the end so the blame falls on me for that one. But I appreciate the opportunity to pick up on some of the comments that I'd made in the previous Council meeting. So that will go to the list then. Please keep an eye out for that. And to the extent that you have any concerns about the revised drafting, which would only be in relation to the response to question 1, please don't hesitate to raise those.

The final two items on our action items list we have the IRTP approval of the letter, which was done in our last meeting. And we have Council meeting rotation for 2017 and the updated calendar has been circulated accordingly. So that takes us through our action items. Does anyone have any concerns, questions, comments about action items before we move into our consent agenda? Seeing none.

Then what we have now on our consent agenda is a single item, having removed Item 3.2, and moved it into our regular agenda. The single item on our consent agenda is the confirmation of the appointment of GNSO members and a GNSO cochair to the new cross community working group for New gTLD Auction Proceeds.

And, given that this is on our consent agenda, Glen, may I ask you to lead us in the voice vote in relation to this?

Glen de Saint Géry: Certainly, Heather, thank you. Would anybody like to abstain from this motion on the consent agenda? Please mention your name. Is anybody against this motion on the consent agenda? Please mention your name. Would all those in favor of this motion on the consent agenda play say "aye"?

Phil Corwin: Aye.

((Crosstalk))

Glen de Saint Géry: And those holding proxies, are you also in favor of the motion on the consent agenda?

((Crosstalk))

Wolf-Ulrich Knochen: Aye for the proxy.

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

Heather Forrest: Excellent. Thank you very much, Glen. And Amr, apologies, I saw your hand and I'm wondering if it's in relation to the vote or in relation to another issue, so please go ahead.

Amr Elsadr: Thanks, Heather. This is Amr. I just have a question seeking some clarification on the motion, but for the record I did vote "aye" so I am supporting it. But I was just wondering if the GNSO appointed cochair is also being appointed as a voting member of this cross community working group or just as the cochair? Thanks.

Heather Forrest: Apologies, Amr, I was talking to myself on mute. So your question is – your question relates to the cochairs and do we have multiple cochairs?

Amr Elsadr: Yes, Heather, and apologies. I'm just looking at the Resolve clauses again and I seem to have missed the part that actually answers my question because the first Resolve clause says that the GNSO Council appoints Jonathan Robinson as the appointed cochair and member so apologies. I misread the first Resolve clause and I withdraw my question. Thank you.

Heather Forrest: Not a problem. Not a problem, Amr. Thank you for the question. It keeps us all honest and on track. Excellent. That takes us then through – yes, indeed, as a logistical – and thank you very much to the mysterious typer into that motion. Indeed, that motion was made by James and we did not have a seconder. And Donna as we were kicking off the voting Donna agreed to second the motion to thank you very much, Donna. And apologies, all, that we didn't catch that in time. Donna did with sharp eyes, so thank you very much.

That then takes us through our consent agenda and moves us onto our regular agenda. Congratulations to all of those who will be representing the GNSO in that important effort and we're particularly grateful to the folks that have raised their hand and volunteered their time so that's an excellent outcome.

Our new Item 4 in the agenda then is the confirmation of the Council response to the ICANN Board letter regarding policy implications of the final report of the Internationalized Registration Data, or IRD, Expert Working Group. Now, this is a matter that relates to the possible overlap, if you like, of the translation and transliteration PDP, the TNT PDP as we know and love it.

And how those, let's say, are implicated by or if they're implicated by the IRD final report and any potential conflicts and what steps might be needed to be taken by Council in considering the policy implication of that report. We received a draft that had been prepared by James Galvin and that was sitting on the Council list. And Amr, you had raised some questions or comments in relation to that draft and I wonder if I could ask you, please, to let's say, introduce us to your comments, for those of us maybe that haven't had a chance to look at them closely enough before the meeting.

Amr Elsadr: Sure, Heather. Thanks. This is Amr again. The letter Steve sent back in May raised two issues. One is the sort of the overlap between recommendations

between the Internationalized Registration Data Working Group and the TNT PDP Working Group. It also asks that the IRD Working Group's final report be forwarded to the Next Generation RDS PDP Working Group to consider in its deliberations of a Whois replacement system.

So the letter basically did say that, yes, in response to your letter, Steve, the GNSO Council this past July has sent – has forwarded this request to the Next Generation RDS PDP Working Group and they will be taking it into consideration. And it also addressed some of the high level requirements that were identified in Steve's letter from the IRD Working Group and sort of addressed how these were taken into consideration and translation and transliteration of contact information PDP.

The comments that I sent in just – were just some additions that I hope are helpful. Two of the three high level requirements Steve identified in his letter were addressed; the third wasn't so I just added some language to address that. It doesn't change the outcome of the letter in any way because as I said earlier, when we were discussing this one during the call earlier today, I believe that the IRD Working Group's recommendations so far have – some of them have been addressed in previous PDPs, specifically the TNT, and the others are going to be addressed in the Next Generation RDS PDP Working Group.

And I will also note that even prior to Steve flagging this and sending us a letter on behalf of the ICANN Board, that PDP working group did identify these issues and has – and has been planning to take them into consideration from very early on in their work. And let me see if I can just add a link in the Adobe Connect to the key inputs that that PDP working group is going to take into consideration.

If you check there's a lot of key inputs into this PDP as you can all imagine. If you look under Whois Program Improvement Documents, you will see two documents, one by the IRD Working Group, the other by an IRD Expert

Working Group. And then there's another section right below that of related GNSO PDP reports and the translation and transliteration of contact information is there.

So I think generally the questions that Steve posed to the Council could be answered in a way that will reassure him and the rest of the ICANN Board that all due consideration is being taken in considering the IRD Working Group's work and work on internationalized registration data in general.

I do apologize about the very late input or weighing in on this so late but I hope that my additions will be helpful. Thanks.

Heather Forrest: Amr, thanks very much for that. And indeed it's helpful to have your input given that you've been involved in these efforts for some time. What I would like to do is, at least what I'm thinking at this stage, is as Amr said, we haven't had very much time to think about this. And I think it would be helpful if we had an opportunity to look at this and go back and take any last minute instructions if needed.

This isn't formally on our agenda as a motion so, Keith, I'm thanking you for seconding but technically I guess we don't need a seconder because it isn't on our agenda as a motion. Does anyone believe we need to take a vote on this or is this something that we can deal with on the list? I would say let's open it for discussion now but if we don't think that this needs a vote then that's something that we can do let's say after the call, I propose that we have Amr's comments – we have them on the list, we can go back, we've heard the explanation today.

And perhaps we give it until Sunday close of business time to contemplate and then we come back and make our comments on the list. Unless anyone thinks that this is something they prefer to have a vote on. I notice Paul and Keith are typing into the chat. Good, all right, Paul is supporting the notion of time to reflect and then respond on the list.

So if – and we'll see Keith's comments in a second. Final call then, does anyone believe we need a vote on this? Great, all right. So no strong let's say no one requesting a vote on this. Amr, we'll give you the final word in the chat. There you are. So you've had the final word in the chat on this saying I don't believe we need a vote but fine either way.

So then I propose that we clean this one up on the list and let's set close of business on Sunday so that staff can first thing Monday morning get this out and on its way so that gives us four days or so depending on your time zone, to make some comments on this. But I do believe it's fairly time sensitive.

Excellent. Well thank you very much, Amr, for your background note earlier this week, and indeed for your comments today. Anyone like to say anything more on this item before we move onto the next item? Amr, that's great. We appreciate your weighing in so that's fine.

