

**ICANN
GNSO Council Teleconference
Thursday, 16 February 2017 at 12:00 UTC**

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Date: 16 February 2017

Coordinated Universal Time: 12:00 UTC

<http://tinyurl.com/gpnsgbw>

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

List of attendees:

NCA – Non Voting – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoblen (Proxy for Tony Harris), Tony Harris (apologies), Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr (resigned– temporary alternate Avri Doria), Stephanie Perrin, Stefania Milan, Ed Morris, Marilia Maciel, Rafik Dammak,

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

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Patrick Myles - ccNSO Observer – (absent)

Carlos Raul Gutierrez– GNSO liaison to the GAC

ICANN Staff

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

Marika Konings - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Steve Chan - Senior Policy Manager, Policy Development Support

Berry Cobb – Policy consultant

Emily Barabas – Policy Analyst

Nathalie Peregrine - Specialist, SO/AC

Terri Agnew - Secretariat Services Coordinator, GNSO

Josh Baulch - Senior Manager, Meeting Planning Operations, Meetings Team

Robert Hoggarth - Sr Director, Policy & Community Engagement, Policy Development Support –
absent apologies
Ariel Liang - Policy Analyst, Policy Development Support

Coordinator: The recordings are on. You may begin.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. Welcome to the GNSO Council meeting on 16 February 2017. Would you please acknowledge your name when I collect so we know you're able to speak especially for the vote that we have during this call, that we know you're on the line and you have no connection issues?

James Bladel.

James Bladel: Here.

Terri Agnew: Donna Austin.

Donna Austin: Here.

Terri Agnew: Rubens Kuhl.

Rubens Kuhl: Rubens here.

Terri Agnew: Thank you. Keith Drazek.

Keith Drazek: Here.

Terri Agnew: Darcy Southwell.

Darcy Southwell: Here.

Terri Agnew: Michele Neylon.

Michele Neylon: Here.

Terri Agnew: Valerie Tan.

Valerie Tan: Here.

Terri Agnew: Phil Corwin.

Phil Corwin: Present.

Terri Agnew: Susan Kawaguchi.

Susan Kawaguchi: Here.

Terri Agnew: Paul McGrady. And I do believe Paul is joining right now. I'll come back and check on him. Tony Harris sends his apologies. Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: I'm here.

Terri Agnew: Thank you. And Wolf is also proxy for Tony Harris. Rafik Dammak.

Rafik Dammak: I'm here.

Terri Agnew: Thank you. Stephanie Perrin. And Stephanie – oh there you go.

Stephanie Perrin: Here.

Terri Agnew: Thank you. Stefania Milan.

Stefania Milan: Here.

Terri Agnew: Heather Forrest.

Heather Forrest: Here, sorry. Thank you.

Terri Agnew: Thank you. Ed Morris.

Ed Morris: Here.

Terri Agnew: Avri Doria.

Avri Doria: Here, thank you.

Terri Agnew: Thank you. Avri Doria replaces Amr Elsadr who has resigned from his role as NCSG councilor. Marilia Maciel.

Marilia Maciel: Here, thank you.

Terri Agnew: Johan Helsingius.

Johan Helsingius: Here.

Terri Agnew: Cheryl Langdon-Orr.

Cheryl Langdon-Orr: I'm here. Thank you.

Terri Agnew: You're welcome. Carlos Raúl Gutiérrez. And I don't see Carlos on the line but we'll go ahead and check. And Erika Mann.

Erika Mann: Here.

Terri Agnew: Thank you. And, Paul, have you connected on the audio at this time, Paul McGrady?

Paul McGrady: Paul McGrady is here. Thank you.

Terri Agnew: Thank you. From staff we have Mary Wong, Marika Konings, Julie Hedlund, Steve Chan, Emily Barabas, Nathalie Peregrine and myself, Terri Agnew. Berry Cobb is also on the line with us as well as Josh Baulch for technical support. May I please remind everyone to state your name before speaking for transcription purposes? With this I'll turn it back over to you, James. Please begin.

James Bladel: Thank you, Terri. And welcome everyone. Good morning from the US and welcome to everyone who is connecting from the intercessional in Iceland. I hope you guys are having a good meeting out there.

So as per our usual we will dive right into our agenda. We have a fairly ambitious workload for today's call. So as a note here, does anyone have updates to their statements of interest or their status as a councilor? Just a note that again, it was mentioned by Terri during the roll call and was posted to the Council list, but Amr has left Council, left his role as councilor and is replaced on an interim basis by Avri so welcome back to Council, Avri.

Avri Doria: Thank you.

James Bladel: And I see Stefania has her hand up so, Stefania, go ahead please.

Stefania Milan: Yes, thank you, James. Small change. I'm going to be working also for the University of Oslo as associate professor on media innovation. I haven't changed my SOI as of yet but I'm going to do it today. Thank you.

James Bladel: Thank you, Stefania. And once that's updated we will all take a look at your new SOI. And congratulations. Any other updates to SOI or status as a councilor? Okay, moving on then let's take a look at our agenda.

The agenda was circulated on the Council list and appears on the right hand column of the Adobe Connect room. I don't think we have any last-minute changes to this. There were some items moved around as a result of the chairs' call on Monday. I think we swapped to move Item 10 and 11 towards the end. But if there's any other updates, questions or additions to the agenda please raise your hand. Stefania, is that old hand or agenda hand?

Stefania Milan: Sorry, old hand. Sorry.

James Bladel: Okay, thank you. Okay scene and we will consider the agenda adopted and we will move onto Item 1.4 and the status of the minutes of the previous Council meetings. We have minutes posted for the 15 December meeting which was the second meeting of December and the last meeting of 2016. We've also posted the meeting minutes for the Council meeting - our last meeting which was on 19 January.

I don't know if anyone has any particular questions or comments on those or if we can consider those meetings adopted? Great. Thanks. Okay so now that we have our administrative housekeeping out of the way, let's move on to Item Number 2 where we take a look at our open – our open items – action items and our project list.

And I was chatting a little bit with Marika that we don't know that there are any significant changes to the open projects but let's run through them really quickly and particularly if we want to give folks an opportunity to weigh in on any specific items. I think that we have, for example, on the fourth - we should probably put numbers on these but on the fourth item down, the Cross Community Working Group on Auction Proceeds will appear later in our agenda as we discuss a path forward for the GNSO co-chair.

We note that the Curative Rights PDP, which is chaired – co-chaired by Phil Corwin has, since our last meeting has published its initial report for public

comment, so thank you for that Phil, and thank the team for their work on that.

And we also have I believe some discussion with the Cross Community Working Group on Internet Governance and specifically a continuation of our discussions from Hyderabad where we anticipate some additional discussions with that group when we arrived in Copenhagen.

I don't know if anything else here is noteworthy. A couple of other groups are still in the implementation phase. And the other review team, the CCT RT, is also currently underway. So anyone have any questions, comments or thoughts to add on these open groups here?

Okay, seeing none let's move on then to the open action items list. Okay thank you for loading that. And just looking here we are still in the midst of ICANN 58 meeting planning. Well the good news is we're further ahead in this process than we were in Hyderabad, which how could we not be? I mean, that schedule was still changing while people were boarding airplanes.

But there is still some work to be done. And I think that some of the GNSO stakeholder groups and constituency leaders have noted some important conflicts that are still occurring in the latest draft of the meeting schedule. But I think the goal and the target is to get this published here in the next week or so so that it is available well advance of folks going out to Copenhagen. So the work continues.

If you see anything on these draft schedules that are concerning or any conflicts that you believe need to be addressed, please route that through myself, Donna, Heather or your stakeholder group or constituency chair. And we'll do our best to get that routed. But, you know, the way it goes with this one it's all the dominoes are connected so when you move one it creates a ripple effect throughout the calendar.

Scrolling down then to I believe, let's see what's next here? I think we had just a bit of feedback on the GNSO response to the GAC communiqué, which is further down. Obviously we completed that and we expect there will be a new communiqué in Copenhagen that will also require GNSO response.

But just a bit of feedback that, from the Board but that was considered to be particularly useful in their analysis of the GAC communiqué coming out of Hyderabad. So well done to everyone who participated on that, and I think anything that we can do to continue the quality of that response as well as the timeliness of that response is welcome by the Board.

Sorry, I decide your hand there, Paul. Go ahead.

