ICANN
Transcription
GNSO Council Call
Thursday 16 August 2018 at 2100 UTC

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List of attendees:
Nominating Committee Appointee (NCA): – Non-Voting – Erika Mann (sent apologies)
Contracted Parties House
Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell
gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Carlos Raul Gutierrez (audio only)
Non-Contracted Parties House
Commercial Stakeholder Group (CSG): Marie Pattullo, Susan Kawaguchi, Philippe Fouquart, Tony Harris, Paul McGrady (apology sent & proxy to Heather Forrest), Heather Forrest
Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali
Nominating Committee Appointee (NCA): Syed Ismail Shah
GNSO Council Liaisons/Observers:
Cheryl Langdon-Orr– ALAC Liaison
Julf (Johan) Helsingius– GNSO liaison to the GAC
Adebiyi Oladipo – ccNSO observer

ICANN Staff
Recording is started. You may now begin.

Terri Agnew: Thank you. Good morning, good afternoon and good evening and welcome to the GNSO Council meeting taking place on the 16th of August 2018. Would you please acknowledge your name when I call it? Thank you. Pam Little?

Pam Little: Here.

Terri Agnew: Donna Austin? I do show Donna is -- oh -- on. Donna I think you just joined the audio as well. Do you want to go ahead and confirm?

Donna Austin: I’m here. Thanks Terri.

Terri Agnew: Thank you. Rubens Kuhl?

Rubens Kuhl: Here.

Terri Agnew: Keith Drazek? Keith I do – go ahead. Keith I do show you connected and your mic is activated. We’ll go ahead and move on. I do show Keith is on. Darcy Southwell?
Darcy Southwell: Here.

Terri Agnew: Michele Neylon?

Michele Neylon: Here.

Terri Agnew: Carlos Raul Gutierrez?

Carlos Gutierrez: Here. Thank you very much Terri.

Terri Agnew: Thank you Carlos and we do know that you’ll be on audio only. Marie Pattullo?

Marie Pattullo: Here.

Terri Agnew: Susan Kawaguchi?

Susan Kawaguchi: Here.

Terri Agnew: Paul McGrady sends in his apology. He get – he has given his proxy to Heather Forrest. Philippe Fouquart? And Philippe I do show you are on Adobe Connect but I don’t show your mic is activated either, so you may want to either join on the audio or connect your mic.

And a reminder to connect your mic with the telephone icon at the top of the Adobe Connect and follow the prompts, but I do show you are connected. Rafik Dammak?

Rafik Dammak: Here.

Terri Agnew: Stephanie Perrin? Arsene Tungali? We do have Arsene on as well.
Arsene Tungali: I’m here.

Terri Agnew: Arsene – oh welcome. Thank you. Heather Forrest?

Heather Forrest: Hi there Terri. Present. Thank you.

Terri Agnew: Thank you. Tony Harris?

Tony Harris: Yes I’m here. Present. Thank you.

Terri Agnew: Tatiana Tropina?

Tatiana Tropina: Present. Thank you very much.

Terri Agnew: You’re welcome. Martin Silva Valent?

Martin Valent: Here.

Terri Agnew: Ayden Ferdeline?

Ayden Ferdeline: I’m here. Thank you.

Terri Agnew: You’re welcome. Syed Ismail Shah?

Syed Shah: Yes here. Thank you.

Terri Agnew: You’re welcome. Cheryl Langdon-Orr?

Cheryl Langdon-Orr: I’m here Terri.

Terri Agnew: Erika Mann – she may end up joining late. If she’s unable due to travel she does send her apologies in advance. Julf Helsingius?
Johan Helsingius: Here.

Terri Agnew: And Adebiyi Oladipo And I don’t believe he’s on as of yet.

Adebiyi Oladipo: I’m here.

Terri Agnew: Oh you are. Thank you. Welcome. From staff we have Marika Konings, Mary Wong, Julie Hedlund, Steve Chan, Caitlin Tubergen, Emily Barabas, Berry Cobb, Ariel Liang, Michelle DeSmyter, Mike Brennan for Technical Support and myself, Terri Agnew.

David Olive will be joining a little later in the meeting. May I please remind everyone here to state your name before speaking for recording purposes? With this I’ll turn it back over to Heather. Please begin.

Heather Forrest: Thanks very much Terri and welcome to everyone. This is our August GNSO Council meeting. We’ve just been through Item 1.1, which takes us to Item 1.2, which is updates to Statements of Interest.

Does anyone have an update to an SOI? If so please raise your hand or if you’re on audio will you let us know? All right, I don’t see any hands. We don’t have anyone plowing through to the…

((Crosstalk))

Heather Forrest: Oh.

Cheryl Langdon-Orr: Heather sorry. Cheryl here. I stepped away of course from the computer (unintelligible) didn’t I? Very minor update to may SOI. It’s being done and we’ve closed our business at the end of the financial year so I’m supposedly retired now.
Heather Forrest: Excellent. Cheryl we wish you a very happy retirement and hope that retirement to you means something different - well actually we don't hope that it means something different to you than it does to Chuck Gomes so congratulations to you.

Anyone else retiring? All right, I see no other hands. Excellent. I am – that takes us to Item 1.3, which is the review of the agenda. Anyone have any changes to add?

Susan Kawaguchi I know that you had an Any Other Business item to add so we need to do that here. Darcy over to you.

Darcy Southwell: Thanks Heather. Darcy Southwell for the record. I was just wondering. I – I'm concerned that we've allotted a very, very small portion of time at the very end of the call for the EPDP update.

And I just – I have a sneaking suspicion it warrants more than part of a - five minutes at the very end. Is there any way we could move that up?

Heather Forrest: Fair enough Darcy. That's – is not a bad idea and I see Michele seconded that and Rafik you're our point person for that one. Are you happy with that and if so we could pick that up immediately after the motions if that suits?

Okay Rafik says okay. Excellent. And do we have Susan Kawaguchi on the line because I – Susan you might…

Susan Kawaguchi: Here.

Heather Forrest: …replace – there you go.

Susan Kawaguchi: Yes. This – Susan Kawaguchi. Actually I just wanted to ask a few questions about the ED – EPDP liaison role and so maybe within Rafik's update I can ask my questions there.
Heather Forrest: Great. Thanks Susan. So then what we’ll note is our agenda – it gives us the consent agenda in Item 3. We then have Item 4, which is a vote in relation to final report for the reconvened Red Cross PDP.

And we have Item 5, which is the GNSO review implementation report so we’ll add in – that’s our last voting item so we’ll add in at that point let’s say and not – a new Item 6 and we’ll change our numbering to be an update on the EPDP.

Excellent. Okay any other changes/requests in relation to the agenda? No. And fair enough Darcy and I – that is noted so we had said in our July meeting that we’d make the EPDP a standing item on the agenda.

And I think in light of the discussion we’ve just had rather than have it be an AOB item, we’ll go ahead and make it a standing substantive item. That said we need to be careful.

We might want to have a dialog after this meeting about how much time we allocate to that, because I note that it’s been fairly consistent for the last six months that the first cut of the agenda that leadership and staff put together often runs 15, maybe 20 or 30 minutes over the two-hour time.

So, you know, we – we’ve cut back quite a bit to try and get us within two hours, so let’s see how we go and see how that will take shape in the agenda going forward.

All right. Item 1.4 is this – noting the status of minutes for the previous Council meetings. So we’ve got our 27 June minutes that were posted on the 16th of July and the 19th of July so these two meetings have been fairly close.
The 19th of July – they should be up fairly soon I think because the time period would've elapsed for notifying any changes relatively soon here, so you can look out for those in your inbox.

That takes us then to Item 2, which is our review of projects and action items, and Secretariat team we'll take whichever one you pull up first. Excellent. So this is our action items list again.

We’ve made good progress and we’ll work our way down the list here and note what is still remaining. The first item is the accountability – CCWG Accountability Workstream 2 final report.

That is on our agenda today so we will be talking about that shortly. The – there are a number of completed items here that would come off at our next Council meeting, so we'll note that the action item in relation to emojis is complete and will not appear on our September agenda.

The next steps following the temporary specification – these items are mostly done. You’ll note the remaining item, which is in relation to RDS and what we will do based on our discussion in our July meeting is leadership will liaise with the leadership of the RDS PDP and follow-up to see what shape that might take on our September agenda.

So that will take us to those last final remaining points there and I understand that work is underway in the RDS PDP to let’s say come to next steps themselves, so we’ll follow-up with that and you can anticipate to see that on our September agenda.

Any comments on that one? Comments/questions? No? All right. So that takes us to short- and long-term options papers, which is work that is completed and thanks very much to Donna and Carlos who carried the bulk of that work and we very much appreciate you having done that.
Any questions on that one? No? Okay PDP 3.0 is on our agenda today. We have a discussion around next steps following the recent closure of the other comment period for the SGs and Cs so we’ll come back to that in our agenda.

The sub-pool and RPM consolidated timeline – we have two outstanding items there and I would suggest that we pick some of these up. I know we said in our June meeting that that was sort of an ongoing basis, and we haven’t done very much recently in light of PDP, the EPDP and other things.

But what I would suggest that we do is think about that consolidated timeline in the context of PDP 3.0, so you might just have that kicking around in the back of your mind when we come to that agenda item in today’s discussion and think about how, you know, really for Keith and Donna and Paul as liaisons to those two PDPs to think about, you know, directly how PDP 3.0 or if PDP 3.0 and some of those recommendations might assist.