Let's then move on to what is now Item Number 5 in our agenda, which is the Council response to the Board on matters arising in the GAC communiqué from Hyderabad. So this is an effort of course that commenced on the ground in Hyderabad once we had all received the GAC communiqué. We moved this off of our agenda for the 1st of December. We had a placeholder motion on the 1st of December meeting and indeed the document wasn't quite ready at that point, the drafting team had – was still in the process of drafting. So we put onto this agenda today.

There has been quite a bit of discussion about this in the last week or so on the list notably between the Registries and the IPC. And I wonder if, Paul, I might turn to you and ask you to introduce the motion and tell us where we are.

Paul McGrady: Sure. So this is Paul McGrady. We – I think we're pretty close. The motion is simply designed to put forward a response to the Board about the contents in

the GAC Hyderabad communiqué. And we went line item by line item. I don't know if staff can put the latest version up or not? There was one, I think, one remaining issue related to abuse reporting that there's some back and forth on the list.

I apologize for putting something on the list five minutes before this call. But we had some comments back from Donna yesterday afternoon and I got responses back last night and early this morning from the IPC list. And so we essentially I think we were – we have agreement except for one dependent clause or one little phrase, and I think that's highlighted there.

And I – this came back on to the list just, as I said, before the meeting started. And so I've not had Donna's response to that or anybody else's, nor would I expect it with five minutes' notice. So if we could have a reaction to that, the highlighted phrase, that would be terrific.

And then lastly, there was sort of the issue of this particular paragraph has a gripe about the word "advice" being used in this context to mean questions and other things that really aren't advice and the issue – should we elevate that to the transmittal letter? This use of the word "advice" in its – in the context of either question – asking questions or redefining protocols is actually sort of replete throughout the GAC communiqué.

And I think instead of elevating it to the transmittal letter stage at this point, which is sort of our way to raise our voice, I think it's good to note it in the substantive paragraphs of our response this time and if we see it again coming out of the Copenhagen communiqué or future communiqués then maybe we can raise our voice into the transmittal letter and really start to draw the Board's attention to the problem of the word "advice" not meaning what it usually means.

So I will be quiet now other than to thank Donna and the Contracted Parties for sticking with us on this and really working in a great collaborative way.

And just ask for comments on this latest – this paragraph which is, I think, the last one that needed some work. Thanks.

Heather Forrest: Paul, thanks very much. And I think for proper purposes, what we also need to do is have a seconder for this motion. And I also think that for purposes, Paul, it would be helpful if you can present the motion as well, the language of the motion.

Paul McGrady: Sure. So I will just walk through it. “Whereas The Governmental Advisory Committee advises the ICANN Board on issues of public policy, and especially where there may be an interaction between ICANN's activities or policies and national laws or international agreements. It usually does so as part of a communiqué, which is published towards the end of every ICANN meeting. The GNSO is responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.”

“The GNSO has expressed a desire to provide feedback to the ICANN Board on issues in the GAC communiqué as these relate to generic top-level domains to inform the ICANN Board as well as the broader community of past, present or future gTLD policy activities that may directly or indirectly relate to advice provided by the GAC. The GNSO hopes that the input provided through its review of the GAC communiqué will further enhance the co-ordination and promote the sharing of information on gTLD related policy activities between the GAC, Board and the GNSO.”

“Resolved, The GNSO Council adopts the GNSO Review of the Hyderabad GAC Communiqué see the link, and requests that the GNSO Council Chair communicate the GNSO review of the Hyderabad GAC communiqué to the ICANN Board.” I don’t know, is it Hyderabad, I that a typo or is that really – that maybe how it should be.

“Following the communication to the ICANN Board, the GNSO Council requests that the GNSO Council Chair informs the GAC Chair as well as the

GAC-GNSO Consultation Group of the communication between the GNSO Council and the ICANN Board.”

So that is the motion. And I think, as Heather mentioned, I think it needs a second – oh, seconded by Donna Austin, terrific, thank you.

Heather Forrest: Thanks very much, Paul. And thanks very much to Donna. I think it's a real indication of the collaborative nature of the discussion that Paul and Donna have their names on this motion. I'll open it for discussion and Donna, you're first in the queue, please go ahead.

Donna Austin: Thanks, Heather. Donna Austin. And thanks, Paul. And I can – happy to say that we can agree with the revised language that came back from the IPC this morning so I think we're good to go. I just would like to mention that I had suggested on the email discussion that perhaps we elevate the concerns about the GAC advice to the transmittal letter. And while I appreciate that Paul says it's relevant to the context of the response to the GAC advice, I agree with that, but I also appreciate that we don't actually get a response from the Board when we send these responses to the communiqué.

We understand that they take it into consideration when they're considering their own consideration of the GAC advice, but I don't believe they respond to our responses formally. So the only reason I was suggesting is that we put it in the transmittal letter is that we can raise this as a higher level concern that given, you know, the recent changes to the bylaws we would like or we would appreciate clarity around what is now considered to be GAC advice.

So that was the only reason, Paul, that I suggested that it might be worth elevating is that when we do so we request that the Board respond to our question. So I'm happy to go either way on this. But as Paul said, if this becomes a problem in future communiqués we could raise it then. But I think, you know, it wouldn't hurt to get in front of the eight-ball on this and just ask the question now of the Board.

And thanks very much, Paul, for the spirit in which we've come to an agreement on this language. Thanks.

Heather Forrest: Thanks very much, Donna. Michele, you're next in the queue.

Michele Neylon: Thanks, Michele for the record. I mean, the – I don't want to kind of flog a dead horse or a dying one, but that would be cruelty to animals. You know, there's two things here that I think are important. One is, you know, the difference between the – between the concept of advice in the English language and the concept of GAC advice.

I'm not looking at this in terms of bylaws and everything else, I'm looking at this in terms of simple practical, you know, make it clear to people what – when one is one, one is the other. I notice as well, don't forget that a lot of these documents are they're read by people outside the ICANN bubble. And the concept of GAC advice is something that the people within the ICANN space have an understanding of whereas somebody looking at it in terms of oh here's a document that these governments sent into ICANN, and this is what – they're just giving a bit of advice, that's fine.

I mean, especially in the post-IANA transition space, I think there is an importance to make it clear when it is – when it is advice in one sense and advice in the other. The other thing around this – the actual – the subject of abuse I think, you know, we have worked with the IPC on this to try and get it to a point where people are more happier.

And one of the things that did come up in some of our discussions was that the term "abuse" is thrown around a lot within the ICANN space. But there aren't any clear definitions around it and it is something that does need to be defined especially when you're asking or demanding that people take actions on it. Thanks.

Heather Forrest: Thanks very much, Michele. Much appreciated. I see various comments in the chat. Would anyone else like to enter the queue on this? James, please, welcome to the meeting, James.

James Bladel: Hi, Heather. Thanks. James speaking. I just wanted to note that due to ridiculous flight problems I'm here and but I will try and catch up. Thanks.

Heather Forrest: Thanks very much, James. Welcome. Any further comments on this motion? I then have a procedural question. Yes, Phil, please, go ahead.

Phil Corwin: Yes, this is Phil. And I'm speaking in the absence of Susan, I'm not sure where she is, I expected her to be on the call. But she raised a concern in email to me last night regarding – let me just get to the language in the response to Item – looking for the number – Item 2, mitigation of domain name abuse, there's a line in the suggested response that the – let me find it – the Council observes that ICANN is only one party to its contracts, the other are Registries and Registrars. It is inappropriate for one party to a contract to unilaterally design enforcement standards for abuse reporting.