Paul McGrady: Thanks, James. Paul McGrady here. Before we move off the ICANN schedule, I just think it's appropriate to bellyache a little bit that - and I know there was some email exchanges on this point already but having all the face-to-face working group meetings overlapping each other and two days before the official start of the meeting, from my point of view just sends the signal that the work that the working groups are doing is not considered important, it's not -- we seem to of lost sight of the fact that ICANN is supposed to be doing this policy development work. And we've got a schedule chock full of all kinds of other stuff.

And, you know, I know there's nothing to be done about it I think for Copenhagen. But I do think that we should really take a step back and ask ourselves, you know, what are these meetings supposed to be about and are we really prioritizing the things that need to be prioritized or are we stuffing them out on the edges of the meeting, which will necessarily deflate attendance? Thanks.

James Bladel: Thanks, Paul. I appreciate those comments. And I think, if I'm not mistaken, when you say overlap there's something like 60 or 90 minutes in conflict

between the three sessions. Is that correct, or maybe that was an old draft I was looking at.

Paul McGrady: Yes, I don't know, James. I've not gone back and recalculated it. But there's also no way to know whether or not that 90, you know, if there's a promise that everybody won't address anything important during those 90 minutes, then that would be terrific. Of course those 90 minutes would be completely wasted by everybody. So, you know, the bottom line is there is overlap.

It is pushed two days before the start of the meeting. We seem to have time for everything else besides this. And maybe I just have a – maybe I'm just over, you know, maybe I think more of the work of the working groups than I should. But I kind of don't think so. And I think that these working groups really are the core of what we do as a GNSO.

And I just think that in the future we maybe should step back and say, you know, what else is going on in this calendar that truly is important? And what is just stuff that we've picked up along the way over the last decade that just seems to recur in our schedule that may not be quite as vital or could be handled by updates or emails or things like that? Because I just I feel like this is getting increasingly – the work of the working group is getting increasingly marginalized, but at the same time we're getting more and more working groups. So that seems to be a disconnect. Thanks.

James Bladel: Yes, thanks Paul. It's an excellent point. And I see a lot of agreement in the chat. And just for the record I wasn't discounting the concern, I was just noting that perhaps there's still an opportunity to move, you know, one up 45 minutes, move another went down 45 minutes. If we can clear up some of the overlap. If it doesn't change -- it doesn't address your concern that they're occurring two days before the official start but at least we can maybe remove that timeframe that they're in session at the same time.

But excellent points and thanks for getting that raised on the table. Okay I have Susan and then Marika. Susan.

Susan Kawaguchi: Marika had her hand up first. She wanted to...

James Bladel: Oh okay. Sorry about that. Marika, go ahead.

Marika Konings: Thank you, Susan. And thank you, James. Hi, this is Marika. Yes, just to note that, you know, from a staff perspective we are very well aware as well of the overlap and the conflict that currently exists on Saturday.

Just a note as well that at the outset we started out with a really good time to give every group 3 hours and that would of course very nicely fit into the schedule. But then there were some external constraints that were brought in and especially the facilitated discussion on IGOs and Red Cross. And at least our assumption is that many people will want to be at that, and that is one of the reasons why we had to move some of the things and the current overlap exists.

We are trying to see if we can minimize some of that because we have learned that we do have some flexibility in relation to when we schedule the breaks and the lunch breaks and those can be brought into the room. So that may need less time to set aside for those kind of things. And I know the different working group chairs are also very aware of the overlap so hopefully there can also be some discussion on how to minimize that, for example, looking at, you know, agenda topics that are to be discussed or trying to see, indeed, if groups are willing to, you know, reduce the amount of their meeting.

But as said, you know, our intention originally was indeed to have zero overlap between these efforts, but due to some of the external meetings that were brought in unfortunately it's now looking as it is. But, you know, fully support what Paul was saying that ideally that shouldn't have happened.

James Bladel: Thanks, Marika. Susan.

Susan Kawaguchi: Yes, I just wanted to address what I guess was formerly known as high-interest topic sessions that are now cross community sessions. And that there is a process developing so that the SOs and ACs, you know, pick the – select the topics for each meeting. So there is input across the community and that then staff, once the topics have been selected, you know, staff provides a balanced panel, you know, from recommendations from the community so that it is truly a cross community working session. And I was just wondering how that is going?

James Bladel: Susan, I think were you asking how the selection – the panel as far as setting up the high-interest session - I'm sorry, I missed your question.

Susan Kawaguchi: Yes, I mean, so for both, you know, is - I'm assuming -- because we had so many of them in India. And I know we sort of talked about this a lot. But I just want to make sure that we - we're setting up a process so that we follow something fairly standard. You know, got to be flexible but so that when the community, you know, SOs or ACs have a topic they would like to discuss at a future meeting they know how to - where to go to present those and then there is an evaluation done and the SOs and ACs all weigh in on the topics.

And once a topic is definitely selected then there is structure and the process for selecting panelists for the topic. So it's just not ad hoc, it's just all into process here. But so we all understand the rules of the game.

James Bladel: Thanks, Susan. It's a good point. And I'm not sure if you're referring to one of the high-interest topics in particular or just generally. I think if the answer is generally, my view is that Copenhagen is shaping up to be better than the way it happened in Hyderabad but still is not great and still needs some additional work because it's still very much, as you characterized, it's ad hoc.

I think that the high-interest topic selections were -- or the submissions for high-interest topics were kind of sparse and then we got a late addition that I think everyone agreed had more interest than some of the other proposed topics. And then the challenge was that I think that immediately turns to a discussion of panelists, number of panelists, who was going to have a seat on the panel as opposed to what I would have wanted to see or preferred to see, which was the focus on the topics that would have been covered.

But I think we're getting better but I think to your point, absolutely correct, we need to put some structure around the selection of topics and also the -- once the topics are defined how panelists are identified and nominated because right now it is -- that second part especially is still very ad hoc.

So getting better...

((Crosstalk))

James Bladel: ...still a long way to go.

Susan Kawaguchi: So can I just ask a follow-up? So since this is, you know, not just the GNSO planning the meeting, you know, I was wondering what role we would play working with ICANN staff. I mean, because we could develop a process for us, for the GNSO, but would it be appropriate to develop a process and suggested to all the SOs and ACs?

James Bladel: Yes, I think so, Susan. Just speaking personally I think particularly for those high-interest sessions that are sponsored or convened as part of the GNSO versus some of the high-interest topics that are not really, you know, not really part of our - we're not really the driving community behind them. But I think for the former, yes, it would make sense for us to have a process.

Next up is Phil and then Rafik. Phil.

Phil Corwin: Thank you, James. Phil for the record. First I have a question and I wanted to address a second. My question is looking at the block schedule and being a co-chair, one of the three co-chairs of the RPM Review Working Group, it's still not clear from the schedule when not working group will be meeting because right now it just says Working Group 1, 2 and 3 without identifying what they are.

But I just heard someone mention that on that same first day there may be this facilitated discussion on IGO issues. And since I have to co-chair that working group I'd like some clarification from staff as to if that's taking place the same day and at what time because I cannot clone myself and be bold co-chairing the working group and part of the IGO discussion simultaneously. So let me stop there and ask his staff can clarify that, and then I'll get to the second part of what I wanted to say.

James Bladel: Mary, go ahead.

Mary Wong: Thanks James. And thanks, Phil. There's been a few versions of the block schedule. And I don't have the latest GNSO one in front of me. But based on that we are trying to update the overall schedule. But we can assure you that in terms of our staff and going into the meeting schedule we have taken into account the possible cloning that might need to happen if you and indeed other chairs, councilors and community folks will need to do if it overlaps.

So at the moment, and I think this will be true, we do not have an overlap between the IGO Red Cross facilitated discussion which will take place in the morning on Saturday up until 9:30. The RPMs is scheduled to come on after that. So that's something that hopefully will be helpful to you. And as a result, as a partial result, that does lead to some of the overlaps in the PDP working groups that Paul was talking about earlier.

Phil Corwin: Well thank you for that - Phil again for the record. Thank you for that clarification, Mary. I would hope that as it is possible that IGO discussion

could be listed on the block schedule because it doesn't even appear right now on the one that is linked to.