Any questions in relation to that one on the timeline? No? All right, I see no hands. CSC and IFR review – that’s for the ccNSO and GNSO Council to engage/conduct an analysis. Donna anything that we need to say on this one? Anything to update here?

Donna Austin: Heather just to note that we had another call this morning. Philippe and I had another call this morning with Martin and (Debbie). We are making some progress; probably not as quickly as what we had hoped but we are making progress. And…

((Crosstalk))

Donna Austin: …if we get it right hopefully we’ll have something to come back to Council with in September. Thanks.
Heather Forrest: That’s brilliant Donna. Thanks very much and thanks also to Philippe for following up in that role of ccNSO liaison. Any questions for Donna or Philippe on that one? No? All right. CSC charter – oh Donna over to you.

Donna Austin: Yes I’m sorry Heather. I’m not sure where the flag is but there’s also an outstanding item for Council and maybe this is picked up somewhere else that the IANA function review request for members went out sometime ago and the slots for – filling of the slots is required by the 28th of August.

My understanding is that while there – the composition doesn’t necessarily include the GNSO to select anyone because the CSG/NCSG are each to have one representative as is the registrars.

The Registry Stakeholder Group will have two. There will be a requirement after the composition is put together for the ccNSO and GNSO to select one representative from its appointments as co-chairs, so that’s not an immediate thing for the Council but I suspect it’s going to come back to us perhaps sometime in September. Thanks.

Heather Forrest: Thanks Donna. That’s helpful to note and we will I suppose watch for updates and see if that sits on the Council – see if it shifts enough time for the end of September.

Thank you. Donna do you think given that it’s not Council that’s appointing but it’s the SGs and Cs, I was going to say is it useful to do a reminder on the list of that appointment process but perhaps no given that it’s not Council?

Donna Austin: Yes. I’m not really sure Heather but I guess it serves as a reminder. The – there was a request that went from Trang to each of the SG/C chairs so it hasn’t gone to the Council per se.
It’s just gone to the different SGs and Cs so this is just a reminder. If folks haven’t heard anything within their respective groups maybe they can follow-up with their chair to see if it’s being discussed. Thanks.

Heather Forrest: Great. Thanks Donna very much. Any questions for Donna on that one? No? All right. That takes us to CSC charter review, which is marked as completed, will not appear on our September agenda and sincere thanks to Rafik and Philippe for carrying effort on that one.

Any questions on that item? No? All right. Engagement group on Internet governance as discussed in our July meeting as we start to put together our ICANN63 GNSO Council agenda.

We have fit that in into the Sunday morning weekend working session, so that will come back to us in Barcelona. Any questions/concerns/comments on that one?

No? All right. WHOIS conflicts is on our agenda for today so we can leave our discussion on that one till we get to that agenda item. ATRT 3 – so staff are following this very closely for us.

We’re still waiting for MSSI. You might remember that there was a direct let’s say follow-on from the short- and long-term options papers comments that were extended to the 31st of July.

So we’re just let’s say waiting for MSSI team to review those and come to a view as to how that will impact on ATRT3, so following that one closely and as soon as we have an update we’ll let everyone know and we can – that’ll kick us off and sort of cascade through some of those remaining to-do items here on the agenda.
Any questions on that? No? All right. IGO-INGO cumulative rights also on our agenda today so we can leave our discussion for that until that agenda item.

And (CPITH) was also something that we had named end of July for comments on, and Marika can you tell us what the next steps is – next steps are in relation to (CPITH) please?

Marika Konings: Sure Heather. This is Marika. So some comments were submitted by the Registrar Stakeholder Group - some proposed edit so staff is reviewing those. I believe, you know, most of those are more for consistency or a minor edit, but I think there are a couple of items that we just need to have a closer look of – look at and maybe engage in a dialog with the Registrar Stakeholder Group to fully understand the objective and as well to determine whether, you know, this is the right place to put those items in so that’s a conversation we hope to initiate shortly.

Heather Forrest: Thanks very much Marika. That’s very helpful. I just want to pull out very quickly because of the time of year, and we’re getting rather close to the AGM and a sort of reflection looking backwards on 2018.

There were a few items in that strategic planning session action item list that I think we can refer to very quickly just as a bit of a baseline. The first one - what this GNSO Council wanted to do?

You might remember that was the name of the sessions that we had in January. Council leadership to consider adding references to relevant ICANN bylaw sections.

So you’ll notice we’ve continued that practice. We did it for the very first time in the context of the vote on the EPDP. You’ll see it again today in relation to the Red Cross vote.
So we are finding our feet in using that and we’ll take some feedback from Board colleagues and GAC colleagues and within the GNSO to see if that’s working for folks.

The next one is what can be done to facilitate understanding and communication between the GNSO Council and the ICANN Board? May require more than an hour at every ICANN meeting.

Actually it was – proposal though it sounds a bit – maybe a bit ironic to say let’s take some of our hour with the Board in Barcelona and talk about how we use that hour and whether or not that hour is enough.

I think that that’s a discussion that we can probably usefully circle back to. We do have lunch with – a working lunch with the Board on our ICANN63 agenda on a Sunday, so I think we ought to come back to that and see if we can use that time a little bit better.

Two more in the next item that I would like to highlight: the roll-on stock village and Council leadership. So the second one which - the Council members to provide the leadership team with feedback on leadership team’s performance and actions on a regular basis.

Donna and I in particular are winding up our time on Council. We’ve come to the end of our four fabulous years, three of which were spent on the leadership team.

So any feedback that you can give us on our way out would be most helpful and things that we can reflect on in relation to the third point, which is the Council chair to provide a report at the end of term outlining challenges, concerns and recommendations.

So I am starting to work on that and we’ll have a report for you by the time we get to Barcelona, so anything that you want to raise with me would be super
helpful with me before I go ahead and finalize that report and have to you all in Barcelona.

In the final few there, how to manage Council’s 2018 workload, I think we can note here and we’ll come back to this in our AOB that ICANN63 planning – we’ve continued the practice that we started earlier this year of having a call with all of the various PDP leadership teams meaning everyone.

We’ve got a group call. We go through the GNSO schedule, talk about, you know, what slots folks need and when and the timing and so on and so forth so that call is happening rather soon.

I think it’s early next week so just to note that that closer interaction with the PDP leadership is taking place to try and get us to a better position of the PDPs – feel like they’re getting the space that they want in an ICANN meeting.

Of course much easier at an AGM when we have more time than it is in the Policy Forum, which is a shorter period. And finally, I’ll note in that last thoughts what does Council need or want to achieve in 2018 and how to do this?

One of the key outputs of the SPS was the – and that was a good point there. Council to explore mechanisms and tools for monitoring and reviewing costs related to PDP working groups with a view to improving efficiency and effectiveness.

And we were told at the time, you know, that’s a great initiative but I’m not sure if we can do it and so on. We have had some success with this and perhaps can use it as a model in terms of a cost methodology, cost reporting software and so on being used in relation to the EPDP.
And I think we ought to keep an eye on that as the EPDP continues to see if perhaps that’s something or a modified version of that that might be helpful to us in PDPs going forward.

So I just wanted to flag those points because I think it’s – I think they’re helpful as we start to end the year. Any comments/questions/concerns on any of those or anything else on the action items list?

No? All right. Excellent. Secretariat if you can take us to the projects list, and again this would’ve been circulated in redline version and clean version in terms of the edits.

We of course have the obvious addition of the EPDP in our Category 4, the new working group. We also have a number of things cycling off in terms of Council deliberation.

You’ll see there the GNSO Review Working Group Workstream 2 and of course IGO/INGO curative rights and the reconvened Red Cross, so all four of those on our agenda for today.

Marika anything else we specifically should note in relation to the change – changes to the project list?

Marika Konings: Thanks Heather. This is Marika. No I think that the main changes were indeed moving around some of the efforts to their new categories such as the EPDP and the GNSO review as well as the Red Cross recommendations that are for Council consideration.

Heather Forrest: Thanks Marika very much. Pam?

Pam Little: Hi Heather. Thank you. Can you hear me?

Heather Forrest: Yes we can Pam. Go ahead.
Pam Little: Thanks. Pam Little speaking. I have a question about a geo regions review that is with the Board. I note we have a target date of September. That’s next month and this review actually was initiated ten years ago.

So I’m curious to know whether that target day is realistic and whether – what is the Board planning to do or what – what’s the actions the Board intends to take? Thank you.

Heather Forrest: Thanks Pam and Mary’s put her hand up so Mary I have a feeling you can help us here.

Mary Wong: Thanks Heather and thanks Pam. This is Mary from staff. I’m not sure that I can fully answer Pam’s question but just so you know that - indeed the report was submitted to the Board and the staff understanding is that it is in the queue for Board consideration.

My understanding further is that that is something that - the Board members are aware that it’s been some time, and so they intend to put it on the agenda for Board consideration at one of the forthcoming Board meetings this year.

Heather Forrest: Thanks Mary and…

Pam Little: Thanks Mary.

Heather Forrest: …you’re right to say that’s helpful. Sorry Pam. Go ahead actually. Go ahead.

Pam Little: Thank you. I just noted it’s been there for a long time and I’m just curious to know. I think we – I would like to say that’s being actioned upon and will disappear on our project list and it doesn’t seem to be moving as fast as it should be. Thank you.
Heather Forrest: Thanks Pam. It’s a good observation and let’s follow-up. I’ve made a note and we’ll follow-up on that. I don’t think we have an instant answer but we’ll get back on that point.