And she has pointed out that the Business Constituency is on record with ICANN to provide broader access to the data it collects so the BC has some concern about that particular statement in this response. And I apologize for bringing this up so late but it was just identified by Susan last night and I'm expressing the concern as best as I can in her absence on the call. But I did want to raise that for the record.

Heather Forrest: Thanks very much, Phil, noted. Michele, please.

Michele Neylon: It's Michele for the record. Just responding to Phil, as he wants to put something on – as you want to put something on the record on behalf of somebody and maybe it's because I haven't had enough coffee, and bearing in mind it is a more humane time of the day for me than it is for a lot of you, I don't actually understand what you're putting on the record because I don't

know what the – what exactly the BC said or when they said it so I'm a bit confused. Sorry.

Phil Corwin: The BC has concerns that the sentence which ends with the phrase, "for abuse reporting," would put the Council on record as in a position that's in opposition to the BC's on-record position that ICANN should be more forthcoming in providing data about enforcement actions when asked by the community. That's the issue.

Michele Neylon: This is Michele just responding. Oh okay so this is around the okay I think I kind of understand what this in relation to. But I think what our point is slightly different, it's not quite the same. I'm happy to discuss further, I'm not sure if this is the appropriate place for that. Thanks.

Heather Forrest: Excellent. Phil and Michele, thank you very much for your comments. Paul, or actually Donna first and then Paul please.

Donna Austin: Thanks, Heather. Donna Austin. Phil, I'm not sure whether, you know, if you're taking the context previous language that's in this response as well, in that it says, "That said, the GNSO Council looks forward to reviewing ICANN's responses to the questions listed in Annex A to the communiqué." Now there are a number of questions that the GAC has asked which may result in – which I expect is going to result in some data.

So like Michele, I don't see how the revised language actually is contrary to the BC's previously-stated position. Thanks.

Heather Forrest: Thanks, Donna. Paul, you're next in the queue.

Paul McGrady: Thanks, Heather. Paul McGrady for the record. So, Phil, thank you for passing along Susan's comment and concern. I think that that is one that is shared by many in the IPC that is that we don't want inhibitions from ICANN sharing their data in relationship to abuse reporting. But this motion is about

something slightly different and this is about setting the standards as between ICANN and the Contracted Parties in terms of what will – says – right the standards of – let me see if I can find the exact text here. It was highlighted and now it's not, too bad.

But anyways so I guess what I'm trying to say is that it – what this is about is about the relationship between ICANN and the Contracted Parties. Susan's comments and concerns, which many in the IPC share, are about ICANN's reporting back to the community. And so I don't think that this necessarily is in conflict with what the BC prior stated position and the concerns of both the BC and the IPC share here.

So I'm sorry that this was such an inartful response back but it's still early here in Chicago. Thank you.

Phil Corwin: Yes, thank you, Paul. Thank you, Donna. Thank you, everyone, who's commented on this. If we can agree that this is not putting the Council – that this sentence is not putting the Council on record as being opposed to ICANN providing access to data that it collects I think we can proceed. But that was the concern raised by Susan in her email to me, which came in late last night. And she could probably explain it better but I had – she had communicated she would be on the call, I'm not sure why she's not but I'm doing the best I can to explain that concern she expressed to me.

Heather Forrest: Understood, Phil. Thank you. Michele, you're in the queue.

Michele Neylon: Thanks. Michele again for the record. I think I've understood more – a better grip on what exactly this is. There are two separate things. The Contracted Parties – from the Contracted Parties' side, we want to make sure that people – it's clear that in a contract one side of the contract cannot mandate what constitutes abuse. That's a discussion, debate, argument, call it what you will between the Contracted Party House and ICANN that has been ongoing for some time.

The issues raised by both the BC and the IPC they have been raised a couple of times in the past in different ways. And while they're related to the same topic, they're not really in conflict with each other. The IPC and BC are looking for a greater level of transparency from ICANN and its compliance team on stuff to do with abuse.

There's probably going to be differences of opinion between the Contracted Party House and the IPC and the BC with respect to the level of transparency and all that but they're two different things and I don't see there being a conflict between the two. So like from my perspective I think what we have here is pretty much okay unless I'm missing something.

Phil Corwin: Yes.

Michele Neylon: Thanks.

Phil Corwin: Thank you, Michele. And let me bring this to a close, I hope, and say if it's now clear from the discussion that this sentence relates to the definition of abuse rather than to access to ICANN data I think we can proceed with that understanding among us.

Heather Forrest: Thanks, everyone, very much for commenting on this. And Phil, given the extensive discussion that's happened both in the chat and will be captured in the recording and the transcript, I hope that that would reassure anyone who went back to this and looked at the motion looking backwards that in fact that we've had this discussion and we came to the understanding that we did and that there wouldn't be any misunderstanding.

With that in mind, I would like to put forward a procedural question which is ordinarily something like this would be put forward for a voice vote similar to what we've just had in relation to the consent agenda. We have had a fair amount of discussion on this. Is there anyone that would prefer that we hold a

roll call vote for this agenda item? If so, please indicate in the chat or by raising your hand.

So seeing none, Glen, may I ask you then to lead us in a voice vote on this agenda item please?

Glen de Saint Géry: Certainly, Heather. May I just confirm that Susan is not on the call so will be noted as absent. And that James has now joined the call so his proxy no longer stands. He will be able to vote for himself. As well as Rubens Kuhl. Rubens, are you on the call and able to vote?

Rubens Kuhl: Yes.

Glen de Saint Géry: Fine. Thank you very much. All those who would like to abstain from this motion please say your name. Hearing none all those who would like to vote against this motion please state your name. Hearing none, all those in favor of this motion please say "aye."

((Crosstalk))

Amr Elsadr: Aye.

Phil Corwin: Aye.

Glen de Saint Géry: And for those holding proxies?

Wolf-Ulrich Knoblen: Yes, aye.

Glen de Saint Géry: Proxy votes. Thank you very much. And, Martin, have you been able to vote? Standing in for Ed Morris?

Martin Silva Valent: Aye. Can you hear me?

Glen de Saint Géry: Thank you very much. Thank you. Heather, the motion passes, one person absent, Susan Kawaguchi, but it does not influence the motion passing. Thank you very much. Over to you again.

Heather Forrest: Noted, Glen. Thank you very much for facilitating that and thanks to everyone for the robust discussion both here in the meeting and the background work that took place on this to get us to this point. I think that's really an excellent outcome. And again, lovely that it's reflected in the two individuals who put forward the motion.

We'll now move to what is now our Agenda Item 6, which is our final voting matter in today's agenda and it's the adoption of the proposed implementation plan for recommendations relating to the 2014 GNSO Review. You may remember that this is an item that was sitting on our previous agenda on the 1st of December and that was deferred to this meeting.

We're very grateful to staff for having coordinated the webinar on the 8th of December to facilitate us all getting a bit more up to speed with this. It's something that's been going on for some time. But indeed it's something that hasn't been mentioned in a while so that webinar was very, very helpful and we're grateful to have had that.

Wolf-Ulrich, may I turn it to you please to present this motion?

Wolf-Ulrich Knoblen: Yes, thanks, Heather. It's Wolf-Ulrich speaking. First, let me just convey the apology for Jen Wolfe, she wanted to participate in that call but she had another personal family party today. So she has prepared, you know, the webinar and I think the webinar was successful; it was also good for those who participated here in Council, well, to learn a little bit more in detail all about it was.