And in regard to that IGO session, I remain seriously concerned that there's been no real discussion yet of what expectations and goals are for the various parties who are going to take place in that, and that a failure to have a common understanding of those, the purpose and goals can lead to more rather than less friction between the GNSO, the GAC and the IGOs.

And in particular, as co-chair of the IGO CRP Working Group, which currently has an initial report out for comment, it needs to be absolutely clear to the GAC and the IGOs that the session is only for informational purposes, an exchange of views, but cannot be viewed in any way decisional; that the proper way for IGOs and GAC members to impact our final report of that working group is to file comments, and that the PDP must run its course with the PDP submitting a final report, with Council reviewing and deciding whether or not to accept that final report.

And then the GAC filing any advice it wishes to file with the Board in reaction to that final report. And that cannot be sidetracked into separate negotiations that are not provided for in the bylaws. Thank you.

James Bladel: Thanks Phil. And to your second point, I think we are all aligned that that -- that there will be no monkeying around with the process of the PDP, either the one that's currently underway or the recommendations that, you know, that were previously submitted. I think that maybe we have some work to do in terms of communicating those expectations to the GAC and the IGO, but I don't think that there's any softening of those views at least from the GNSO side.

Phil Corwin: Thank you. Thank you, James. And just briefly in reaction, I know we're all agreed on our side, but I've seen some communications from the other side

that continue to stir my concerns about what their expectations are. Thank you.

James Bladel: Okay. Thanks for flagging that, Phil. And what we'll do is we'll make sure we use the interim time to level-set as much as possible with the GAC, as much as that is possible.

Rafik, you've got the last word on this. And just a note that we are now about 28 minutes into our call, but I think we've covered Item 10 on our agenda inadvertently. But go ahead, Rafik.

Rafik Dammak: Okay Rafik speaking. Thanks, James. I hope that I'm not (unintelligible) to be concise. But anyway, so just want – kind of to respond to the comment from Susan. First, I want just to highlight that a number of high interest topic is – was reduced so I think it's just three. And in term of organization, I think it will be really (unintelligible) to outsource that to the staff. So the idea is to have this as cross community work and try to – that we join our efforts to organize the session on topics that we think of interest for everyone. And that's, I think, how the selection first place happened.

With regard to the selection of panelists or speaker and so on, so again about the format that we end up, and one of concern rights, and this is from my own experience by organizing one high interest session with the group of people in Hyderabad, that each group is worried or concerned to have its own panelist or speaker in the session. And so you end up with kind of huge panel, maybe of 10, 15, maybe we can reach next time 20 panelists. So is not anymore really a discussion. And it's hard to manage. And it's just end up to kind of to how you try to balance between the different point of view.

The thing if you kind of move that and leave it to the staff, we are just putting the burden on them to find how you find a balance. And the representation, not just of the different SO ACs, stakeholder group, constituency, but also of point of view and opinion. So I guess instead of trying to find who should

organize what, to agree maybe on the set of guidelines, rules or whatever to make the organization of those high interest topic more easy and more representative of the diversity of the opinions within the community on the selected topics.

James Bladel: Thanks, Rafik. I appreciate that contribution. And I think we've encountered some of that during the planning of these high-interest topics. Michele, you're up.

Michele Neylon: Yes, thanks James. I mean, I agree with a lot of what Rafik said. I mean, there is a terrible tendency within ICANN to make sure that every single voice has a seat at the table, and once you get past three or four panelists it's no longer a panel, it's - I don't know what it is but it's just unworkable and it's not particularly helpful for anybody because all you're hearing is the same kind of party line being trucked out from a ton of different places and nobody learns anything, there's no movement; it's just a massive waste of time.

I mean, looking at how other organizations, how other events organized and select topics for discussion, I think is something that ICANN as a whole really needs to look at, be that looking at like kind of a (unintelligible) out west type thing, you know, kind of a more kind of formal call for papers type thing, or something.

Because the current method is fundamentally flawed and seems to benefit those who yell loudest which often means that you get – the GAC gets whatever the hell they want and again, it's not particularly productive. Thanks.

James Bladel: Okay thanks, Michele. Susan, you wanted back in the queue, but I would ask you to make it very brief please because we need to move through our agenda.

Susan Kawaguchi: No, and due to that I'm fine. We can move on.

James Bladel: Okay. Thanks, Susan, I appreciate that. And just as a note, I think we've – as some of the staff members were mentioning, I think we have effectively cleared Item 10 from our agenda. Wasn't necessarily in the sequence that we planned for but, you know, we should take advantage of the efficiencies when they pop up.

There is one other item here on our action items that will come up later and that is the status of the Bylaws Drafting Team. Marika, can you give us an update on what the status of that work is and when we can expect the next deliverable?

Marika Konings: Yes hi, James. This is Marika. Yes, just wanted to note that this has taken a little bit more time than I think we originally anticipated for a number of reasons, you know, one of them I think we have - we lost one staff member and we did a lot of other work but also that of course this is a very complex and material and the document were looking at, you know, covers - there are I think 58 pages so there's a lot of details they needed to cover.

But the good news is we've made a lot of progress and I think we're at a stage where hopefully, you know, in the next week or two weeks or so we'll be able to share a draft report that we've prepared with the drafting team, because there are a number of assumptions we want to confirm what that group as well as some questions that may need further input before this data can be published for public comment.

I think the good news at least is that, you know, the part of the analysis we've done it seems that there may be a need for less overhaul changes to the bylaws and operating procedures I think at least from our initial review it looks like there kind of three categories that to which the proposed changes can be dealt with or the recommendations can be dealt with.

One for which there is actually no need to change any procedures or modify the bylaws, it's just a confirmation of what is dirty in there specifically for

those actions requiring a simple majority voting thresholds, which is already the default. And a number of cases that the bylaws actually already provide very detailed steps on what needs to happen for a certain new power to be enacted.

There's also of course the work that also will come back in the agenda on the selection procedures. That may address actually a large chunk of the items that were identified if indeed there's agreement that this standing committee would deal with some of the appointments and nominations that are expected under the new bylaws.

And then there are some that may require changes to the bylaws but we are looking into how bad can best be reflected specifically in relation to where a new voting threshold is identified that is different from the default voting threshold. But we're trying to decide whether that requires adding new voting thresholds to existing table or whether it just may need a reference to that table.

So I think that's where currently stand. As you know were also closely working with is with our legal colleagues as there was also a request to have a legal assessment of these recommendations. So we're doing our best to get this back to you as soon as we can.

James Bladel: Thank you, Marika. Appreciate that in-depth report. I think the take away for the Council on this report is that the work for the bylaws implementation effort is ongoing. And this leads right into the one item on our consent agenda, Item 3.1, which is the continuation of an interim representative to the empowered community on behalf of the GNSO, which is currently myself.

And if you recall, this was originally set to be a 90 day appointment. And the consent agenda item would renew that for another 90 days. And I think where I'm going with this is that I am perfectly happy to serve for another 90 days but in recognition that this is intended to be an interim appointment and that

the work of the bylaws implementation is taking a little bit longer than anticipated, it asked Council to consider that the end of this next 90 day period that someone else become the interim appointment – interim appointee to that empowered community like for example, I would perhaps want to see some volunteers either on Council or perhaps one of the vice chairs step up and volunteer to take my place on this empowered community.

As far as the empowered community itself, I can report that we're actually starting to see a couple of work items come up, mainly the upcoming budget and a potential change to the bylaws that would change the way that the Board handles reconsideration requests in such a way that it's more independent so it's not necessarily the Board reviewing itself.

But I wanted to get that out on the table because for the consent agenda item I understand that just the practical nature of this situation is that we need to have a representative to this group and I'm happy to do that for another 90 days but I don't think it should continue beyond that.

So any thoughts, questions or updates on this one? Heather, go ahead.

Heather Forrest: Thanks, James. Heather Forrest. I can appreciate your concerns about this being an interim position. I would say rather than put our efforts into thinking about who else this might rotate two on an interim basis, I'd like to see us get this standing selection committee up and running albeit not rushing that concept. But I suppose we want to transition this thing out of interim role to a permanent role as soon as we can possibly do so.

On this point of transitioning or rotating or however we want to call it if we did have to put someone else in to this role, interim, James, I wonder what everyone's thoughts would be, does this have to be a councilor or could it be someone from the broader GNSO community? Bearing in mind that that probably gets us into the very same problem that we have in appointing this as a permanent role as opposed to an interim role is that we'd have to go

through a selection process and thereby we may as well just pick a permanent person. By just raising those two sort of off the top of my head.