Cheryl Langdon-Orr: Heather?

Heather Forrest: Cheryl.

Cheryl Langdon-Orr: Thank you. Taking off my – a likely liaison to the GNSO has been putting on my - I believe I am still the chair of that group and Mary’s correct. It’s with the Board.

It has been with the Board since the Copenhagen meeting and it’s up to the Board to take it to the next step in terms of the recommendations that were made out of that PDP process, and of course I’m happy to at a future point in time reacquaint the GNSO Council with what those recommendations were.

But Pam trust me, you are nowhere near as frustrated as some of us are like those of us who worked on it for ten years.

Heather Forrest: Thanks Cheryl. This is Heather. I think we might just take you up on your offer. Perhaps let’s have a look at the September agenda - if we can work with you offline to see if maybe a quick summary of those recommendations wouldn’t be helpful just to get that on everyone’s radar so thanks very much Cheryl.

Any further comments/questions on the projects list? Oh all right. So that takes us back to our agenda and Item 3 and our consent agenda. So we have one item on the consent agenda today and that’s the motion to adopt the Council response to the GAC communique from Panama.
That effort was very ably led by Julf in his role as GAC liaison and I think that’s quite an effective process let’s say to strengthen that link given the nature of the – of that document as we’re starting – to the GAC communique.

That was sent to the Board on the 6th of August in time for its meeting with the GAC and it only remains for us to formally approve it. This is – often what happens is the time is simply a bit too short for us to approve in a Council meeting before it goes.

Any objections to continuing with that? We didn’t have any requests to change that in reviewing the agenda but last call for that. Any requests in changing that as a consent agenda item? No. No objection. Excellent. All right. Then Terri over to you.

Terri Agnew: Thank you very much. Sorry about that. My mute would not go. So are we going to go ahead and vote at this time then Heather on the consent agenda?

Heather Forrest: Sorry Terri. My – and my phone fumbled just as you spoke. Repeat that for me.

Terri Agnew: Yes. So we’re ready for the vote on the consent agenda, correct?

Heather Forrest: We are. Between the two of us yes we are.

Terri Agnew: Perfect. And we’re going to go – and we are going to go ahead and do a voice vote for that. So would anyone like to abstain from this motion or consent agenda vote? Please say aye.

Hearing no one would anyone like to vote against this motion? Hearing none would all those in favor of the motion please say aye?

Group: Aye.
Terri Agnew:  Thank you. Heather Forrest, proxy for Paul McGrady, please say aye.

Heather Forrest:  Thanks Terri. Aye.

Terri Agnew:  Thank you. Hearing no abstention or objection the motion passes. Back over to you Heather.

Heather Forrest:  Excellent. Thanks very much Terri. So that clears that from our agenda, which takes us to Item 4, which is a vote on the final report for the protection of Red Cross names and (Tatiana), your hand is up.

Tatiana Tropina:  Thank you very much, Heather. Tatiana Tropina for the record. Can I just save our time in the very beginning before the motion is introduced and ask, not only on my personal, in my personal capacity as a Councilor but also on behalf of NCSG, to defer this motion to the next meeting. We have some problems with this motion and we're still not sure as to how to work it and what sources and legal basis for this report is. So I'm trying to explain briefly, while we did submit the comments for the final report and they didn't warrant any changes but in addition to a general unhappiness with our comments being just, you know, rejected, I think that we're still struggling to understand and investigate whether or not the recommendations were made based on legal basis.

I see that the report says that it cannot be kind of considered as legal analysis and that it's based on the position paper from 2013 and then on the recent document of 2017 and we feel like we need a bit more time to investigate whether the legal basis exists and whether the Working Group actually provided enough legal basis for its recommendations and for these names to be reserved. We think that Working Groups would have demonstrated this. So I hope this constitutes enough reasons for us to ask for deferral of this motion because, I mean, the timing was quite strict on these kind of, these days. Like a couple of weeks to analyze this and we really need more time. Thank you.
Heather Forrest: Okay, Tatiana. Thank you very much. So it is possible for us to defer this motion as it's the first time that it's appearing on our agenda in this form and I understand your reasons for doing that. I'll say, having been involved in that group, I can say that we can get you, if you need - if it's helpful - we can get you access to the discussions, the recordings from the discussions, where those comments were read through line by line, not just your own, let's say from NCSG but from other SGs and Cs as well and that may help, let's say, in terms of reassurance that the comments were taken into account.

So with that, that puts this item to - for the September meeting. Is there anything, Tatia, is there any value in discussing some of these concerns here before, let's say as a discussion item that might help the Working Group or would you rather simply put off the discussion and follow the (unintelligible) line? How would you like to do that?

Tatiana Tropina: Heather, I really feel - I really appreciate the openness of the Working Group members. We would really like to discuss internally and if we can get back to you or the chair or other Working Group members, this would be incredibly helpful for us. I see on the chat that there are questions about NCSG being able to adopt this motion. Honestly, I cannot speak on behalf of NCSG on this matter, because we need to coordinate but as for now, for example, I can't vote yes for this motion because I still need to understand some of the reason here. Thank you and I believe that it is not only me but other members.

So getting this discussion off line and coordinating, maybe with you asking questions, yes, I can foresee this as really maybe fruitful discussion. Thank you.

Heather Forrest: Okay, Tatiana. Thanks very much. So that then moves this - and I'm the maker of the motion here, that moves agenda item to the September meeting and we will be required to pick it up then. And Tatiana, I see your hand is still up and just confirm that that's an old hand before moving on?
Tatiana Tropina: It is an old hand, sorry. Thanks.

Heather Forrest: Okay. Thanks very much and Mary is typing, it might be that Mary is typing in relation to this motion because Mary is, in this past quarter, one of the members of the staff support team for that motion and of course, Mary is offering some direct contact there. So that then moves the Item 4 off of our agenda and we turn to Item 5.

Item 5 is the motion in which the adoption of GNSO adoption Review Working Group implementation final report and Rafik as the maker of the motion, can we turn to you, please?

Rafik Dammak: Can you hear me?

Heather Forrest: Yes, we can.

Rafik Dammak: Okay. Thanks. So today we have this motion with regard to the GNSO Review Working Group implementation final report, so we have, we shared, I think two or three weeks ago, (unintelligible) a slide deck to introduce kind of the status from the Working Group and also having some question at the end of what the Council consideration. So if, maybe if it's possible just to put that, the slides. I'm not sure if they are already a product or not.

Heather Forrest: Rafik (unintelligible)…

Julie Hedlund: This is Julie Hedlund, yes, we do have those slides and we’re just getting them up momentarily. Thanks.

Rafik Dammak: Thanks. But I think if it's possible, maybe - and thanks for doing that, for seconding the motion - I can definitely try to read - trying to say - the resoloved (sic) of the motion so I think it's - because it's quite straightforward and probably set the scene for our discussion.
So, resolved, the GNSO Council adopts the GNSO (to) review implementation final report. Two, the second, Council directs staff to submit the GNSO to review implementation final report to the OEC of the ICANN Board of Director for its consideration. Third, three, the GNSO Council thanks the GNSO Review Working Group members for their diligence and dedication in the successful execution of the implementation of the GNSO review recommendation. Fourth, the GNSO Council shall decide to disband the GNSO Working Group after the implementation final report has been approved by the ICANN Board of Directors.

Okay, so okay. Julie, can you please upload the slide so we can move quickly through that?

Julie Hedlund: Yes. Sorry, Rafik, I'm trying to bring them up but they don't seem to be letting me do that, but I see that my colleague Terri is on it. Thanks.

Rafik Dammak: Okay, so maybe just in a quick, I can start quickly since I can this time for me, so the current status that we - there were a total of three, four recommendation and we (unintelligible) to a phase. So the Phase 1 was that the Working Group agreed by full consensus that all the 13 Phase 1, the accommodation has - had already been implemented via previous work.

Okay, so can we move to next slide? And so also we have the Phase 2 and 3 and the Working Group has agreed by full consensus that the 21 recommendations have been implemented in the current process and procedure. So basically, we had several recommendation that there were implemented somehow in a different process and so also we reviewed other activities for the phase two and three.

Next slide, please. Okay, so of sort of internal timeline, we agreed that the implementation of all the recommendations has - of the original timeline, which was September of 2018 - I think that's a good point for the Working
Group in term of efficiency and delivering on time and so for now, we have as we finish it, the work and it's completed to wait for the approval of the GNSO Council and the OEC.

So by next step, we already submitted the implementation final report for the GNSO Council consideration and when the report is approved by the Council, it will be sent to the OEC for consideration.

Okay, next slide please. Oh. Okay, so - okay, so the next slide is just about the timeline for the GNSO review which was started in 2014 and now it's ending in 2018 so it took around four years to be done and so this is mainly some, an item for discussion later, I think, in relation to all the organizational review and how to be more effective and efficient but for now, just to show the different steps that the GNSO review went through.

Okay, so the - for the future consideration or the kind of maybe question to the GNSO Council to decide, as you could see in the last resolveds (sic) of the motion, the GNSO Council should decide to disband the GNSO Review Working Group after the implementation final report has been approved by ICANN Board of Directors and so based on the Working Group current charter and with regard to the constitution, so we have to decide, on the Council level, whether we need to revise the charter.