So let's just directly go to the motion right now. I think I will go to the – if you agree just go through the Resolve since (unintelligible) just cover the history of that. So the Resolve clauses are the GNSO Council adopts the implementation plan. Second, the GNSO Council directs staff to submit the implementation plan to the ICANN Board for its consideration.

Third, following approval of the implementation plan, by the ICANN Board of Directors, the GNSO Council directs the GNSO Review Working Group to execute and oversee the implementation of the recommendations as specified in the implementation plan and to provide the GNSO Council with regular status updates, in brackets, at a minimum prior to every ICANN meeting, on the status of implementation including an overview for which recommendations implementation is considered.

Anything else? Oh consider – I lost just – is considered complete, sorry. As part of the status update, the GNSO Review Working Group should also identify any questions and/or concerns that may have arisen during the implementation that would require further guidance. So that's the motion.

And before we go to the motion let me just add something with regards to the timeline. So we had over the last days of the webinar with staff and email exchange on the question of the timeline. Since you may remember that the timeline set out for the GNSO review implementation is including the next two years, 2017 and 2018. And we wanted to start as early as possible.

So now the process after the approval of this motion shall be that the – that the recommendations are – and the implementation plan is going to be sent to the Board. The Board shall discuss that on the basis of recommendations given by its committee, the OEC, the Organizational Effectiveness Committee.

So if you look at this, so we learn that the Board at the earliest time would take the opportunity, well, to discuss it in February, however that means that

the OEC will be ready, well, with those recommendations. This is a little bit – seems a little bit uncertain. But let's just be optimistic. So what I wanted to say if we go for an approval and send it to the board then the accompanying letter should include a little bit a outline our time pressure of the Review Working Team with regards to finalize implementation. So that's so far think you and open for questions and discussion. Thank you.

Heather Forrest: Excellent. Thank you very much Wolf-Ulrich for that introduction to the motion. Would anyone like to make a comment on the motion before we go to finalizing our vote? Amr please.

Amr Elsadr: Thanks Heather. This is Amr. Not a comment on the motion really just wanted to again acknowledge the role that Jen Wolfe has played in the GNSO review from start till now. She's been great. Ever since she was a counselor and chair in the GNSO Review Working Party. She's done a fantastic job of leading that group and coordinating work between the GNSO staff and the OEC which was at the time the Structural Improvements Committee. And she's continued this great work on the GNSO Review Working Group and then just really wanted to acknowledge and thank her for her work on this. Thank you.

Heather Forrest: Thanks Amr. Anyone else make a comment on this item, not necessarily on the motion but on the substance of it? I think my final comment on this not to put us all on the hot seat but I think it was excellent that we were able to impose on others to provide us with that – the Webinar prior to this meeting. And I think that was really helpful in bridging that gap and I think increasingly we're finding that these Webinars are excellent sessions that can be deeply substantive and not tie up let's say the ordinary council agenda.

At the same time I'm conscious of the fact that maybe that Webinar would not have been needed if we had all been able to attend the face to face session on this in Hyderabad. I understand that was quite poorly attended and sadly I'm going to throw myself into the naughty list here and say I'm only told it

was poorly attended because I didn't attend it myself. The poor attendance I think has sort of plagued the GNSO review along the way and I'm not entirely sure what the reason for that is. It seems that maybe we just have a continuation of too much to do and this has been put to the back burner. But I'd like to think of it as this now moves into implementation we all put this a bit more front and center on our radar given that it will have a significant impact on the entire GNSO community. And we want to ensure that it's let's say the outcome is reflective of each SG and C and it's input so no SG or C left behind I suppose is what I'm saying. Let's be careful to make that happen.

And then on Wolf-Ulrich's comment about poor attendance Hyderabad was apparently not as poor as others and that's fairly disappointing given that that's the case. So with that in mind I'll make a call for any final comments on this agenda item. And seeing none and I'm not detecting any reason for doing otherwise based on the comments that we've made here Glen may I ask you to lead us in our final voice vote for this meeting?

Glen De Saint Gery: I'll do that (this please you) Heather. Just to check that we have Susan on the line now who can vote. Are you there Susan? She's probably only in the Adobe Connect. She is typing but we can – and that James is in a position to vote. Susan but I can't dial in yes, fine. All those who would like to abstain from this motion please state your name? Would anybody like to vote against this motion? If so please state your name? All those in favor of this motion please say, "Aye."

Man: Aye.

Woman: Aye.

Man: Aye.

Woman: Aye.

Man: Aye.

Man: Aye.

Glen De Saint Gery: Susan has voted over the Adobe Connect otherwise she says that (Phil) has her proxy. But I think it is in order for her to vote like this. Do you agree Heather?

Heather Forrest: Yes Glen absolutely, thank you.

Glen De Saint Gery: Thank you very much. In that case and Wolf-Ulrich has confirmed that he votes aye for the proxy too. And Martin are you able to vote as well?

Martin Silva Valent: Hey, yes I voted.

Glen De Saint Gery: Are you on the line? Thank you very much. Thank you Heather. The motion passes unanimously.

Heather Forrest: Thank you very much Glen and thank you everyone in particular Wolf-Ulrich. You champion this for us for some time. Indeed we've got Jen Wolfe and that's very much an appropriate thing to do but we also owe our thanks to you Wolf-Ulrich for your work here.

Let's move then to the nonvoting portion of our agenda into what's now Item 7 which is our discussion on the council response to the proposed narrowing of scope of the RDS review. Now this one and perhaps I'll lean on Keith given that Susan's only on the AC.

Susan and Keith very kindly volunteered to draft a response and we received that depending on your time zone today or yesterday. Given that we haven't had very much time to review it I wonder if it would be helpful to have a bit more of a substantive review here than we might otherwise do. And perhaps we think about how we take this forward given that we haven't had very much

time to think about what's been posted on the list. But with that Keith may I ask you to introduce us to where we are?

Keith Drazek: Absolutely. Thank you Heather. Hi everybody. This is Keith Drazek and thank you to Susan for, you know, working with me on this. And apologies to everybody for sort of the late delivery here .Susan and I both had travel over the last couple of weeks and it took us a little while to sync up. But I think we've got at least a good baseline for discussion.

So just at a high level I think everybody understands that there is a lot of work going on right now related to Whois. And there is in excellent RDS PDP working group underway and there's probably a dozen different workstreams related to Whois the next generation Whois.

And there was a desire identified, you know, over the last couple of months to ensure that the RDS Review Team which is one of the AOC mandated review teams that also has language in the bylaws governing its scope, ICANN's bylaws that we wanted to make sure that the review team didn't overlap or duplicate the work of the RDS PDP working group or any of the other ongoing workstreams.

So the desire -- and I think everybody understands that or understood when we began talking about this -- that, you know, a lot of the same people would probably be participating in the RDS PDP Working Group that might also be interested in participating in the review team and that there was a desire to minimize sort of unnecessary work or duplication. The challenge that we have is that in reviewing the ICANN bylaws the scope of the Review Team is actually explicit. And on the screen you'll see Bylaws Section 4.6 a which is what governs or sort of prescribes the Registration Directory Service Review Team.

And the three bullet points in red on the screen if you can see it sort of talk about the various obligations of the review team. Some of the discussion

early on had focused around well maybe this review team should just review and certify that the previous review team's recommendations have been implemented. And that is Bullet 4 under the 4.6E. But Bullets 2 and 3 actually are explicit and have basically say that the review team is obligated to do these. And it's my view and I think Susan agrees that it's really not - the GNSO council alone cannot sort of narrow the scope around something that is explicit in the bylaws.