Thanks.

James Bladel: Thank you, Heather. I think those are excellent points. And they, I think, exemplify some of the challenges that we have in timing all of these efforts. The good news is that I think our standing selection committee process is probably further ahead and will be in place before the bylaws – the new bylaws can be adopted. So we might have that in our pocket when this next – when this next appointment is up. And then I think that would be an excellent question to put before that committee is whether or not to – it's necessary for this – a representative to be a member of the Council.

I don't think we have to solve or answer those questions today. I just wanted to put those out for discussion for the Council for the next 90 days because the clock would be ticking on how we would proceed sometime in mid-May, if we go forward on Item Number 3.

Any other thoughts or questions or comments on this? Otherwise we can probably conclude our discussion of the action items and also move to a vote on the consent agenda. Okay, let's close this document and lets, Terri, if you don't mind can we just move to a voice vote on the consent agenda please?

Terri Agnew: Certainly. We will now conduct a voice vote. Would anyone like to abstain from the consent agenda? Hearing no one, would anyone like to vote against the consent agenda? Hearing none, would all those in favor of the consent agenda please say aye?

(Group): Aye.

Terri Agnew: Thank you. And Wolf-Ulrich Knoblen, proxy for Tony Harris, please express your vote. And...

Wolf-Ulrich Knoben: Sorry, what?

Terri Agnew: Oh, Wolf, since you are...

Wolf-Ulrich Knoben: I already said, "aye."

Terri Agnew: Thank you. No abstention nor objections. The consent agenda passes.

James Bladel: Thank you, Terri. And thank you councilors. And we'll continue to work to close some of those gaps on the interim appointment in the next 90 days.

Next up is our one and only motion that is up for a vote. And knowing the history of the particular topic, I'm really hoping that our agenda survives Item 4. Just me editorializing here. It still needs a second. But I'll just put together some context here.

We had some conversations in Hyderabad to try to find a way forward on the IAG report, and I think part of the discussion was that while I know that some groups, in particular contract at parties, were concerned that the new recommendations did little to help, I think we were at least recognizing that there was probably not a whole lot of harm associated with them and that the process was followed correctly with perhaps wanting for some additional participation from industry volunteers.

And with that, I think what we have put together is a compromise proposal which accepts the IAG report and except for the IAG recommendations but also notes that this work is meant to be conducted periodically and links this adoption to another periodic review that would then give us an opportunity to encourage broader participation in that work effort so that we have those kinds of discussions in the working group and not hear the Council.

So that's, you know, in effect with this motion does. And I will go ahead and read the resolve clauses into the record, and then we can open a discussion and then move to a vote.

So, "Resolved, one, the GNSO Council has reviewed the IAG Final Report," there's the link, "and concludes that the proposed modification to the procedure conforms to the intent of the original policy recommendations and as such the GNSO Council confirms its nonobjection to the modification being implemented by the GDD staff as outlined in Appendix 1," and there's the link, "as soon as practically feasible."

"Two, the GNSO Council recommends that as soon as the modification has been implemented, all affected parties are informed accordingly."

"Three, furthermore, the GNSO Council requests that ICANN staff, based on their experience of administering the modification, assess the practicality and feasibility of this new triggering comparison," I think there's a typo there, "to the existing trigger as well as the other triggers discussed in the IAG Final Report, and reports back accordingly to the GNSO Council."

"Four, the assessment will inform the next periodic review of the effectiveness of the process as directed by policy, which will commence no later than 31 May 2017. The GNSO requests that ICANN staff report within 45 days on a projected timeline for this review and the assessment described in Number 3, and a draft charter for this working group."

And fifth, "The GNSO Council thanks of the IAG for its work and takes note of the minority reviews included in the final report. The GNSO Council requests that these are shared with the Next Generation Registration Directory Services PDP Working Group as the broader Whois issues raised in some – and these views are expected to be dealt with in that PDP."

So that's the motion. Thanks for fixing that typo as we went along. I'd like to open up now for a discussion on this motion and particularly on the compromise approach of linking the adoption of the ITG report to the next subsequent periodic review. And first in the queue I have Stephanie. Go ahead Stephanie.

Stephanie Perrin: Thanks very much. And I apologize for my voice quality this morning. Stephanie Perrin for the record. I was wondering, and I asked at our recent intercessional meeting that is wrapping up in Iceland, I am operating remotely, we still don't have an answer from the head of Compliance.

But it seems to me...

James Bladel: Stephanie, I'm sorry to interrupt you but we lost your audio there midsentence. Can you speak - can you start again please?

Stephanie Perrin: Can you hear me now?

James Bladel: Yes, much clearer, thank you.

Stephanie Perrin: Okay. Stephanie Perrin. I inquired of the head of Compliance who was participating at the intercessional meeting in Copenhagen - not Copenhagen, Iceland that is going on at the moment or wrapping up, as to whether or not Compliance had ever audited Compliance to the Whois conflicts with law.

Quite clearly, if one registrar has to file for a waiver, everybody in the region would have to as well. And I hate to see all the work and effort that the good guys do, whereas if someone chooses to ignore it they're breaking the law, which is a violation of the RAA, and nobody ever knows.

So would there be merit in asking Compliance or putting a clause in here that Compliance should do an audit on Whois complying with Whois conflicts with law policy and who is not? Thanks.

James Bladel: Thanks Stephanie. Appreciate that. I think that rather than adding something like that to the motion, we can certainly include that as a consideration for the staff assessment that is referenced in both in Item 3 and possibly as part of the work of the next review, which was called for in Item 4. I think those would probably be the – we've essentially put it on the to-do list for those two efforts rather than include it in the motion here would be my response.

Stephanie Perrin: That would make me very happy. Thank you. That's Stephanie again.

James Bladel: Okay. Great. Next in the queue is Michele.

Michele Neylon: Thanks, James. Michele for the record. No, just very briefly I think we need to put this to bed because we can't review something until we've actually signed off on this so the sooner we get this done the better. Thanks.

James Bladel: Thank you, Michele. And I agree. Heather, you're up next.

Heather Forrest: Thanks, James. Heather Forrest. Just following up on Michele's comment, and indeed your introduction to the motion, James. I do think this is one that we want to see put to bed. And I'm pleased to see that it's on the agenda and that we can deal with it.

I suppose it would be helpful just to say a word about the timing. I suppose the only thing that makes me a little bit nervous about Michele's comment, and it may well not have even been intended, is, you know, the sooner we put this to bed the sooner we can commence a review.

I think, you know, it would be helpful to have the trigger in place before we go and commence the review. So to the extent that the intention here is to commence a review tomorrow, I think that's something that my constituency would feel very uncomfortable with, not because it's trying to be difficult but simply because we'd like to be able to evaluate the trigger. So Michele has

just put his hand up and is going to tell me I've been much too serious about what he says. But there we go, that's my intervention, James. Thank you.

James Bladel: Thanks, Heather. And, you know, I think the concern from, you know, on the flip side is that the likelihood of something like this getting deferred beyond the summer meeting and into the fall is also a strong possibility. So I think we're trying to put some boundaries around this.

I don't know that necessarily disagreeing on timing, I think it's just a concern that this would fall down to the bottom of our to-do list. Michele, go ahead.

Michele Neylon: Thanks, James. Michele again for the record. First things first, to respond to Heather's comment, I mean, first of all it's a matter of sequence. There is no way to review something until we've actually put this particular thing – item to bed.

In principle, I don't disagree with what she's saying about the triggers and all that. I don't want to reopen that entire debate or discussion now. Happy to take that off-line if you want. And I'm not suggesting that we start some kind of review next week or the week after either, it's just down to the practical logistics that until we deal with this particular item there is no way for us to start any kind of review. And, I mean, Erika and myself as well on the - kind of a broader thing around legal reviews of Whois and other things with respect to European privacy laws, that I think is something that we should also wait for. Thanks.

James Bladel: Thanks, Michele. Heather.

Heather Forrest: Apologies James. Old hand.