So basically it was only around handling the GNSO review and also how to reconstitute the Working Group and start another call for volunteers from the (AC&C). As I men - how to say - it was (unintelligible) in that time that the GSO Review Working Group replace to some extent the Standing Committee on Communication, the SSC (sic). So this was kind of the question and for mainly for the Council, to work on after approving the motion today. So, okay.

And then 34, there was kind of a technical issue, but I think the slides were shared previously, ahead of time, I mean prior to this meeting. Okay. That's' it for my side. So, any question or comment? Yes, Donna, please go ahead.
Donna Austin: Yes, thanks, Rafik. Donna Austin. So just a note of thanks to you and the Review Working Group for, you know, staying the course on this one. It was a four year process and I think, you know, by the end of consideration, I think you only had about eight that were doing the heavy lifting on making sure that the review was implemented and complete, so much appreciation to you and the others on the group and particularly the chair, whose name escapes me right at this minute but this was a significant body of work. It took a long time and certainly appreciate the effort. Thank you.

Rafik Dammak: Thanks, Donna, that's much appreciated. Okay, any other comments or question? Okay, I don't see none and so as I read the motion, maybe too early, but just here may be question. Heather, should you think that maybe we can move to the vote already and just maybe to…

Heather Forrest: Yes, thank you Rafik.

Rafik Dammak: Yes?


Rafik Dammak: Just maybe to, for a note as we thanked the Working Group members, the co-chair were Jen Wolfe and Wolf-Ulrich, so it's just to, they were the co-chair of the Working Group and just to make note of that. I'm sorry for the interruption. Please.

Heather Forrest: Thanks, Rafik. So just checking, do we have any further discussion on this item? Otherwise we'll move to a vote. All right, I see no hands. Any objections to taking a voice vote here? All right, I hear no objections. Terri, could we ask you to take to take us to a voice vote, please.

Terri Agnew: Certainly, we'll go ahead and begin the voice vote at this time. Would anyone like to abstain from this motion please say aye? Hearing no one, would
anyone like to vote against this motion? Hearing none, would all those in favor of the motion please say aye.

Group: Aye.

Terri Agnew: Heather, for - thank you. Heather Forrest, proxy for Paul McGrady, please say aye.

Heather Forrest: Aye.

Terri Agnew: No abstention, nor objection, the motion passes. Back over to you, Heather.

Heather Forrest: Excellent. Thank you very much, Terri and we'll note as an action item here, to convey our thanks to Jen Wolfe and Wolfe-Ulrich and the rest of the Working Group on their efforts here. Rafik, thank you very much. We'll communicate the outcome of our vote to the Working Group and any follow up that needs to happen, we will take care of that.

So that brings us back to our agenda, and that brings us to, we've reordered items following our review of the agenda, to an update on the (EPT). So while we return to the agenda, Rafik, may I turn it back to you?

Terri Agnew: And Rafik, this is Terri, if you're speaking, we're not able to hear you.

Rafik Dammak: Okay, sorry. Just it was kind of - I had some trouble. So I assume that this is about the update from the EPDP, just to be clear, because we cannot (unintelligible) connection problem. Hello? Can you hear me?

Terri Agnew: We certainly can now. Thank you, Rafik.

Rafik Dammak: Okay, so just to confirm that it's about the EPD update? Sorry, I want to say they had some problem.
Man: Yes, that's correct.

Heather Forrest: Yes, Rafik.

Rafik Dammak: Okay, thanks. Okay, so and sorry, I didn't prepare a written update from - for the EPDP, as we just put it on an (unintelligible) and we kind of know just less than three weeks and we started the discussion in the team but in term of vision and highlights, so we are now in our, I think, fifth conf call so we, the EPDP team agreed to have two calls per week for 90 minutes each and we started with - the first task on the charter is to do the triage and for that purpose, we - the EPDP team use it as a mean or tool to have a survey so we split the survey in four part and we allowed some time for the different representative of each group to submit a response for each part from - I mean - the four part from the temporary stake and we have those survey to get input.

And also in same time, we initiated like a - which is a part of the EPDP process of early input from the different SE, CSO and the AC which is just to make that - I mean, it's a part of the process. I mean we are going to get an early input but our focus in the EPDP team is really about getting the triage done and so that's why we are using the survey. So what happens is that like we give roughly, maybe roughly four or five days to the different group to give their input for each part and in the next call, we, I mean, the (unintelligible) and the staff summarize the response and we go through that during the call.

So I cannot speak freely about the substance, but we have a few places, if I can state that, where we have consensus and so we spend more time trying to clarify the response and understand what are the area that should be covered later so that's now what is the EPDP team is focusing and we should be done with the survey by early next week.

We also are preparing for our first face-to-face meeting in LA which will be held in the last week of September and there is, I think you, as you know, we
already receive it but that's to the Council side from the (bund) about the budget so we are all like handling all those kind of logistic details for now but this is the main kind of area of focus for the EPDP for now.

So on other hand, maybe this request, I receive it as it is on to ask the Council for feedback, is that several - how to say - representative or alternate from the group and the EPDP team, ask them if they can - if they can listen to, I would say, to the - I mean to the (EDP commit) but one of the (unintelligible) I mean to join the (EDP commit) read-only mode and but we, thanks to the staff, we find out a kind of solution is to have a separate (EDP commit) which will (different) what it's in the - into the primary (EDP commit) for EPDP team, so the alternate or any observer, they can see what is shared in the screen and the chat and so on to make it more easy to follow the discussion as it's going to be hard, really, for people to follow just through audiocast. And so just here it like was a request for the Council if this is an acceptable (resolution) or not. Okay.

So this is kind of the main highlight from the EPDP team and also another one, or maybe I just miss it, is that in the beginning, in term of administrative task, the EPDP team member in their first call discussed about the Vice Chair appointment and (Kurt) proposed it at the time that - sorry - that I can be the Vice Chair and so there was a discussion and my understanding is that the appointment was shared with GNSO Council Leadership. There was some concern raised, at the time, by some members of the EPDP team with regard to that having the role of Vice Chair and liaison but in the - we - there was some discussion how to avoid the conflict, in particular when there is any issue, the solution and who can handle that, so. Okay?

And I see that (Susan) is in the queue. Yes, Susan, please go ahead.

Susan Kawaguchi: Thanks, Rafik and thanks for the update. And please, do not - this is not a personal issue at all with you taking on a lot of responsibility but I am concerned that we're not following GNSO process on the liaison role and as
you know, I'm liaison to the IGO NGO Curative Rights thing. That has become a tremendous amount of work in the last six, seven months and it looks like it'll continue until I'm off Council in October, for the liaison role and for that PDP.

And just as some history, several years ago, before I understood some of the rules of the GNSO Council and liaison, I had made the suggestion that, because I was liaison, I wasn't, you know, I just volunteered because we needed somebody, but Phil, you know, the other BC counselor was chair and I'm like, why am I giving these updates when chairs, when he's right here and he understands this much more thoroughly and deeply than I did, and suggested that he should be the liaison.

And then it was explained to me that no, the liaison role really is separate from the leadership role in a PDP so that the working members can come back and talk to the liaison and provide, you know, have a place to go to provide complaints or concerns and so that rationale made sense. I remained as liaison and you know, and then you know, everything continued on, but as long as everything is working right, it's no problem. When things go wrong, it's a tremendous amount of work, in my opinion.

I probably spent more time working on the liaison role than this, in the last six, seven months, than I have on Council responsibilities. So I would just like to open up a discussion with all the Councilors to see do we want to stick to our original process, where we separate the Vice Chair/Chair role from the liaison role, so that we have that independent status and viewpoint.

And to be honest, in the Curative Rights, there were times when I made decisions that were opposed to the chair's in trying to get this PDP moved forward, so I think we should really make an informed decision here, and again, Rafik, it's nothing about you personally. You know, thank goodness that you are stepping up and wanting to do all of this work but it may present
an issue down the way, especially considering how contentious this PDP is. So that's my input on that and questions.

Rafik Dammak: Thanks, Susan. I mean, no worry, I'm not taking it personally. I can understand all those concern and we kind of, there was already some discussion about it so I can be sure that there is no problem here. Let's go with - we can do some in the queue so we can maybe hear from others if there are other concern or if they want to weigh in on this issue. Darcy, we'll go ahead.

Darcy Southwell: Thanks, Rafik. Darcy Southwell, for the record and I appreciate the update. I'm trying to work through it in my head. I don't see a huge conflict. I can understand what Susan is saying, especially if things do go poorly, that it could become very difficult to be Vice Chair and liaison but I don't see an initial conflict right off the bat. I'm okay with that. I guess my question actually is more around the substantive work. Understanding - do we have a workplan set up and I know we're still very early on but this is, unlike every PDP which goes on forever, this has an extremely short timeframe and you know, just wondering what substantive work has been done up to this point? I understand about the surveys and the triaging and that's, of course, a necessary piece of it but what is the plan and where - and it will say - you've got three months' worth of work, what are the primary milestones, from a workplan perspective and how are we doing at getting there?

Rafik Dammak: Thanks, Darcy, so (unintelligible) what kind of workplan, you mean the different like steps that we will throw? So we have the timeline, I think I can share it, I think it's available. So yes, I mean, we focus (unintelligible) really about the triage because we need to get this done and we already started to, just it was today, I think, but depends on which part of the world, it was shared, the first draft of the triage document as it was proposed by - from leadership and staff for EPDP team review so that we agree on the format and so we are getting, I think, that done soon. But I mean, in term of substance, I like can summarize, there are a lot of areas of non-consensus
that needs more work but I think that some people had concerns that maybe how the survey was designed that maybe - or not the design but how maybe the kind of the response was summarized that maybe not allowed to be more (unintelligible).