So what we have done is we've listed eight different items that the review team would consider. And the eighth importantly is to ensure that no duplication of work that is currently the responsibility of the RDS PDP Working Group. So I'm happy to walk through this in more detail. I know that most folks haven't had a chance to review this yet but I think to summarize before I see if Susan wants to add anything or if anybody wants to get in the queue is that the review team is going to have to do the work that the bylaws prescribe. But at the same time I think we can be explicit in our charter or in our input to basically say that there needs to be careful, you know, that it needs to ensure that there's not a lot of overlap or duplication of work in other work streams.

Importantly we think that the review team could actually and number two is, you know, assess the RDS efforts currently underway or planned in the near term for the purpose of making recommendations about how they might be improved and better coordinated. So let me pause there and I see Stephanie is in queue. I want to see if and when Susan joins as she wants to jump in here. But this is obviously a topic for further discussion. No action is needed on this today but hopefully this is a good baseline. Thanks.

Susan Kawaguchi: Hi Keith. And I apologize to all. This has been a – I had a conflict this morning even as early as it is and so got the time wrong and any way it's been a busy morning already for me. You did a great overview and I think I agree with everything. Well obviously I agree with everything in the document and I think you provided a great overview Keith so nothing more to add.

Keith Drazek: Thank you Susan. And Heather would you like me to run the queue since I'm sort of teeing this up?

Heather Forrest: Keith you're welcome to. Go right ahead.

Keith Drazek: Okay, very good. Thanks so Stephanie over to you.

Stephanie Perrin: Thanks very much. Stephanie Perrin here. This is actually a question about Bullet Number looks like 3 there up ahead in red, the review team will look at the OECD guidelines. What exactly did the review team mine there? Thanks.

Keith Drazek: Stephanie I - you're referring to Bullet 3 under 4.6E which is the ICANN bylaws and language related to the RDS Review Team. So I will admit that I'm not sort of up to speed on exactly what those guidelines are. I've not read them and I would defer to others who have expertise. But it is actually one of the elements of the ICANN bylaw related to this. So that's not something that Susan and I have proposed. It's actually bylaws language. So if anybody would like to speak to that I welcome that. Erika I saw your hand go up and James is also in the queue. Would anybody like to respond to that question?

Erika Mann: I mean I don't - ICAAN has - I know what the board discussed about this. And I'm obviously concerned about these kinds of languages because these OECD guidelines when you look at them they are really guidelines so they have very little legal implication in case a legal request comes in from a nation state or which impacts international law requirement. There are very few international law requirements anyhow on data privacy. There are some but not that many.

So I think what one should take it and this is really as a guideline which means when you read them they're pretty good in nature. So they are practically talking about balancing rights which I think it's important in the domain name environment. But of course one has to be clear in case a law

enforcement request or a court case comes in from one particular country or state. I mean you will have to face anyhow the situation. And (Karen) argued that because of OECD guideline which probably talks about a topic in a much softer way on a much more balancing way there is no way to escape then the national requirements. At least you have to go and face a court situation.

So but nonetheless I think it was a way of finding a, you know, at the time a common understanding, you know, what could be regarded as a good practice or, you know, good guidelines and not more. So I don't think so this point actually when you look at it this is bullet point what was it, two or three actually is will give much guidance to the review team. It will only be maybe helpful in a new case when a new legal case is debated which might impact us, you know, the domain name environment. Then it might be interesting to say but you know your countries agreed to a different approach at the OECD guidelines so why do you suddenly want to go - you want to go further? So insofar it could be a good safeguard.

Keith Drazek: Okay thanks very much Erika. Let me go to James. You were in the queue and I jumped you.

James Bladel: Thanks Keith. No worries. I think Erika probably had a more significant contribution than mine so but thanks. James speaking for the record. And just a note when you introduce this I think that there was a statement that I wanted to correct about the GNSO ability to limit the scope of this. And I would just want to point out that the GNSO is not unilaterally seeking or asking or being asked to limit the scope of this review. We're being asked to provide feedback on a communitywide effort which includes staff and I believe would be transmitted to the board to acknowledge if not to limit the scope, at least acknowledge the conflict between this and some ongoing work.

I think that the GNSO is uniquely situated to comment on this collision because it's our PDP that is creating some of the duplication. So I think that

we have maybe perhaps a role, more significant perspective than some of the other SOs and ACs because we're chiming in on work that's underway in our supporting organization but otherwise it's not a unilateral thing.

And then the only other point I wanted to raise is that wherever we come in for a landing on this particular ask to limit the scope and however we're able to both satisfy our obligations under the new bylaws and also just kind of common sense but not, you know, doing two things exactly the same thing at the same time we're being asked to do something similar by the CCWG accountability on Workstream 2 with regard to another review team which is starting up early in 2017 ATRT3. So we're – that scope is also being proposed as something that needs to be limited to avoid conflict of ongoing work across the community.

So I just wanted to point out that it's not just the Whois Review Team that's bumping up against existing work. It's the ATRT3 as well. Thanks.

Keith Drazek: Okay thanks very much James. And thanks for correcting me and always happy to be corrected so – and again everybody this is just sort of our initial, you know, document for discussion. Clearly, you know, this is not necessarily where we're going to end up. Happy to, you know, take this to the list and continue discussions. I note that Heather's sort of saying, "Hey look we probably need to move on." So if anybody else has any comments on this now I welcome them but otherwise we probably ought to wrap up. And again I apologize for the late delivery. It probably makes sense for folks to have, you know, some time to review this and take it back to their stakeholder groups and get some input. Heather I'm going to hand it back to you now. Thanks.

Heather Forrest: Thanks very much Keith. And indeed I was about to type into the chat and I won't now, great discussion and to be continued. I didn't mean for my comment to chill the discussion. I think it's an excellent one that we're having an but I think it's probably some of it coming out of the fact that we need a little bit more time to discuss this. We do need to move on this though. So I

wonder if we might maybe put a timeline around to when we put our comments to the list.

Is there Keith or Susan, you know, is there a deadline for which we need to come up with our comments? And I know this has been kicking around for some time. It actually goes back to pre-Hyderabad. It was just before Hyderabad that the suggestion was put forward to narrow the scope of this review so where are we in terms of deadlines? Does anyone know? Susan got for it please.

Susan Kawaguchi: This is Susan Kawaguchi for the record. The staff has extended the deadline for a call for volunteers for the Whois review team to January 13, mid-January anyway. It was supposed to close I think on the 7th December. And luckily since then, you know, there's been quite a few more applicants. I think there was only a handful like half a dozen that actually applied by the timeline or deadline. So if the applicant pool hasn't - the deadline for the applicants haven't - doesn't occur until January I would assume we would have additional time to, you know, think this through at least another week and submit to staff.

Heather Forrest: Okay thanks Susan. James - whoops sorry Susan. I didn't mean to talk over you.

Susan Kawaguchi: (Unintelligible).

Heather Forrest: No go ahead finish your - all right. James over to you please and then I'll make a suggestion on timeline.

James Bladel: Thanks Heather. Just a note that the original request is that we respond go. I mean, I know that they - to Susan's point I agree they have extended the deadline for call for volunteers but staff response on the scope originally was by December 1 and we asked for and received an extension for, you know, a few days or a week after that. But I think so we are kind of already into our

grace period that we were granted to respond and provide feedback on this. Of course they're probably not going to proceed without us but it is something I think that we should probably do as urgently as we can. Thanks.