James Bladel: Okay thanks. So just noting Heather's and Michele's exchange on the date, does anyone have any strong feelings that May 31 is the wrong date? That it either needs to be moved up more urgently or moved out? I feel like we're

running into some practical considerations if we consider moving it up any closer. I personally believe it's going to be a challenge or ambitious to hit that date entirely.

I think there is, to Heather's point, there is the possibility, although not a certainty, that the trigger will be used perhaps the least once this is adopted. But that's only because I think we are all aware that there are some contracted parties that are currently sideways with their agreement and are waiting for some relief in that area. So there will be potentially something to review, whether that will happen by May 31 or not I'm not 100% sure.

I know that Paul and Michele's hand went up pretty quickly so we'll go with Michele quickly and then Paul.

Michele Neylon: It's Michele again. From my perspective, pushing back the date to something a bit more reasonable just in terms of like the overall workload everybody has at the moment I think I'm perfectly – I'd be perfectly happy with that if you want to push it back to September or something, I'd have no objections to that.

James Bladel: Thanks, Michele. Paul.

Paul McGrady: Paul McGrady. So plus one for Michele. And I guess the reason why I think maybe a bit more time is because it's not clear to me when Number 2 of the resolve clause would be done, right? And so will that be – will all that be done before May 31? And will we know whether or not – will we have enough information to review what's been done, I guess, by May 31? So it seems to me that later in the fall rather than in the springtime makes sense. Thanks.

James Bladel: Okay. Thank you, Paul. Thank you, Michele. Just keeping up the chat as well, Marika is proposing we could say something like as it is practically feasible but no later than, and Michele, you threw out a date of September.

Michele Neylon: Michele briefly. I mean, September, October, I just think we should make sure there is a date in there. That's all I would ask for.

James Bladel: Right, as soon as we say something squishy like as soon as practical, you know, we kind of lose control of it. So how about something like this, as soon as practically feasible but no later than 1 September 2017. And that would be a start date, not a conclusion date. And no later than - I'm just reading the chat.

You know, either one is fine. Heather, it looks like Stephanie is agreeing with you. Okay let's just strike the practically feasible bit and just go with no later than 1 September 2017. And I think that's – reflects probably - more realistically reflects the workload situation on the ground. And thanks for a spirited discussion on the part. The timing, you know, if all we are discussing right now is the timing of the next review documents progress over when we usually tabled this topic. Paul.

Paul McGrady: Can we do October 1? By giving it a September 1 start date where ensuring that our European friends on ICANN staff are going to have their August blown up trying to get this underway. Is there a huge difference between September 1 and October 1?

James Bladel: I'm a football fan so you're not going to get any disagreement from me, Paul, but I'm seeing in the chat that seems to be a lot of agreement that that is, yes, that doesn't seem to be material, we can move it to October.

I think the key here is not to get too far out of 2017 without, you know, because we get too far into October we're looking at our annual general meeting and of course then nothing happens between that and the holidays so I think that the black hole we're trying to steer away from. As long as this is kicked off within the calendar year I think we can still plausibly collect an annual review. So let's not let it slip into 2018.

Okay, and I'm seeing agreement in the chat. So okay have we finalized the language here? We see in brackets I think it's – I can accept that as a friendly, I guess it would then fall to Rubens if he also accepts it as friendly. And Rubens is indicating that he does.

And the queue is clear for a discussion on this topic. So if there are no other objections or questions then we move then to a vote. Terri, if you would do the honors please?

Terri Agnew: Thank you. We will now conduct the roll call vote. Rafik Dammak.

Rafik Dammak: Yes.

Terri Agnew: Thank you. Stephanie Perrin.

Stephanie Perrin: Yes.

Terri Agnew: James Bladel.

James Bladel: Yes.

Terri Agnew: Darcy Southwell. And I'm so sorry. Darcy, there seems to be some static from your line.

Darcy Southwell: That was a yes, sorry.

Terri Agnew: Thank you. And Wolf-Ulrich Knoben for Anthony Harris.

Wolf-Ulrich Knoben: Yes.

Terri Agnew: Wolf-Ulrich Knoben for yourself?

Wolf-Ulrich Knoben: Yes.

Terri Agnew: Michele Neylon.

Michele Neylon: Yes.

Terri Agnew: Marilia Maciel.

Marilia Maciel: Yes. Thank you.

Terri Agnew: Thank you. Avri Doria.

Avri Doria: Yes.

Terri Agnew: Valerie Tan.

Valerie Tan: Yes.

Terri Agnew: Stefania Milan.

Woman: She's out of the room for a moment but she'll be back soon.

Terri Agnew: Thank you. I'll come back to her. Donna Austin.

Donna Austin: Yes.

Terri Agnew: Heather Forrest.

Heather Forrest: Yes.

Terri Agnew: Keith Drazek.

Keith Drazek: Yes.

Terri Agnew: Johan Helsingius.

Johan Helsingius: Yes.

Terri Agnew: Susan Kawaguchi.

Susan Kawaguchi: Yes.

Terri Agnew: Paul McGrady.

Paul McGrady: Yes.

Terri Agnew: Rubens Kuhl.

Rubens Kuhl: Yes.

Terri Agnew: Philip Corwin.

Phil Corwin: Aye.

Terri Agnew: Edward Morris.

Ed Morris: Yes.

Terri Agnew: Thank you. Has Stefania Milan – have you joined back into the room yet?

Stefania Milan: Yes, sorry for my temporary absence. Yes.

Terri Agnew: Thank you. With the Contracted Party House at 100%, and the Non Contracted Party House at 100%, both in favor of yes, the Council vote passes.

James Bladel: Thank you, Terri. And thank you, councilors. Given our history with this particular topic, I think we should reflect on just what we've achieved here by adopting this IAG report and of course encourage everyone to participate in the work to come, because there will be plenty of that. There's no way I think that we're ever going to escape this issue entirely but we've made I think an important first step today.

Okay so noting at the time check, we are halfway through our time and we are about maybe a little then 1/3 through our agenda so I'm going to be a little bit more tyrannical here about keeping conversation on topic. And those of you who know me know that that's not usually how I like to work, but I want to make sure I get everyone respectful of the stopping point here. So let's move on then to the rest of the agenda items are all discussion topics.

The first one is Item 5 and it's a proposal to limit scope of the upcoming ATRT Accountability and Transparency Review that is scheduled for early part of this year. Now as many of you are aware, we have these reviews, they are built-in to the bylaws, we have to proceed accordingly. However this one in particular and the RDS review collide or overlap with already ongoing work that is either conducted via PDP or via CCWG.

And I think the concern is, is that there will be duplication and overlap of those to work streams and not to mention that they will be likelihood -- the high likelihood that they will be drawing from the same pool of volunteers.

So the proposal is, and it was initiated by the co-chairs of the CCWG on Accountability that the scope of this be limited to reviewing, specifically reviewing the items from ATRT 2 and steering clear of those items that are still under examination in the cross community working group.

I can report that two other SOs and ACs have already, and I'm looking to staff to see if I've got this right, but two other SOs and ACs have agreed to support this reduced scope, the ccNSO very quietly just simply agree to it. I believe

that ALAC agreed to the reduced scope, and perhaps Cheryl might want to opine on this. That there were some concerns from ALAC that this be a one time only type of a situation in recognition of the ongoing cross community working group and that this would not become the norm in terms of whittling down the scope of these review teams.

And I think aside from that, there have not been any comments from many of the other SOs and ACs. And the – well they're looking for the GNSO to weigh in. So the question before the group, does anyone have any thoughts, questions or concerns about this approach? That's the first question. And if not, and if we do also support the request from the CCWG co-chairs, is it sufficient to just allow the co-chair - myself and Donna and Heather as well as staff, to just draft a letter to that effect and sending it to the co-chairs? Or do we need a formal motion tabled in Copenhagen?

Either approach is fine, we just wanted to see procedurally what folks would be more comfortable with if there's – needs more opportunity to discuss this with their stakeholder groups and constituencies.

So that's the – that's me teeing up this issue and we'll go then to the first speaker is Avri. Go ahead.

Avri Doria: Thank you. Avri speaking. I have absolutely no problem with the intent of the suggestion here. I do however, have a problem with the notion of curtailing the charter or the scope or the mandate of ATRT 3. ATRT 3's scope is mandated in bylaws and I don't think that short of going through the enhanced community or changing bylaws or something like that, that the organizations that are kind of being reviewed get to say no, you may not review anything other than the short version.