But that can be understandable because we are trying to see what are the main area of concerns as the temporary spec provision. So if it’s maybe more effective - I cannot really now summarize this different area. I mean, in term of substance, I mean, I think we the staff, we will be happy to work on more recent updates on those matters so we keep the council up to date.

I think the charter is saying just monthly update but for this case maybe we need to do it more regular basis. I’m not sure, maybe every two weeks. And we can summarize all those kind of substantive issue. And we share them.

Does this work for you Darcy, I mean, as an approach so we can summarize all this response because we are, for example, creating like - I mean, one idea is to create (call) card and so on just to know what we can be done at first step for the (triage) but also to prepare for the next steps. And I can also try to see about the work plan and share it in the council list.

Darcy Southwell: Thanks Rafik. Darcy Southwell. So I think regular updates are really important. I think because we have such a short timeline I don’t think monthly is sufficient. If things were to go haywire and we’re only having monthly updates we’re not going to know until it’s way too late.

So, I mean, I honestly would suggest just at least a high level on a weekly basis. As for time - work plan timeline, whatever we’re going to call it, I just think what I’m trying to understand – because what I get asked from my stakeholder group is – are they on track to hit the deadline? Are they on track to have an initial report?
Not saying you’ve written on but that you’re doing the work that you need to do to be on track to meet those deadlines. And I honestly - I still after all that commentary I still don’t quite know the answer to that.

So maybe once Marika says there’s a timeline that can be shared that shows milestone delivery dates, maybe that would be helpful in just understanding if we’re on track to do that. And if we’re not, what’s kind of - what’s causing the consternation.

Are we having an area where there’s no consensus and we don’t know what to do with that or…? I think it’s - you know, as we talked about during our strategic planning session in January when we were all together in L.A., we as a council need to be better policy managers.

And I think this one is a really critical one more than probably any others in our history because of the ramifications of us not getting this work done this time in such a short time frame.

So I just want to make sure that we’re looking at the substance and we’re doing our job as the council of actually managing the process. Thanks.

**Rafik Dammak:** Darcy, I mean, all point taken and we will work on that. So I think as you said a high level weekly updates, I think that’s doable because also we - in general we had now a proposal for the communication (PDPT) that is not just for the council but for the whole community.

And as you already highlighted, the council as the policy manager, we have to monitor the progress in the (EPDPT) and an issue that is delivering (on time). So all this - I mean, kind of taking them as action item and so hopefully to go back to in the coming days with the response.

And so when we share those updates, it will be really helpful to get any question or comments or to get kind of from the council in the - for the
(EPDPT) and be happy to share them with the group. So okay, Ayden please go ahead.

Ayden Férdeline: Thanks Rafik. This is Ayden. I just wanted to respond to the comment that Susan made a few moments ago. And I take Susan’s comment very seriously and a question that I thought about myself as well. But I think there are a few things that are important to note when we remember that the EPDP is – for lack of a better word – special and unlike that of other working groups.

Firstly the role of the council liaison is to be independent and to be knowledgeable of all of the work being undertaken by the EPDP. So Rafik is doing that already.

Secondly is the EPDP was to choose someone else to be the vice chair. It would disrupt the carefully constructed balance of the membership which we on the council have spent so much time crafting as would be another person would go from being a participant on behalf of the stakeholder group or constituency to becoming an independent party.

And finally – and this was something that we discussed on the first call of the EPDP – the sole role of the vice chair is to replace the chair when the chair is unavailable, nothing else. And so I just wanted to offer this quick reminder that Rafik is the council liaison on the EPDP.

He’s not a part of the EPDP as a member. He is there as an independent body. From my vantage point and considering the extremely narrow role of the role and responsibilities of the vice chair on the EPDP, I think that he is the best person to serve (unintelligible). Thanks.

Rafik Dammak: Thanks Ayden. Yes, Michele, please go ahead.

Michele Neylon: Sorry, I was on mute. Michele for the record. Thanks Rafik. I think, you know, a couple of things. First off, as I already put in the chat, I’ve actually
zero issue with you being both the liaison and vice or co-chair. If further
down the road this proves to be an issue, be that in terms of work load or
anything else, then let’s address that then.

The kind of matter concern I have with the EPDP at the moment is there
seems to be a lot of time being spent on things that just seem to be slowing
the entire thing down. And, you know, slowing things down I have some kind
of conversation about whether or not you should continue to be both liaison
and vice or co-chair, whatever the particular title is just seems rather odd to
me.

Within the EPDP itself I am a bit concerned that, you know, issues that could
probably be resolved by somebody simply flagging it with either the working
group, the group’s chair, or with staff end up like taking 15/20 minutes of a
call when, you know, the clock is ticking.

So I just - this is a general concern as somebody who is not in the group but
who has been trying to follow the group’s activities is - you know, there is a
concern that I think Darcy articulated very well around progress and
everything else.

I think we just need to make sure that if there are issues with progress being
made, be that as a result of issues that we as council created or that
members of the group have created or some kind of misunderstanding of how
we put together that chart or whatever, let’s try to address those quickly.

Let’s not leave this to like a monthly kind of update or anything like that. I
think we need to work quickly and nimbly. Thanks.

Rafik Dammak: Thanks Michele. That’s sensible. And I think that, I mean, the main role of
the council is to report if there is an issue or any - I’m not going to say early
warning but it’s better to arise always kind of quickly if there is any problem
getting the council guidance or input on those matters. Okay Heather, you go ahead.

Heather Forrest: Thank you very much Rafik and thanks very much for your update.
(Unintelligible).

Terri Agnew: Heather this is Terri. I apologize for interrupting but it sounds like you’re pretty far away from your mic. Are you able to get a little closer?

Heather Forrest: How’s that Terri? Is that any better?

Terri Agnew: Much better, thank you.

Heather Forrest: Cool. So thank you very much Rafik for your update. And I think in hearing all of the interventions we probably have several different points to pick up. The one is on reporting back to council. And I think - I wonder can I suggest is it possible to get a written sort of weekly summary at the end of every week? And I’m not thinking, you know, a fancy, pretty document. I don’t want to create more work. But it’s clear that we need let’s say more regular updates. And I wonder if we could just sort of call out in that, okay, it’s the end of the week. You know, we’ve got eight weeks to go to Barcelona. So I think we’re at a point. I take all the points about monthly is not sufficient.

You know, we’re at the end of the week. Here are this week’s milestones. Here are this week’s challenges. Here’s what’s on the agenda for next week. A few dot points, I think that that would be helpful. And I think that would raise issues that would let’s say clearly link that back.

And if you and (Curt) could work together in putting that together, I think that would be very helpful. I see (Arsin) has a plus one there. We’ll see if other
things - if other comments are made there. Okay, Darcy says yes. Then I agree.

They don’t have to be fancy or pretty. The point here is information, not some sort of fancy stylized report. So what I would not like to model, let’s say, is they’re beautiful and they’re very helpful but, you know, the updates that come out of SubPro, they’re a more polished effort. But SubPro isn’t dealing with this kind of a short timeline.

So lots of plus one’s there. Let’s deal with that that way. We’ve made a note already about improving this as a standing item on the agenda. But frankly that’s really September and then we’re in Barcelona. So it’s clear that we need to be doing more than in these monthly council calls.

In terms of progress – and there’s a few items here that have been noted around difficulty with progress – is first of all I do think there’s a fair bit of discussion here around the leadership position and the vice chair and the liaison.

And I understand - you know, Susan, I take your points very much to heart, given the experience that we’ve had in curative rights and the need for you to step up so considerably in that role.

What I will say is this. Council leadership – Donna, Rafik, and I – spent a fair bit of time discussing this long before Rafik put up his hands. And concerns were that it would be very helpful given the abbreviated timeline and very much along the lines that we’re discussing now around communication.

It would be very helpful if the liaison were a member of council leadership because that would give us let’s say that extra responsibility – office, council, leadership, the three of us – it would give us that extra responsibility to come back and ensure that council was reported.
And that was really taking let’s say a more hands-on view of council’s role as manager of the PDP. So I still stand by the logic on that, the idea of having the liaison serving on leadership. And between the three of us, Donna and I will cycle off the council in November after four fabulous years.

So it made very good sense for Rafik to take on that role. And I very much appreciate him having volunteered for doing that.

In another vein of conversation we talked about the leadership of the PDP and some similar arguments although we noted the differences here in usual practice of what a liaison does. We made similar arguments around the vice chair.

And the concern I think – and we had (Curt) involved in these discussions – the concern is really I think within the group. Now mind you I’m not participating in those discussions – you know, following them but not participating – is what happens in the issue of a complaint about leadership. I understand that that’s the key concern that’s been raised within the EPDP.

I don’t think the EPDP has raised concerns about let’s say the interplay between the liaison role and the vice chair role. And that may be because there are members on there who are not from the GNSO and they don’t understand our practices related to liaison.

But be that as it may, I have offered to serve as the point person on any complaints in relation to leadership. So to the extent that anything needs to be kicked back, if there’s a dispute, you know, the GNSO operating procedures already put that role on the council chair through 3.7 and other mechanisms.

So to the extent that the EPDP team is happy for that to happen – again if it’s not for, you know, for me to force myself on the group – but I’m more than happy to step in to the extent that something needs to be done.
So it is a very different view of the vice chair role. It is also a very different view of the liaison role in the sense of those two merge. And as I understand it the vice chair role is envisaged as being Rafik stepping in in the event that (Curt) is not able to be present at a meeting or some such.