Heather Forrest: Thanks James very much. And Susan old hand or a new hand? Looks like old hand, wonderful. Look I think in light of the comments that have been made and I think they're valid, you know, we have had an extension on the call for volunteers until the first week of Jan and yet we're working a little bit cart before the horse in a sense that ordinarily we'd have the charter before we call for volunteers.

I don't think it's sensible that we try and push this out to January just because I think that this one has a potential to get dropped. That said I do think this is an important one to go back to Cs and SGs on. So what I'd like to propose is that we provide our input by next Friday. That insurers that we're on the ball I don't know maybe we even say next Thursday close of business which gives Fadi a chance to get our comments to the folks that they need to get to. That gives us a week, a little bit more than a week depending on your time zone to go back and talk to people.

I don't think it's realistic if we push this out further that we'll get that many more comments on it because people will turn their minds away for holidays and that sort of thing. So in let's say Thursday and that gives an extra day for staff to help us to get our comments off to where they need to be. Any – Paul your head is up. Please.

Paul McGrady: Thanks Heather, Paul McGrady for the record. So if our - if we're to get our comments in to staff by Thursday close of business does that give us really a practical deadline of Tuesday to come back to the list with them because what if there are, you know, what if there are changes that need to be made to people want to engage in dialogue over?

Heather Forrest: Thanks Paul. It's a fair point. I'm also thinking that, you know, we'll lose ICANN staff over Christmas week and indeed lose many people over Christmas week. So that being the case I'm just glancing at the calendar if we don't say next Thursday or Friday then we're looking at the first week of January. There's no way around it. So what – Michele please, your hand is up.

Michele Neylon: Thanks Heather, Michele for the record. I wanted to actually back you up. The – this the call for volunteers for this particular review was extended. I think it's been extended once maybe twice. And according to the bylaws and everything else the review should have been triggered earlier than it actually was. So we're already and if somebody can correct me on the exact timing but I think we're probably about maybe a year behind schedule or maybe more. I'm sure somebody knows for sure. I think what, you know, the thing with some of this is it needs to move forward. Any more delays on this we're really getting into kind of arguing over the position of a comma.

I think in general terms unless I'm missing something I think most of us agree in broad terms that there is a very large amount possibly too much work going on around Whois and we want to keep the scope of this is narrow as possible. So, you know, the language that's been suggested here -- and thanks for those who worked on it -- does a very good job of trying to narrow that scope. But trying to cover every single eventuality in a document that is short enough and brief enough that a normal human being can digest it is going to be impossible. Thanks.

Heather Forrest: Thanks Michele. Yes what I suggest so Paul's put in to the comment in the chat that Cs and SG's today council comments to the list by Tuesday, harmonization work on Wednesday or Thursday, final product to staff close of business Thursday LA time. I'd like to propose let's aim for that. We have dare I say it we have time let's say to spare in the back pocket if we need to.

I don't realistically think we're going to use that time very well if we do end up going into the week of Christmas. I just don't see how that's going to help us. It's just the fact that we've got the holiday here. So I propose that we aim for that timeline. Let's try and get comments back to the council list early next week. If we fail then it won't be for want of trying so that's what I propose. Any objections to that?

No, hearing none great. Yes exactly, exactly as another (phase) of that you can't stop Christmas. So good. Let's go with that then. Amr please add to action items list that we will get this out to Cs and SGs straightaway. Let's do that as individual councilors rather than put this on staff to try to chase everyone down.

So individual councilors on you to get this back to your folks and then try and corral some feedback and use next week and some peace and quiet next week as an incentive to get back those comments as soon as possible and we'll all put our heads to this at the end of next week. Excellent, thank you very much everyone for that one and thanks in particular to Keith and to Susan for putting together this draft document that we just received.

Let's then move to our now Number Item 8 which is the discussion on a proposal for uniform selection of GNSO representatives to Future Review Teams which is coupled with a time sensitive issue which is the selection of the GNSO representatives to the second Security Stability and Resiliency Review Team.

Now this one it is indeed two items. And I want us to be very careful we recognize that it is two items. One is the strawman selection process that Susan and (Ed) very kindly volunteered to develop and recently circulated. That went to the list depending on your time zone on the 14th I think it was yesterday. The other is the narrower but time constrained requirement of this need to select GNSO representatives to SSRT2. That one we've got to get our heads around and make some progress on today.

Now what I propose that we do is we spend some time discussing the strawman. And I'll ask Susan and (Ed) to introduce that but then we need to spend the bulk of our time on determining whether we can finalize that process in good time to use it for SSRT2 or if we need to do something in the interim while we finalize that proposal. James your hand is up. I'll turn it to you.

James Bladel: Heather this is James speaking. And you, you know, expressed my concerns and thoughts exactly is that we probably need to decouple this because I think this is - and please don't get me wrong this is excellent work from Susan and (Ed). It is a comprehensive and I think it's a detailed approach to how we staff these review teams going forward. But I think that based on some of the questions that I know I have and then I've seen others raise on the list in the short timeframe to do this I think that we should consider decoupling those two action items and look at an interim approach to staffing the SSRT which is we're under the gun to deliver a slate of members on that. Thanks.

Heather Forrest: Thanks James. So in light of the timing what we'll do is Susan or (Ed) or (Ed)'s not on the call so that makes it a challenge. Susan if you're still with us are you willing to give us an introduction to this document? And again we have not a whole lot of time to look at it but maybe give us an introduction to this and then we'll plot that and think about how we move forward on SSRT2? Thanks.

Susan Kawaguchi: Sure Heather. (Ed) and I spent some time working on this. And I must say it was an easy process to work out with him. We – it was very collaborative and I appreciate that and I'm sorry he's not on the call to propose this. But, you know, with two years on the council now I can see where there were – there was a need for more of a standard process for making any selection.

So we proposed this language for one for the review team appointment and then another a very similar process for any other appointment. I think what's

most critical to me was that we're consistent in the way we go at selecting – making selections or appointments and that there's transparency surrounding that. So there are some, you know, this isn't obviously not set in stone. There are some questions that could be answered. It's, you know, do we take this to the just the stakeholders group level or stakeholder group and constituency level? Basically, you know, we would help assist staff with issuing the call for application and then – and as staff has done at least in SSR applicants rank them.

And as – and then we would, each stakeholder group would communicate their candidate and – but all of it would go out to the whole - well actually a standing committee would propose the rankings for the GNSO council. But all of the councilmembers would have input onto who is our one, two, and three top candidates to be sent out to for selection. And then also have a number of backup candidates that were also ranked by the council to – if there's additional seats available if another stakeholder group for example doesn't or SO excuse me, does not fill their seat. So, you know, and I apologize for taking months to get this out but I think it is worth the council reviewing and critiquing and deciding upon a - an actual process.

Heather Forrest: Excellent. Thank you very much Susan. And sincere thanks to you and (Ed) for your work on this. And what I propose that we do is that we go ahead and do the decoupling now which is to say I think Wolf-Ulrich has raised some very, you know, interesting questions on the list in relation to this. James has kicked off the discussion here saying he has a number of questions as to how certain pieces of this would work in practice.

With that in mind and the fact that we are behind on making our appointments to this team we need to be a bit more timely. And it's not clear to me but say I've stood up in a number of our meetings lately and said things are getting rushed. And I don't want this to fall into that category this being, you know, the intention here is an ongoing process that we can use not just for this but for other things. And this is one of the things that when we ended the year in

end of our council year was the annual general meeting James made a point to say in the wrap up was in terms of one of council's objectives for the year ahead that having a standing process and standing committee for how we do this was one of our key objectives for the year. That being the case I want to make sure that we get that done right.