I think there's a lot of really good reason for recommending this, for giving advice to it, for counseling them, for certainly asking them to consider. But, you know, for example, they may want to look at WS 2 from a meta level and

how is that whole operation going etcetera. So while I very much think that there's something that can be supported here as advice, I think any of the content in this letter that tries to regulate what it is that ATRT 3 can do beyond what is in the bylaws is not to be recommended. Thank you.

James Bladel: Thank you, Avri. Paul.

Paul McGrady: Paul McGrady. So Avri said it better than I could, and I will leave it at that. You know, I think that for example Work Stream 2 itself is in need of review. It feels like a giant filibuster to me. And on all kinds of topics, I just think that, you know, limiting the scope year at this crucial time is not the best idea. I understand the intent and certainly it breaks the notion of volunteer efficiency. But like Avri said, limiting the scope of this review, I don't think that that's the right thing to do right now. Thanks.

James Bladel: Thanks, Paul. And thanks, Avri. Does anyone feel that strongly that we should be communicating back to limit the review of ATRT 3 - limit the scope of ATRT 3 review? I am saying this because I'm wondering now if the response is that we say that we don't support this, or the responses that we say we have no position on this. I'm concerned that if we take the latter response, that that will in fact, go forward with the GNSO abstaining as opposed to opposing.

I don't know if anyone has any other thoughts on this or if it's something that perhaps we need to hash out a little bit further on our mailing list and come up with a way to communicate a position, draft a position and develop a statement and then communicate that back to the co-chairs. Avri.

Avri Doria: Thank you. This is Avri again. Please pardon me for speaking twice on my first day back, on the same theme. But I think it's just the letter were toned down to sort of say we offer this as advice for the ATRT 3 to consider, because we think that it is important not to duplicate, etcetera, then I think you'd be fine and let ATRT 3 make its own decision about what it does, with,

you know, the advice of GNSO and others. I just think the limitation is what can't be done. Thanks.

James Bladel: Thanks, Avri. And I think you make a good point there, and it's important consideration. And I would ask staff to maybe clarify that point because we did the same thing with the RDS review noting that it was overlapping with PDP work on RDS. And the question there was, can we even – do we even have any kind of standing to limit the scope of a review team? And I think that they were posed to that review team as recommendations for it to consider as it defined its own scope.

I don't think that there was anything formal about limiting the scope, more of something as, you know, hey, please, you know, please be aware of this other parallel work stream and take it into consideration as part of your review. But I think that's an excellent point and something we should consider.

I have Wolf-Ulrich and then Phil. Wolf.

Wolf-Ulrich Knoben: Yes thanks. Wolf-Ulrich speaking. Well, I'm all about in favor of avoiding any duplication of work so this is out of question here. And I understand also we were also thinking about, you know, the Work Stream 2 part is consisting - is structured in a different way than the ATRT, is structured. So the question for us here more are there any items which must be, well, must be or are required to be discussed in both groups because they are different structures?

So and I couldn't find the answer, not yet. So I'm a little bit cautious, well, really just to reject the ATRT – the Work Stream 2 suggestion with regards to limiting the scope rather than to be a little bit cautious on communication as you suggested. So I would like to have a little bit more time, well, to discuss it internally and see the communication to be done toward the Work Stream 2

part with regard limiting or limiting scope just in this case, not in general. So what I'm asking for is for little bit more time. Thanks.

James Bladel: Thank you, Wolf-Ulrich. Phil and then Ed and then we should probably arrive at a action item here. Phil.

Phil Corwin: Yes, thank you. Phil for the record. We've had some discussion of this within the BC. We do believe that the approach should be a limited one to – for the sake of efficiency and avoiding duplication and confusion. If the consensus – we get consensus to do that via recommendation rather than a formal limiting of scope, I think that's probably fine with us if the end result is fairly much the same. Thank you.

James Bladel: Thank you, Phil. And I think I did confirm with Mary that's sort of along the lines with what we did with RDS. Ed, go ahead.

Ed Morris: Yes, thanks James. I would concur with Phil and with the approach of making it a recommendation to the working group without limiting the scope of the working group. I share Avri's concern that as we transition into the new ICANN we don't want to have our first action for the bylaw mandated reviews to be limiting a review when frankly, that's not permitted by the bylaws unless we go through the empowered community, and we don't have time to do that.

So what – the question I have is what would a letter like this do? Would it be considered an abstention? In which case what effect would it have going forward? Thanks.

James Bladel: Thanks, Ed, good points. And I think just generally it would be an expression of a position on behalf of the GNSO, the GNSO Council, that the review does have the potential to either overlap with the alternative work streams or that it would be reviewing accountability mechanisms that are not yet fully implemented in the new bylaws.

And it would be, you know, as we've discussed, it would not necessarily be a formal limitation of their scope, what they can and can't review, but it would be more of a nonbinding recommendation to make them aware of these areas of overlap and point out that there's probably efficiencies to be gained if they were to just remark on those things that are not, you know, not fully baked or that are under examination elsewhere.

So I think, and I thought that I heard that from Avri as well, that if we could tone this or pulled us back to something less than a formal or a strict limitation of the review that that would be acceptable, but this would be phrased in terms of a recommendation to the review team as it determines its own scope that it take these considerations on board.

I see some agreement in the chat without approach but I think there was one -- I think it was Paul that shared those concerns. I don't know if, Paul, did you also -- do you -- are you also having problems with the idea that this would come through a recommendation versus a formal limitation? Which frankly, I don't even know if we have the ability to formally limit the scope. So anything we do would be presented in terms of a recommendation.

Paul McGrady: This is Paul. No, I have no problem with it being a recommendation and fully on board with Avri's notion that so long as it's not a scope limiter, but rather advice about what's currently underway so that the review team can make its own decisions about what to look at and what not to look at, that's fine with me.

James Bladel: Okay great. Thanks for clarifying that, Paul. Okay so let's - and then just kind of catching up with the chat as well. Let's take that as an action item. I think we can probably grab something to that effect which would probably be taken by the other SO and AC leaders as I would say guarded support for the idea of a limited review as long as it's not, you know, as long as it is, again, presented in terms of a recommendation and not something that we can do formally. And again I don't know that we even have that ability.

Okay great. Thank you everyone, for contributing to that. I see a couple of hands but I think those are old hands from Phil and Ed, but if they're not pleased shout at me here.

Next item for discussion is the process for a standing selection committee. This is the standing selection committee that would select nominees for future review teams and other ICANN structures. And I think we've already identified, for example, liaisons and the representative to the empowered community and other positions that are more frequently being presented to the GNSO and we are being asked to fill.

There's a really great draft here of a charter. And I think that - first I just want to say thank you to Susan and Ed and Heather and Donna for working on this and for staff for converting what were a lot of great ideas and boiling them down into a charter for this selection committee.

I think we probably have a couple of points to discuss, but I would note that we probably also could benefit from greater discussion of this document on the list, including any potential edits that folks would like to see. But I would open this up now for a discussion. I don't know that we have - I don't know if it's at a point yet where we're ready to make any movement on adopting this charter, but I think we're getting closer.

So any other thoughts? I know Susan, you had raised – Susan and Ed, you had raised some thoughts on the list. I don't know if you want to weigh in on this now. Wolf-Ulrich, you're first. Go ahead.

Wolf-Ulrich Knoben: Oh, sorry. Wolf-Ulrich speaking. Well, just raised my hand because well, if Ed would like before me for that explanation please go ahead. But I have some points well to raise, yes?

Ed Morris: I was just going to give a quick overview of some of the changes that have been made since our last proposal.

Wolf-Ulrich Knoben: Then please start before me. Thank you.

Ed Morris: Yes, as a result of the – first of all, thanks to everybody who's been working on this, James, Susan, Heather and Donna. We went through the SSR 2 review. We did not use the proposal Susan and I came up with as a hard guide, but almost as something we turned to, and we tried to see how it all fit with what we were doing and what the outcomes we were trying to achieve.

So that charter before you softens some things. You can see the purposes in Section 4.1, where we talk about diversity of views, and then in Section 4.7 where we talk about balance, representativeness, diversity and expertise as the overall goals and guidelines to follow when selecting folks for positions. It's still a standing committee. It still involves ranking.