And to the extent that there’s a decision-making responsibility that that can come back to the council chair. So I offer that as explanation for - and also perhaps resolution of some of the concerns. Ultimately it is of course for council and the EPDP to mull over.

Darcy Southwell: Yeah, I’ll tell you what, I’ll open the garage door because it’s sitting in the garage for you.

Heather Forrest: Darcy I’m afraid your line is open.

Darcy Southwell: So sorry.

Heather Forrest: That’s okay. So let’s say that also hopefully reassures you that we’ve talked about this at great length within the leadership team. It’s not the case that Rafik is out on his own here volunteering for all and sundry. This is something we’ve given a fair bit of thought to.

So if there are still lingering concerns, let’s deal with them because I take Michele’s point to heart too. I am concerned that this kind of stuff is weighing down the EPDP team. And I’ve said from the beginning to Rafik and to (Curt) if we get bogged down in having, you know, to deal with this issue about the liaison and the leadership and all that kind of thing, then I don’t think that that’s helpful, right?

Ultimately we were trying to do something that’s helpful for the EPDP and for the council. And if that hasn’t worked as intended, then let’s rethink that. So I agree our priority here is substantive progress.
And to the extent that we’re worried that this is not helping us with substantive progress, then I think we need to do something about that. So Rafik, back to you to close us off here any reflections, next steps, and so on.

Rafik Dammak: Thanks Heather. Yes I think we have now this kind of different idea on how we need to improve the recording to keep the council up to date. So we will work just to find out what the best maybe form is or template. I think the commitment to write any concern at early stage, to not wait for too long.

And yes we’ve got the substance on any issues so we try to highlight that maybe in the way that - I mean, to highlight so we can understand where maybe the problem are arising. So I see (super) kind of action and hope that they can come back to the council by next week with refers to weekly updates. Heather is it an old or new hand?

Heather Forrest: Apologies, Rafik. It is.

Rafik Dammak: Okay. So I will double check for the transcript if I’m missing anything in term of what is expected. And yeah, so yeah, we can expect more of it in the coming days. Any other comment or question? I don’t see - okay, Heather, over to you. I think we can continue with the rest of the (unintelligible).

Heather Forrest: Thanks Rafik very much. So I made some comments there in the chat. And we’ll will follow up and that and we’ll action all of these various suggestions how to take this going forward.

That brings us now to old item six, which will be renumbered as item seven, which is our discussion on the INGO-INGO (sic) Access to Curative Rights Protection Mechanisms final report. For that, by way of introduction perhaps we could turn to Susan who is the council liaison to that PDP. Susan.
Susan Kawaguchi: Thanks Heather. And you’ve heard some of the - you know, the updates in the previous meetings. But the PDP finalized their report and submitted it. You all have a copy of that. And there were several minority reports and maybe some more to come. We’re not sure.

Recently a letter was sent from several of the working group members to the ICANN board with concerns over Recommendation 5 that wasn’t complete, there was not really consensus on. And there had been GAC concern over Recommendation 5 because it did not address their issue.

And so this was in rebuttal to the GAC’s or someone from the GAC's letter to the board. This was – as you all know – a highly contentious PDP, especially in the last year. We finally, you know, do have the report but the recommendations now are, you know, not - well, depends on your perception I guess or your opinion.

But in my opinion, especially Rec 5 does not - you know, it is not what the GAC requested. But the GAC didn’t work on the PDP particularly. And it goes right up against - so we have a conflict with the GAC basically. The board is definitely concerned.

Göran is concerned so as the council we need input - everybody’s input on this and whether or not, you know, what is the next step forward? Are we going to vote on this next month? Are the stakeholder groups comfortable with this report and the recommendations?

And if not, what is our next step because it’s a little bit out of our norm. Usually we have - the council historically, for the most part, has accepted the final working group report and recommendations and passed them on to the board. This could be one of the first times that didn’t happen. But what happens if we don’t do that; what happens if we do that.
There’s also a request from Göran and Cherine that we have a conversation with GAC representatives, the board, and GNSO Council leadership. My concern - I have no problem with having a conversation with them. But my concern is that the GNSO process is to allow the working group, the community as a whole, to work on an issue, come to terms with it, come to consensus, make a recommendation, and then it all moves forward.

If we have a discussion, there’s no mechanism to change these recommendations in my opinion. So that’s sort of it in a nutshell. I’m sure there’s more that Heather would like to - you might want to add to this. But does anybody have any comments or concerns?

Heather Forrest: Thanks very much Susan and thanks for that update. So I do think there are let’s say some points to clarify. And then we need to talk next steps. Susan referred to some interaction with Göran and the board, Cherine.

So Susan, Donna, Rafik, and I had a call with Göran and with Cherine. And we had that call about a week ago. In fact I think it was exactly a week before the council meeting.

And our intention in that call was to find out more about what was intended in suggesting a facilitated dialogue. That term facilitated dialogue had been used and we wanted to try and understand what it is that they saw that to be, what did they mean by that. And so I think really what I understood from that discussion was it wasn’t an intention on anyone’s part.

I think all of us from the GNSO side made it very clear that whatever our next step is, it needs to be consistent with GNSO process, which is to say this isn’t an opportunity to deviate, poke GNSO aside and say well, you know, your recommendations differ from GAC advice so hence you have to do something about it; you have to fix this because that’s not how the GNSO operating procedures work.
And I walked away from that call and thought that Cherine and Göran both understood that very well. And, you know, what was communicated to us was that the GAC was very keen to be involved. And I think we all feel like it’s understandable that they’re keen to be involved. But at the end of the day our process needs to be followed.

So I would put it to the group that I think we have two things to do here. We need to decide what our options are and then we need to act on them. And to that end, we’ve been working with staff – and Mary in particular’s been very helpful here – to come up with a bit of an options table or flow chart as to how - you know, what we could do in this situation.

And the reason we’re here is because we had a GNSO final report, PDP final report, that directly conflicts with GAC advice. Now as Susan has said the working group has been at this for about four years. And so it’s not the case that this was a decision come to hastily.

But it is the case let’s say that we can differentiate this, which was very important because I think Göran and Cherine maybe didn’t appreciate the differences. This is not the case of the reconvened Red Cross PDP. The reconvened Red Cross PDP was something that had already been voted on. And then we were asked to reconsider something.

In this case the vote hasn’t happened yet. So before we turn to that options table, I see Donna has her hand up. So let’s turn to Donna.

Donna Austin: Thanks Heather. Donna Austin. Just on the inconsistency with GAC advice, I just want to remind councilors that, you know, we - and some of you may not have been on council, you know, at the time this was done. But, you know, on a regular basis we get updates from the PDP working group chairs about how things are going and, you know, some of the challenges.
You all know that, you know, we do that during the GNSO working sessions at an ICANN meeting. We did have conversations with Phil Corwin who was the - you know, one of the co-chairs of that working group. And he explained to us that, you know, on a number of occasions both he and Petter as the co-chair of that working group had been to speak to the GAC about the inconsistencies in the - you know, between potential recommendations and the GAC advice.

So there was - I think there were a couple of occasions where they had those conversations at an ICANN meeting. I think, you know, from those conversations I certainly understood that we were headed down a path that there would be - the recommendations would be inconsistent with GAC advice.

And I think we actually flagged that with the board on a number of occasions. So, you know, this is no surprise that we’ve ended up where we are. So I just want to put that on the table. And I’m concerned there’s a little bit of conflation here in that there is no doubt that this PDP working group had a number of challenges.

And I think I’ve said this before. This is not the post to talk about how you do a PDP. I would say, you know, I feel as part of the leadership team in hindsight I kind of wish we had an opportunity to do a do-over of this because I think there are ways that we could have handled this differently but we don’t have that option.

So I just wanted to flag that. Even though the outcome - people may not be happy about how we got here, I think what we need to keep in mind when we think about this is, you know, do we believe that the PDP has addressed the issues that it was chartered to address? I think that’s one thing we need to think about.
Has it followed due process? Some will argue because, you know, of some of the process this has been through that it hasn’t. But, you know, I think we can argue the other way that Susan in particular has ensured that the liaison was fulfilling the role in addressing 3.7.

And then, you know, whether the GAC address has been addressed. And I think the working group itself, you know, did go to some length to engage GAC members in this PDP. And they were informed that that wouldn’t happen because of concerns about how GAC import was treated on a previous PDP.

And the final working group itself does go to some, you know, length to explain how the GAC advice was dealt with. So Heather I just wanted to remind folks that, you know, the GAC advice while it’s a concern here, the working group itself has considered it.

So it’s not like this would be the first time that a discussion is had about GAC advice. The working group did make attempts to – well, not make attempts. They did address the GAC advice and they have responded to that in the final report itself. Thanks.

Heather Forrest: Thanks Donna. I think that’s very helpful. As is Keith’s comment, and with which I agree 100%, which is, you know, conflicts with - conflicting with the GAC advice doesn’t invalidate a PDP final report.

And I agree with Keith that really in terms of our next steps what we need to be asking is, you know, have they followed the proper process? What was their charter? Did they do what they were chartered to do? And have they done so, you know, in a legitimate way.

And I really applaud Cherine for taking an active role here and following this. I thank Manal for her, you know, willingness to be involved at an early stage. I think we’ve had some very fruitful discussions here. And I think, you know,
it’s clear that everyone wants to do the right thing, but I think we all need to emphasize that what the council does is consistent with council’s process. And to that end, you’ll see that we have a flow chart about possible options.