And we need to - what we communicated to back to the review team coordinators that we would be in a position to nominate folks by January from the GNSO. The good news is we have multiple applicants for this position. At the moment we have eight applicants for what I understand are at least three guaranteed spots. So what that means is that, you know, the good news is we have lots of folks. The bad news is we have to choose and we don't have in place right at this moment a mechanism for doing so. And as Marika's noted in the chat a maximum of seven. So we're already one over our nomination. Were we to confirm all of those who had applied we wouldn't be able to do so.

So and how would we like to take this forward? What can we do to get ourselves to an outcome in time? James?

James Bladel: Thanks Heather, James speaking. And I'd like to propose, put a proposal on the table to get us past this particular review team. But first I think first and foremost is the commitment to continue to work on this process that the strawmen that has been developed by Susan and (Ed) to a position where we can use it as quickly as possible and then on an ongoing basis. And I think that commitment is important because we don't want the temporary to become the permanent just, you know, for expediency.

But in the here and now I would propose that we kind of take a mishmash of what we've done in the past. I'm thinking specifically of the evaluation of candidates for the GNSO liaison to the GAC which involves just council leadership bringing recommendations back to council and then also some elements of this proposal so I'd like to maybe put Susan on the spot, (Ed) if

he's available or his proxy and then any other councilors or in fact if there's anyone from the SGs and Cs but keeping the group extremely small to evaluate the slate of applications that we currently receive with the goal of coming back to council with a recommended slate of members for adoption at our next meeting on January 19 which would mean that this group would have to work very quickly and over the holidays to get that list ready by January 9.

And that's I think it's kind of using what has worked in the past which is just, you know, kind of keeping this account the leadership of bolting on some of the elements that here where we open it up a little bit and add Susan and (Ed) as well as anyone else who we can get interested but I think with an eye on the calendar of getting this particular group filled so that we can focus on developing this permanent solution going forward. And that's just a, you know, just a swing off the cuff of how we can get this going quickly. Thank you.

Heather Forrest: Thanks James. Paul?

Paul McGrady: Paul McGrady here, thank you Heather. I just wanted to support James' idea of a small team and if council leadership's willing to be volunteered that's terrific and including Susan and (Ed) who know this process better than anybody. That sounds like a terrific small team to me not to the exclusion of anybody else who wants to volunteer. But I just think that what James had to say about staffing that small team and its nimbleness and need for speed during the holidays that sounds terrific. Thanks.

Heather Forrest: Thanks Paul very much. So this would be something that we need to do very quickly let's say in light of the time as we've pointed out. We would want to have that group formed immediately and thinking all about this for next week, drop it over the week of the holidays and then come back to it in the first week of January. Does that – James is that consistent with your thinking?

Right, all right so James says yes in the chat. I'm - and have I understood James that you volunteered yourself and Donna and me and (Ed) and - well we've lost (Ed), (Ed)'s proxy perhaps or someone who wishes to replace (Ed) and Susan? Is that where we are for our team for the moment?

Yes excellent all right. Donna we've been teamed. So that's how we'll do that. If (Mary) or Marika or whoever is holding the magic pen on her actions item list could please note that will add that to our action items list that we have formed this small team. Anyone else who feels they would like to join the team by all means please make yourself known. It doesn't have to be here.

But also let's say if we do have other volunteers it might be that one of us that's currently sitting steps away because if this gets too big we might not be able to be as nimble as we can. And in terms of the timeline let's say that the team come up with a way forward by the end of business next week before the holidays start and then have a let's say our view to putting that into action in the first week of January. Any objections to that? Seeing none excellent, then that's what we'll do.

And let's then move on to what is now Item 9 in our agenda which is planning for ICANN 58. And I introduced this briefly when reviewing the action items list at the start of the call. We are working on much - thanks to Marika and (Mary) and others we are working on a draft schedule that is essentially a block schedule of GNSO time. And we're hoping at this stage to communicate that to the meeting planning staff as opposed to waiting for the call and having other things in place. So we - I suppose we're trying to jump the queue and go first here and that would maybe be a plan for how we go forward as well. That being said I don't know that we have any major - Donna your hand is up wonderful. Good, thank you.

Donna Austin: Thanks Heather. I agree that, you know, we've got some work to do in relation to, you know, just trying to come up with - the intent is to try to come up with some kind of a GNSO block schedule that we can provide to the team

that puts together the ICANN schedule so we can kind of go through a suggestion that came out of Hyderabad. So we're looking to do that in the next week hopefully. But I was curious and I think James you've been on a recent SO AC call where there was some discussion around planning. So I don't know whether anything has moved on outside of what we're doing and if it has is there any update that you can provide?

James Bladel: Heather do you mind if I just jump in?

Heather Forrest: Please James. Go right ahead, go right ahead.

James Bladel: Okay thanks and thanks Donna. And I am actually struggling to remember if anything specific mentioned during that last SO AC call. I think that I don't believe it was – I don't believe we had any specific to planning for Copenhagen. I'll have to go back and check my notes. I apologize for that but I think that the last - I think that there was a previous call that we had discussed in - earlier in December or maybe two weeks ago that I think we had a number of folks involved in that was what prompted us to come up with the blocked schedules.

I do believe that we have since seen a call from meeting planning staff that there will be three high-interest topic sessions in Copenhagen which means that they have taken on board the concerns that we raised in that call that there were just too many of those sessions and they were creating conflicts and ripple effects. And so they have reduce the number of high interest topics to three and there is a call for topics currently underway which was circulated to council and hopefully that's also being circulated and socialized out in the stakeholders groups constituencies.

But I don't know that I have anything since that time. And I – I'm just looking through my notes. I think that there is going to be another call shortly after the holidays. If not in the first week of January will be the next meeting with meeting staff on that point.

Heather Forrest: Thanks James. That's helpful. And I think that's let's say that's where I was going in saying we don't have anything tangible let's say to differentiate our update from the last meeting. And this one part of that is just a very tight timeframe between the two meetings. But we are working on this in the background and let's say the job for us is to finalize this block schedule for the GNSO, get that circulated and get that to the meeting planning team. Anyone have any comments or concerns about meeting planning? And yes Keith makes an excellent point in the chat that it's a good idea to talk about the high interest topics with SGs and Cs to make sure that those points are made. James new hand or old hand?

James Bladel: Yes new hand. Sorry just a note that yes we have two specific action items that the council needs to take which is one as Keith noted getting those high interest topics submissions turned in and then two and I think that falls more onto council leadership and staff is to finalize the block schedules for GNSO A, B, and C and get those, you know, out to the meeting planning group as quickly as we can so that folks can at least have some time to consider those before we reconvene after the holidays.

And it's kind of like what you were saying Heather. Let's get our marker down on that structure so that we can so that there are no surprises from the rest of the group on what we're expecting. Thanks.

Heather Forrest: Thanks James. Michele?

Michele Neylon: Thanks, Michele briefly for the record. I know that we're going to be getting – trying to solicit the topics from the various SGs and Cs. Has there been any further clarity provided on how the topics are chosen after all of that because I noticed there was – relative to the last meeting there was discussion about various different things and then went from a list with a lot – a very - a long list of suggested topics down to the ones that were actually chosen and it

wasn't clear how it went from one to the other. And maybe that's been clarified somewhere but I've think I missed it. Thanks.

Heather Forrest: Thanks Michele. It's a very good point. And we have some work today let's say maybe too. Would it help Michele if we recirculate that?

I think we lost Michele. Noted Michele. We'll – we will deal with that. And anyone else like to make a comment – Rafik please?