We have a full Council still need to decide whether we want to populate the standing committee with representatives from the stakeholder groups or from the constituencies, that's a decision that we felt should be made by full Council.

And I think, at least Susan and I have talked, and we do believe that perhaps part of the more generalization, the less hard criteria, which we've come up with in the charter, maybe needs to be drawn back a little bit particularly with respect to the rotation we used to have. I'm going to leave that to Susan to talk about for a bit.

James Bladel: I have Wolf-Ulrich still in the queue. But, Susan, did you want to weigh in on this point?

Wolf-Ulrich Knoben: So thank you. Wolf-Ulrich speaking. Susan will weigh in after me. Well, thank you very much for this draft, well, appreciate that very much. Just, well,

have some points which I could make on the list as well. But in general, for me this general question which you raised, Ed, is a question of participation, membership on this committee.

Well, I understand, well, each committee is of difference because of the targets they are and the work they are focusing on. So we had this in former times this standing committee on improvements implementation in the GNSO. And I think we – we had advantage of participation of all the stakeholder groups plus constituencies in this committee. And I would recommend that we are going to do that. But I understand and I also accept then we are going to discuss that on the whole Council and to vote on this or decide on this.

But my opinion is firm on that, well, we should really include all constituencies and stakeholder groups especially in particular because when I look at the deliverables, which should be done at first, for example, the timeline, it's necessary to be discussed by all of the constituencies and stakeholder groups, not just by the committee itself.

And this is – brings me to the question, I understand that the group is going to be – it's targeted to be in formation at the AGM of this year. So this is what it says so the charter. The question is for me, I'm not aware how many reviews or how many teams are going to be established in between what we are going to do with that. And what the timeline is – is there a timeline necessary and kind of interim timeline to see how the different groups can we – at what time can we – can be engaged in this process. So these are my first – the major questions on that. Thank you.

James Bladel: Thank you, Wolf-Ulrich. And I think your point about the timeline is well taken because we do have a couple of review teams that we need to fulfill in the interim, particularly the RDS review team, which is coming up here most urgently. Susan, go ahead.

Susan Kawaguchi: So in reference to the timeline, I think that we could use this document as a reference document in the same way we did on the SSR team candidate review and selection. And so in that way, you know, we can continue to refine the process as we – gives us some time to practice and play with it.

And then – but keep our target that we've set. And so it'll be a little ad hoc probably, especially with, you know, whoever is participating on the committee, but I do think that this gives us a better method to work towards, you know, the document does in the next couple of selection rounds.

So and I wholeheartedly agree with you on the – bringing the committee should include constituency representation partly because we went through in the SSR review we had – so we had Ed, I, James, Donna and Heather, I think were – was there anybody else on the – so everybody had sort of stepped forward and said we want to participate in – on the selection, you know, committee that's being developed for that.

And but because of timing and family emergencies and just things, we only ended up with three of us really being able to make those decisions and we did some of it on email thread and got some input after the fact or down – farther down the line.

But I felt really restrained with only having three of us in the discussion when we actually had the phone call. And in one case, because Denise Michel reports to me, I abstained from that so, you know, her selection. And so it really left it to James and Ed. And so we need a broader pool of committee members so that, you know, as life happens and work happens, we still have a good number of people to make a balanced reasonable review and select candidates.

James Bladel: Yes, thanks, Susan. And I agree. And I would just note that Valerie Tan also contributed to some of the rankings and weightings and evaluations of the – of candidates. But, yes, because of the – just the exigencies of travel, we,

you know, we came down to our small pool got even smaller. And I agree with you, at some point we had more candidates than votes cast, and so it was kind of challenging.

I think ultimately we ended up in a place where we all agreed on the slate of recommendations, but getting there was a challenge so a bigger group might be – might be something to guard against that going forward.

I've got Ed, I've got an important comment from Paul about, you know, maybe we can light a fire under this one and get it moving a little bit faster. But I've got a comment from Ed and then we can talk about timeline and then we can close this one down. Ed, go ahead.

Ed Morris: Yes, thanks, James. I do agree with Susan that it never go around with these rules before we finalize them to make sure they do work would be valuable. Because as you can see, we've changed the formula quite a bit from our initial proposal. With respect to Wolf-Ulrich Knoblen, my problem with going to the constituency level is it distorts the representativeness that in the compromise that is the GNSO Council.

However, I do recognize the efficiency of what was done in the SCI, the need for more members. I would just point out that one of the reasons I was able to accept the SCI as having some semblance of representation was there was a requirement of full consensus for any recommendations coming out. So if we are going to go to the constituency based method, I would request that we also have a requirement of full consensus for any recommendations coming out of the process. Thanks.

James Bladel: Thanks, Ed. And may I ask that this discussion I think, which is an important topic, between you and Wolf-Ulrich, may be moved to the list because I think that the idea of whether it's as a stakeholder or a constituency level discussion and whether or not that should be tied to consensus level I think is an important detail. Susan and then we will let you have the last word.

Susan Kawaguchi: So there was one other issue, in the original language we discussed a rotation system. So in the top three we can, the GNSO has three candidates for the review team at least. And, you know, it only adheres to the review team. But we can give, you know, select up to seven members with the hope that another, you know, SO or AC would accept our additional candidates.

But that language, you know, was sort of changed and not as clear in a discussion we had. So I really think that we need to review and take a stronger look at a rotation system. So if the stakeholder groups - only three stakeholder groups can truly be guaranteed representation on the review team then next time let's make sure we get that one in.

You know, so if we, you know, for example is the Registries were left out in one review team then we'd want to focus on the Registry candidates. I don't know that they should be completely set in stone, there should be a little bit of variable. But I do feel like we should sort of track that and have - and keep it in mind that we want representation for all the stakeholder groups. But we can also take that to the list.

James Bladel: Thanks, Susan. I think the questions that still need to be hashed out in this document, one, your point about rotation; and, two, the composition, I think this goes back to Wolf and Ed, the composition of this - of the standing team itself. And then, you know, I think they all somewhat boil down to how much - how long of a leash or how short of a leash, you know, the SSC will have to make its own decisions versus how much we will prescribe it to consider.

And noting again that it all comes back to Council for a full vote of the Council, whatever recommendations come out of the SSC. I just want to point out that Paul is noting that we can probably expedite this work so that it is ready potentially for consideration as a motion by Copenhagen.

I would love to see this moved out just because looking at the review calendar and note that the first half of 2017 is front loaded with a number of reviews and some of the positions and roles and liaisons that we have appointed as part of the transition last year will come up for either reappointment or reconfirmation at some point during the year. So having this mechanism and this committee in place to address those I think will be invaluable. So I agree with Paul that we should probably be looking for ways to oil the rails a little bit here and get this thing moving.

But let's take some of these other considerations to the list. I think we can have a spirited discussion there and we can start hammering out what a final charter looks like as well as start teeing this up for discussion in Copenhagen. Thank you for your thoughts on that. And thanks again for everyone who has contributed to this.

Next up is the – and it's kind of part and parcel of the previous topic is selection of nominees for the second RDS or Whois review team. I can just note that we, and I'm probably going to lean on staff a little bit here, that we have now are list of applicants for this review team. And a number of them, of course, are seeking GNSO endorsement.

We have a number of councilors appearing on this list as well, so that's something to keep in mind when we talk about how we consider how we evaluate and ultimately how we approve our slate of appointees.

Still just a note that - and I'm asking here, Marika, when are we expected to report back to the other SOs and ACs with our recommendations? For example, I think I mentioned that if all of the stars aligned and we adopted our standing selection committee in Copenhagen, that we could expect to have this reported back sometime by the end of March or early April. I don't know that that went over very well but it is - and that - particularly considering that's probably a best case scenario.

But when are they looking for a response on this, Marika?

Marika Konings: Yes this is Marika. I think the answer is as soon as feasible. As far as I know there have been no fixed deadline. And I think it's indeed the request has been put forward to all the SOs and ACs to make their appointments. And I think this recommendation as well that several are going to need to go through a set process to be able to deliver on that.

So at least in my perspective, an indication may be helpful as well to the other SOs and ACs as well as staff as that may give an idea of when this group can potentially get formed and started work. But I'm not aware of any fixed deadline; it's really now within the hands of the SOs and ACs to confirm their nominations.