And you - we’re really all the way at the top. We have the final report. It’s been submitted by the PDP Working Group. Council’s in the process of reviewing that report. And we really at this stage, and this is like in very much draft stage, we’re presenting it here to get some input and brainstorm around, you know, what are we missing and so on.

Three options, right? Council votes yes or no and you see this - the flow on from that where maybe there’s some intervention that happens at this time. And under the points about process, there are some interesting comments in the chat around, you know, not voting, let’s say, and when that would kick in.

And it seems to me from reading the comments in the chat that we all generally agree that if process has been followed, we probably should take a vote -- so I think that’s probably where we are -- to try and figure out if process was followed.

So does anyone have any thoughts on next steps? And (Susan), as the leads under the PDP, you know, we’ve placed particular weight on your views here. Is there anything missing in this flowchart that anyone can see?

We need to do some creative thinking about this because of course it’s not the case that this is the first time or the last time that a council recommendation will bump up against GAC advice. So whatever we do here will be helpful for the future as well. Pam, please.

Pam Little: Thank you, Heather. Pam Little speaking. I just have a question about this PDP. The GNSO review implementation final report we just voted on has one of the recommendations was all the PDPs have to have a policy impact assessment as part of the standard procedure.
So with this one, is there one… Sorry, I haven’t followed this closely so I’m just trying to understand what’s the impact of this recommendation or the controversial recommendation five. And were they data or - to support that this is a big problem? Like how many IGO/INGO actually invoke UDRP, URS or initiate those proceedings and then invoke their jurisdictional immunity?

I’m just trying to understand what the problem or the nature of the problem or the scale of the problem we are dealing with and whether the PDP actually has produced a policy impact assessment as now we - part of our standard PDP procedure. Thanks.

Heather Forrest: Thanks, Pam. That’s a good question. And the final report is quite detailed in terms of the methodology and what was considered and how decisions were reached.

What I think, Pam, in light of your question, it’s because if let’s say it needs to be referred back to the working group, what I recommend that we do maybe here is in addition to thinking about this - about the flowchart that you see and what other options maybe we’re missing, I think another thing that we could do is take some time, maybe a week, to reflect on this discussion and come up with a list of questions.

Some of those could be questions that go back to the group. Some of those could be questions for us. So if we put - we need to put a, let’s say, a timeline around this so it doesn’t just linger on. But if we’re able to reflect this, reflect on the flowchart and any questions like yours, Pam -- let’s start with yours -- that maybe would benefit from being referred back to council I would say is a starting point.

We all have to read that final report with a fine-toothed comb. So you need to see what they have done and what’s been reported. And to the extent that you think there are gaps in that final report or you’d like more detail on
particular points, I think that could be a way forward. Does that make sense to folks? And (Keith’s) correctly in the chat the minority statements as well. Thanks, (Keith).

Donna, over to you.

Donna Austin: Thanks, Heather. Donna Austin. Could - what is -- I should know this -- what is the outline of the process that the council is supposed to go through when they configure a final report and vote on it? So is there a series of questions that they have to consider and, you know, answer? Or, you know, I’ve been told by some that the role of council is simply to rubberstamp whatever comes out of the working group.

So I’d like to understand what it actually says in the guidelines the role of the council is once the working groups submit the final report for consideration.

Heather Forrest: Thanks, Donna. Mary, I’ll turn to you and then I’ll come back to the operating procedures.

Mary Wong: Thanks, Heather. And I might be treading on ground that you want to say yourself so just interrupt me. But in answer to Donna’s question, and I’ll try and keep it brief, this would refer to the PDP Manual. And in short, the council is encouraged to act on a full report in a fairly quick time frame but sufficient time allowed for review of the report making a motion to formally adopt it.

There is no template. There is not even a non-exhaustive series of questions to go through. However, the PDP Manual also discourages the council from itemizing recommendations that are interdependent, strongly discourages the council from modifying recommendations.

But the manual then goes on to say that if, after reviewing the report, the council has concerns or may wish to see some changes to the
recommendations, it can pass these concerns or recommendations back to the PDP Working Group prior to voting on the report. So I hope that's helpful.

Heather Forrest: Thanks, Mary. And apologies for dropping in that language that (Mary’s) referring to. It’s much longer than I realized. So it’s flooded that chat box. Yes, I think we can follow up on the list directly on this point.

But what we’re looking at is Clause 12 of the PDP Manual. It does suggest in the third paragraph, it says, “In the event that the final report includes recommendations that did not achieve the consensus” -- and I think that should be “consensus,” not “the consensus” -- “within the PDP team, the GNSO Council should deliberate on whether to adopt them or remand the recommendations for further analysis and work.”

“Although the GNSO Council may adopt all or any portion of the recommendations, it’s recommended that the GNSO Council take into account whether the PDP team has indicated that any recommendations contained in the final report are interdependent, we are - the council is strongly discouraged from” -- and now it’s disappeared from me -- it’s strongly discouraged from “itemizing recommendations that the PDP team has identified as interdependent or modifying recommendations wherever possible.”

So that’s an interesting statement. The GNSO Council is strongly discouraged from, if we remove that independent clause, modifying recommendations wherever possible. Even - or in the event that the GNSO Council expresses concerns or proposes changes to the PDP recommendations, it may be more appropriate to pass these concerns or recommendations for changes back to the respective PDP team for input and follow-up.
And that's why I say perhaps we need to think about questions back here. But I think Susan might have some concerns about that. So Susan, back to you.

Donna Austin: Yes, I do have concerns about that because like, you know, I guess I’m not very hopeful in what we would receive.

I mean, if that is something the council wants to do, to ask questions, then we can facilitate that. That, you know, is not a problem. I just don’t know how clarifying or fruitful that might be but willing to do that.

The reason I raised my hand was because of, you know, in (Keith’s) intervention here in the chat talking about good policy versus bad policy, and I completely appreciate (Darcy’s) comment below that, a slippery slope, that it could be a slippery slope to do that, but I do feel that because of the current state of affairs in PDPs right now, that we have a duty as council to sort of be the checkpoint to ensure that good policy was developed.

And, you know, now - and we have to live with that, you know, if we make a decision adversely to the working group, either in sending it back or rejecting a recommendation or whatever our choices are here.

So I think we all should - you know, I’m - I appreciate (Keith’s) statement there that we should think about is this good policy. And if nothing else - it may be we can’t resolve this for the curative rights but maybe we should really think about that for revising the PDP language in the bylaws. I think the process and the community has grown so much that it - you know, having a lot more guidance here is probably important.

Heather Forrest: Thanks, Susan. In terms of the next step and in light of that language in the, and just to be very clear, it's the GNSO Operating Procedures and specifically the PDP Manual that we're dealing with... It's not so much a correction to the bylaws.
I’m - so on that language that I’ve read out about interdependencies, what I think we ought to do is find out, is it the case that this recommendation five is really the heart of the dispute. And if it does the case that recommendation five is troubling, what that PDP Manual says is that we need to be careful of itemizing - you know, of pulling recommendations out if there are interdependencies. If it’s the case that recommendation five doesn’t have interdependencies, then we have a basis here for taking different action in relation to that one recommendation. So I think we can - I would like to pursue this idea with staff and others.

So Susan says that’s correct. Susan, do you understand, is it the case that five isn't interdependent on the other recommendations in that report?

Donna Austin:  No, no, no. That comment was relating to I used bylaws instead of PDP Manual. Sorry.

Heather Forrest:  Gotcha.

Donna Austin:  I think you’d have to ask Mary.

Heather Forrest:  All right.

Donna Austin:  Mary understands this a lot better than I. So she could give us an assessment of that on the interdependencies.

Heather Forrest:  Mary, I’m mindful of time. We’re actually down to 12 minutes left on our call. But Mary, I wonder, can we follow up with you offline and come back to the council with this? I think I’d like to explore this language around interdependencies and see what it is, how that impacts the flowchart let’s say. And Mary says of course in the chat. So I think that would be very helpful.
So then let’s say on this one, I would suggest, councilors, everyone to scrutinize that final report, to understand the methodology used by the group in terms of the procedural things that we’ve discussed and let’s follow up and see if our options on this flowchart could even be more nuanced around particular recommendations that are problematic. And what I would particularly like to find the intersection point on is if this recommendation five is principally the one that’s problematic with GAC advice and if it’s the case that this recommendation five is also the one or has any interdependencies.

Susan, your hand is up. Old hand?

Donna Austin: Yes. Sorry about that.

Heather Forrest: No problem. All right. So Mary will follow up with you. Mary says in the chart just for a starting point that none of the five recommendations have been identified as interdependent. So that’s a helpful starting point.

Is everyone comfortable with that as a next step? Pam, I understand the final report is 151 pages long but nevertheless here, I think we’re going to set a precedent with this so we need to be very careful and diligent and read that report to allay any concerns that we might have around whether process was followed by the group.

Any final comments on this before we move on? And I think we need to follow up with this on the list, not just wait for our September meeting.

Okay. That’s takes us back to the agenda. And we are on now old item seven, new item eight. We have the Workstream 2 final report. We have PDP 3.0. We have whois conflicts with privacy laws I think we can deal with relatively quickly. We have a report from funded PDP leaders and we have ICANN 63 under Any Other Business. So we’ll see how we go. I know some folks have a hard stop. So let’s see what we can get through.
And I think we probably want to prioritize things in our agenda. Workstream 2 should be, in my view, prioritized because we need to address this at our meeting in September. The other thing that I think could be prioritized as much as I personally think PDP 3.0 is a very high priority, we may have to push that to the list.