Rafik Dammak: Thanks. I'm not going to make comment about the high interest topic. What I understand that there is still discussion may be about the selection and so on but more for the GNSO Council. So how we are planning to kind of manage the meeting request from the SG and I mean the stakeholder group and constituency and to kind of coordinate them for the GNSO schedule? I think Heather tried to and for Hyderabad to kind of to invoke more of the chairs. But so what's the plan for Copenhagen and how you kind of maybe to improve that process because I recall that there was still further request but I'm not sure that it was kind of matching what the stakeholder groups and constituency requested so...

Heather Forrest: Thanks Rafik. It's an excellent point. And James I know you've put your hand up. Would you like to respond to Rafik?

James Bladel: I can but I can certainly wait for you as well Heather.

Heather Forrest: Fair enough. What I was going to say is I think, you know, our first priority is to get the block GNSO time and make sure that we get GNSO time. The meeting where we came out of feeling a bit grumpy about how the time was allocated was Meeting B. And I think it's just a shorter nature of being of Meeting B. I'd like to see us narrow down this nail down the GNSO block schedule.

And then what I would propose to do is some sort of next generation of what we tried for Hyderabad is just having a community involved. And to the extent that we can get our block schedule done soon then we're not working to some background deadline from the meeting planning staff. And we'll have much more control over the process. I think historically we've been reactive rather than proactive on this. And if others agree then I think what we do is we again try some form of community input out through the councilors to the SGs and Cs to review the schedule before it goes back to the meeting team.

So again it's normally traditionally fallen on the chair and the vice chairs of the council to try and hammer out an agenda. I mean we're up against a tight deadline. That means that it goes directly from the chairs to the meeting team. And I've tried to introduce this or suggest that we introduce this sort of feedback loop in there that it gets circulated amongst us as a community before it goes on. If we can do that then I think that's definitely something that we want to do. James you might have further to add on that or onto another point?

James Bladel: Thanks Heather, James speaking. And I think you covered it fairly well. The only part I would like to add is just to reinforce that a lot of the challenges associated with the way we did it for Hyderabad was that, you know, we were aiming at a – we were aiming the GNSO sessions at a moving target which was kind of a shifting broader schedule. And the high number of high-interest topic sessions I think also created some downstream conflicts that we had to work around.

One of the challenges I think that we came – we encountered during that last process was that there was a disparity or a significant spread between, you know, some SGs and Cs would request one or two sessions and others would request, you know, five or six or seven. So recognizing that we might consider adopting a ranked preference approach which is that, you know, SGs and Cs when they were submitting their request for sessions under the GNSO schedule that they would indicate which was their top priority, the

secondary and tertiary and so forth because I think that otherwise we kind of had to make some judgment calls and I know that we, you know, when we do that the result has been no one is happy with the result.

So that might be something to consider but first and foremost I think we need to hammer out this block schedule so that we know exactly what we're working around and how much space we have to fit the GNSO sessions inside of. And then we can take an approach on – take a look at how we collect those topics from SGs and Cs. Thanks.

Heather Forrest: Thanks James. Hopefully it's nothing else Rafik that assures you that we have it in mind. We're probably not in a position at this stage to jump on our own C and SG requests but it's definitely something that we have in mind. Any further comments, questions, concerns on ICANN 58 planning? No, excellent. With that then we move into our - and other business. And we have a note on other business from – that the SO AC support team leader would like to offer some comments.

Glen De Saint Gery: Thank you very much Heather. Dear councilors, as from the end of January 2017 I will be transitioning out of my present role and scaling down my work load. So what does this mean? I will still be around for a while in a consulting role and in particular I will be working on the Copenhagen meeting. David Olive has asked me to do this.

However today is my last council meeting. Going forward you'll be in the very capable hands of Nathalie and Terri who are currently slowly taking over the GNSO administrative functions and making the transition smooth and obvious. So all I can say is thank you all very much and excuse my emotions.

Heather Forrest: Glen you're probably in a difficult spot because I'm crying too. Yes we can see the comments in the chat Glen. I think you've probably rendered us all speechless. You truly have given the GNSO its identity in all of these years

and we owe you a debt of thanks that we could never repay. James as chair of the council I'm happy to introduce you to say some comments.

James Bladel: Thanks Heather and like many of you I, you know, I'm also just a little bit shaken by this and I even had a few days heads up that this was coming and I'm still processing. And Glen I note that, you know, your work at the beginning at the birth of ICANN, the birth of the GNSO or I think it was called something else back then the DNSO or something was just has essentially a lot of what we do today is based on some of the groundwork that you laid personally back in the dawn of the GNSO.

And I think, you know, all we can say is thank you and you'll be missed. And of course we wish you so much of the best. And we're I think encourage that we won't miss you entirely that you will still be around for a little while to help us transition this. But I think in the here and now it's just something that we can only express our gratitude and thanks and well wishes.

Glen De Saint Gery: Thank you so much James. Thank you Heather. Thank you everyone. And I'll be around. I'll see you in Copenhagen so don't worry about that. In you will be in very good hands as I say. Nathalie and Terri will look after you very well. Thank you so much and goodbye.

Heather Forrest: Well done. Rafik you're in the queue. Would you like to comment?

Rafik Dammak: Yes so I think like many I want to thank and for the help and so forth that she provided for many years. When I joined the council the first time in 2000 and I could count on Glen. And it was always a pleasure to work with her, even the council or as a chair. I mean and she always respond to any question and help to even late at night or even in strange times. And not sure what to say about 2016 so it doesn't look the best year ever but I hope that she will still be around and yes. So I think what I can say at the end we love you Glen so we love you so much.

Heather Forrest: Thanks Rafik. Those are brilliant words to express what we're all feeling. Glen if there's ever any doubt as to the depth of our feeling for you hopefully that has yes, that has resolved your doubts.

Glen De Saint Gery: Thank you so much Rafik. I really appreciate that and thank you all again so much.

Heather Forrest: With that do we have any other - I mean I'm afraid to ask. Do we have any other business?

Glen De Saint Gery: There's no more for me Heather.

Heather Forrest: None from you Glen. That's – you have a 17-year history with ICANN to be exempt from any other business on this case. James you please?

James Bladel: Thanks Heather. If we're closing I just wanted to say thank you to you for stepping in and taking the wheel and performing admirably and probably setting a new standard that, you know, I'll probably not be able to match again. But I did have some flight problems and I'm now back. I'm probably just going to end up canceling the trip that prompted me to send in my proxy anyway. But I just wanted to say a personal thanks to you before we close for getting our work done and managing the call today. Thank you.

Heather Forrest: My pleasure James. That's why it's nice to have a team. You know, when you need it we're here. And with that I'm - although everyone's now sad and crying it falls on me to wish everyone happy holidays end of our year, happy end of 2016 and we all look forward to 2017. We have our next meeting on the 19th of January which means our document deadline is 9 January. You have to keep that in mind in light of the fact that some of us will lose some time over the next few days.

And I'll put in a plug for those of us in the southern hemisphere council takes its break in August which aligns very nicely with the northern hemisphere

summer holiday and we plow right on through in December and January which is when the southern hemisphere takes its holidays. So everyone please have, you know, have some let's say patience with folks in the southern hemisphere who may be on holidays and don't answer as quickly as they should.

With that I wish everyone a – on behalf of Donna and James and myself we wish you all a very happy holiday, a very happy end of the year. Be safe be happy and see you in 2017. The meeting is now closed. Thank you very much.

Woman: Thank you.

Man: Thanks Heather.

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