Whois conflicts - so let’s try and deal with Workstream 2 and whois conflicts. Item seven then, old item seven, if the Workstream 2 final report is out as is written there in the description of this agenda item, we are required to consider that report and approve them or not, let’s say.

And in July, we had some slides and a presentation by Thomas Rickert, who co-chairs Workstream 2. And that group is hopeful that we will come to a decision before ICANN 63, which of course now leaves us our September meeting.

This is an opportunity for anyone who has any concerns around whether we have enough information, whether we need something further to be able to deal with this in September. Now is the time.

Tatiana, over to you.

Tatiana Tropina: Thank you, Heather. And Tatiana Tropina for the record. I will try to be brief. Before I make my intervention, I want to make a caveat here that NCSG, we councilors, are going to vote for this report. We are not going to object the report where we and other community members put so much of our volunteer hours in developing many recommendations.

However, I would like to have this on the record on behalf of NCSG maybe for any future considerations that we see a fundamental flaw in how the approval of this report is treated.
And the point of our unhappiness here is one of the recommendations. It’s an ombudsman recommendation both process-wise and content-wise. We were trying to put forward our concerns about these recommendations during the work of the group, during the public comment periods, and they were completely ignored.

And I personally took part in quite a few groups in the Workstream 2 and I know that any group was trying to find some legal group and listen to everyone in the community and take into account concerns and accommodate them except this ombudsman group.

And this leads to a situation where we have to approve the giant work, the result of giant work and we are happy in general with this work. But this contains a set of recommendations, just one set, we are extremely unhappy about.

So I just want to flag this concern for any future processes which would include this, you know, multiple working groups producing sets of recommendations. I think that make us voting for the entire report and measuring this, you know, extreme unhappiness about one of the recommendations against all the great things in the report is probably not the best way to go in the future.

Maybe in the future, it will be helpful for us, for GNSO, for whomever starts any group, to make this voting for those kind of products of immense work just not as a whole package but recommendation by recommendation so a more nuanced approach. I understand that it’s not the case here. We all understand this. And I reiterate that we as NCSG are not going to reject this report but just to flag this concern for the future because it’s not the way to go, in our opinion. Thank you.

Heather Forrest: Thanks, Tatiana. Any further, let’s say, points here to note? Is there any information that folks need in order to enable us to vote on this in
September? The challenge that we have with the timeline that we have is when this goes on the agenda in September, if it’s not voted on in September, it will have to be voted on at ICANN 63, which will put us behind the timeline that Workstream 2 is hopeful for. So last opportunity. Of course, there’s the list but in terms of an opportunity at a council meeting, this is the last opportunity.

All right. I don’t see any further points. We can follow up, Tatiana, with the concerns that you’ve noted, on the list. And to the extent that there’s any specific points there that we need to, let’s say, follow up with in terms of data or so on, we can do that.

That takes us then to item - old item eight/new item nine, which is the PDP 3.0. What I would like to propose here on behalf of the leadership team, which is in fact what we were going to propose in any event, is that we have a Webinar on this. My concern here is that a ten-minute discussion item isn’t going to be sufficient to capture all of the good work that’s been done and how we might go forward.

So unless anyone objects -- and we can discuss this on the list -- unless anyone objects, I’d like to, before our September meeting, hold a Webinar on PDP 3.0 and where we go next. And Michele says in the chat that seems reasonable. Thanks, Michele. And (Aiden) says, good idea. So, so far that looks like a good plan.

Item nine is the whois conflicts item. Now this I raised on the council list in June and suggested... We said we were going to come back to this after the EPDP rather than do the call for volunteers. I proposed on the list, and (Stephanie) was quite quick to reply that it’s not appropriate to be doing this potentially while the EPDP is underway.

With that in mind, we can certainly postpone indefinitely the call for volunteers or we could say that we’ll come back to this item after the PDP - potentially
after the PDP has completed its work, after the PDP has submitted its final report. I think there are a number of milestones that we can use for this. Michele, over to you.

Michele Neylon: Thanks, Heather. Michele for records and what have you. I will be against postponing indefinitely because that's basically killing us. I think tying it back to some kind of milestone within the EPDP’s life cycle would make a lot of sense. I’d be wary of punting it so far down the line that it could be 2019 before we look at it again. I mean, maybe bring it up as a discussion item during our meeting in Barcelona or something, at which point we’re meant to have like a preliminary report from the EPDP. That may - seemed a little bit more sane, in my view anyway. Thank you.

Heather Forrest: Thanks, Michele. That makes good sense. I'm - shall we say rather than pin to a specific time or a specific meeting, let's say we return to this after the or at the time that the EPDP has published its initial report? Does that make sense to everyone? Nobody's screaming. And Pam says, makes sense. Okay. Good stuff. All right. Yes, okay. All right. So that's the approach that we'll take with that one. We've made a note. And as soon as we have that preliminary report, we'll come back to this item.

Our next agenda item is the old item ten/new item eleven, report from funded travelers. And Terri, do we have either (Robin) or (Christa) on the line?

Terri Agnew: We do not, Heather.

Heather Forrest: Okay, all right. So that tells us that we don't have those folks, unfortunately, to be able to - to give their report. So you might remember that this is a pilot that we run on council leadership received applications from members of PDP leadership teams to support their travel to an ICANN meeting because as the present situation is, while councilors are funded travelers and SGs and
Cs have funded travelers, PDPs are not allocated funded travelers. And we prioritized making sure leadership teams can attend.

So we will follow up with (Robin) and (Christa) and make sure that we get those reports from them, which will help us in terms of evaluating the ongoing sense of that pilot, which as it stands now is part of the - I think it’s part of the ABR request, additional budget request process. That now - any comments, questions on that one?

All right. That takes us to the top of the hour. We’ve removed from AOB the EPDP op date. It - Donna, anything that we can say quick… Oh, Michele, sorry.

Michele Neylon:  Thanks. No, I just think that this topic around the pilot for the funding of PDP leaders is something that definitely merits further discussion. So I think it is very important that people are able to participate. And funding those people who are actually doing the work, in my mind, makes a lot of sense. Thanks.

Heather Forrest:  Thanks, Michele, appreciate that comment. I think that’s very helpful. So AOB and old 10.2 - or sorry, actually, we need to update that as well. It’s actually new item 12. But Donna, key points distilled for us on ICANN 63 planning. Anything we need to do? Anything burning?

Donna Austin:  Thanks, Heather. Donna Austin. So just that the SOAC planning committee have selected three high-interest topics or cross-community sessions. There will be one kind of mega-session on GDPR. It’s basically four sessions have been combined - will be combined into one. The other one is EPDP update. And then the third one is innovation in new GTLDs.

What that essentially means is that those three will be given prime slots. It doesn’t mean that any of the others who were on that list will warrant a (unintelligible). We’ll still try to find some - a place on the schedule for those.
I understand (Tanzi) is going to provide a block schedule pretty soon so I’m not sure what the scheduling of those high-interest sessions or cross-community sessions are at this point. Once we have the block schedule, then we start, you know, dealing with community requests that come in. And that’s what is up on the screen right now. Thanks, Heather.

Heather Forrest: Thanks, Donna, very much. And thank you for your continued fantastic mindfulness of the meeting scheduling. The council will really lose an amazing resource in Donna and her knowledge of how the meeting scheduling process works and so on when Donna cycles off council. So I think we all need to think very quickly about who can step up and fill those very big shoes when Donna leaves council in November.

Last point to say about that is just in terms of upcoming calls and what’s on leadership’s calendar. So we have a call with ICANN staff at the end of the week this week to talk about EPDP resources and better understand that PCST is the acronym, the accounting and project management kind of system that can be used in relation to the EPDP. And as I said, I’m particularly concerned with how that might help us with other PDPs going forward.

And we have mid-next week the call with the PDP leadership teams together as a whole to discuss the council agenda for ICANN 63 - or council schedule for ICANN 63 that you see on the screen. Michele, we’re happy to circulate this draft schedule.

But what I might say that we do is we can… It would be more helpful I think to everyone if we circulated it after we had that discussion with the PDP leaders because I wouldn’t like to think that the PDP leaders misunderstood. They haven’t heard this discussion and don’t understand that that’s not a fait accompli, what you see on the screen. So Michele says, no problem.
So we’ll make a note as an action item -- I understand, Michele -- make a note as an action item for after we’ve had that call midweek with the PDP leaders that we’ll go ahead and revise the schedule accordingly and circulate that. So that’s what’s coming up for the GNSO Council leadership team. We’ll have our regular follow-up call after the council meeting to review action items and so on as well next week so.

That’s it from our agenda. Any further comments, questions, concerns before we close the meeting? All right. No further questions? Tatiana, we could read your comment in the chat as you’re blocking the GNSO out of your life, which we might all be tempted to do. Fair enough. Excellent.

Five minutes over time. Thank everyone for your forbearance. We’ve got a number of really difficult topics on our agenda but I think as always we’ve handled them with great professionalism and care. So much thanks to everyone. Thanks to our fabulous staff team for running a huge number of documents in the background on the AC pod. We hope Nathalie is having an awesome holiday. And thanks very much to everyone.

This closes our September meeting - or excuse me, August. Thanks.

END