James Bladel: Thanks, Marika. So just to maybe kind of short-circuit the discussion of this, because I think we had a pretty healthy chat about this on our previous agenda item, I think ideally I would like to use our new standing committee, if at all possible, to evaluate these candidates and to put forward a recommended slate of members before the Council.

I acknowledge, however, that that may be asking too much; that may be overloading the calendar and that we may not be able to do that. But at what point do we consider that we have a drop-dead date where we would reconvene our small group, perhaps make our small group of larger with, you know, myself and the vice chairs and Susan and Ed and perhaps add a couple of other folks who might be interested, as we go forward.

Again, as Susan pointed out, using the charter of the SSC as our guide we would evaluate these candidates on that interim basis and we go forward. My thinking is, is that if we can get a motion to adopt the SSC charter in Copenhagen, but that is the process that we will use. But if for some reason that motion is not ready or if it is not adopted or if it's deferred then we would

reconvene that smaller group and go forward the same way we did with SSR
2.

That's kind of the proposition or recommendation I'm making for the Council.
And I don't know if folks see that as a viable approach to getting this - to
getting this work completed and getting the slate constructed in the next four
to six weeks. But that would be my proposal to Council. Any thoughts or
objections or have I overlooked any obvious pitfalls with that idea?

Anybody, Susan, go ahead.

Susan Kawaguchi: So I need to abstain from this – the standing committee, the selection
committee since I'm a candidate. So but Phil can sit in.

James Bladel: Understood. Thanks, Susan. Ed.

Ed Morris: Yes, James. Even if we get the charter approved, March 16, March 17
around there, we still have to turn to the SO/ACs to appoint members to the
standing committee. Given travel from the meeting, I can't conceive of that
happening before April. And then looking at the list of candidates, comparing
it to the amount of time we had to put in for a much smaller group for the last
review, I'm not sure we get this done before the end of April if we wait.
Thanks.

James Bladel: Thanks, Ed. So your point being that even if we are able to adopt a
committee in March in Copenhagen, which is not assured by any means, that
that would be too late? And that we need to get started...

Ed Morris: Exactly. Looking at – from the NCSG perspective, we, after Constituency
Day, after our PC is met, we then all go to our home bases, we approve this,
but we can expect my colleagues on our Policy Committee to really select
somebody to represent them, or actually it would be the NCUC which is
interesting because currently we don't have an active Policy Committee. So

I'm not even sure how we appoint people there, or NPOC. So we have to get the constituencies involved if we go in that direction, appoint people, populate the group. And then we have to look to this huge list.

And as you know, in the SSR 2 review, that was very time-consuming with 13 candidates. So, yes, I mean, if the goal is to get this done by April 1 it's not going to happen. So literally if we're going to wait we have to tell the other SO/ACs, it looks like May 1 is the best we can do in my estimation. Thanks.

James Bladel: Thanks, Ed. Okay, well let's take this to the list. But I think that, you know, depending upon what a realistic timeline is to hit for a target I think we may have to go back to our small team, minus Susan, plus Phil, and then we will probably want to augment our team with a couple of other folks to make sure that we're giving this a comprehensive evaluation. Susan, go ahead.

Susan Kawaguchi: Just sort of on the same topic, but I was curious to what happened with the SSR team in that, there's only 15 candidates so our other four didn't get considered to fill that came out to 21?

James Bladel: Yes, thanks, Susan. I noted your - I was going to respond on the list but I can go ahead and just respond here. We met and there were I believe seven total alternates, candidates; four from the GNSO and three from other SOs and ACs.

You know, I made it pretty clear that I was in favor of adopting any of the folks from the alternate list to fill out the remaining review team slots, but I was not in favor of selecting anyone who was not on that list of alternates and did not receive endorsement. I think there was one idea that was floated.

The general consensus was that there was a lack of diversity in one particular dimension in that regional leave there was no one available from the LAC region on the list of full members. And none of the alternates were from the LAC region as well. So we couldn't really kind of reach a consensus on

drawing from the alternates because the one area of diversity that was missing wasn't present in either list.

Additionally, there were some folks that voiced the concern that the review teams should be kept as small as possible while still be large enough to do their job and to contain the necessary skill sets so that we don't unnecessarily expand the budget for travel and for meetings and such.

So I think the consensus was to stick with the full list of guaranteed members because none of the alternates hailed from the missing region, which was the LAC region. So that's – if it were, you know, solely up to me that's not exactly how I would have liked to have seen it play out but ultimately that's kind of where the group landed. And I meant to put that on the Council list. So but thanks for reminding me just cover it here.

Okay, we will go ahead and take this RDS issue to the list as well. And I'm noting that we have 19 minutes left in our call. Moving then to the appointment for a new GNSO co-chair for the CCWG on Auction Proceeds. Noting – and sharing Jonathan's note that he is stepping down from his role, however he has graciously agreed to stick around until we can find a replacement.

I don't know that we have a whole lot to discuss here except that I'd like to start a call for volunteers as soon as reasonably possible so that we can get Jonathan, so that we can address Jonathan's concerns and get him out of this role as soon as he is able. And I think that it will be - it will be something that we will have to discuss at the Council level because I think, look, the other SOs and ACs I don't believe have put forward a co-chair; the ccNSO has an interim co-chair. So a lot of this work of the administrative work associated with this CCWG is falling to Jonathan currently.

So we need to keep that in mind when we evaluate potential co-chairs. But I think we need to get back call for volunteers posted as quickly as possible.

Does anyone have any thoughts or discussion on this topic or may I just proceed to work with staff to get that call for volunteers posted? Okay. Great. Thanks.

Paul McGrady: Sorry, James, this is Paul.

James Bladel: Oh I'm sorry. There's Paul. Go ahead, Paul. Sorry I missed you.

Paul McGrady: Was Jonathan the only volunteer or were there other people who were passed over in favor of Jonathan? In other words, should we select a runner up or should we start from the beginning? Thanks.

James Bladel: Thanks, Paul. That's a good question. I have to take a look at the list because we had another Registry member which was Jon Nevett. Jonathan was kind of over and above that. And I think because of his work as the co-chair on the drafting team we were, you know, when he raised his hand we kind of took it and ran.

But I think to your point, we should probably go back to that list and see if there were any folks who were a close second that didn't make the membership. But I think, yes, Marika is noting, I think we had one and only recommendation for that and we went with our one and only. So we probably need to reopen a call for volunteers.

Okay well we will kick that off here shortly. And when that call goes out please make sure you share that broadly with your stakeholder groups and constituencies. I think we are recognizing that the GNSO policy is the source of this largesse of auction proceeds and I think it's important that the GNSO has a strong representation and also contributes to the leadership of this working group. Thanks.

Next is Item Number 9, which is the preparation for our joint meetings at ICANN 58. We have a couple of, typically our joint meetings we have with, for

example, the Board of Directors, the ccNSO, the GAC, and modeling after some of the scheduling that has worked for us in the most previous two meetings, we can take a look at topics that we would have for meetings with the GAC and topics for ccNSO, which I think, are we targeting the ccNSO for a lunch again?

Marika, lunch as opposed to a formal session on Sunday? And yes, correct, great. I think that worked out - I think that worked out really well to have a working lunch as opposed to trying to fit onto each other's Sunday schedules.

We have a list of topics with the - to cover with the GAC. And I think what we want to do with the GAC is perhaps if possible stay away from the IGO INGO discussion since we have a dedicated session for that topic earlier in the week. I don't know that it's, you know, unless that devolves into something where we can specifically see some gains to be made by re-introducing it here, I think we need to leave room for other topics in that joint session. So one recommendation would be just to steer clear of that.

And by the way, no offense, Phil, but that also probably includes the Curative Rights PDP because I don't think we want that whole issue to spill over into these other topics.

Phil Corwin: James, I wholeheartedly agree.

James Bladel: Okay good. Good. And we don't want to put you on the spot twice in one week. So okay Mary posted this it looks like last Friday to the list. But I think we need - I think we need some more ideas and we need to - the more Council on what we want to discuss with these various groups.

And if there is a group that we are leaving off of here, so for example do we have our identified topic list for our meeting with the Board or with Göran? Are we meeting again with Xavier or any of the GDD executive staff? And if

so, you know, we need to – okay, so I'm getting no's, that's news to me.
Okay, Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. Marika, I note in the chat that you said there is no separate meeting with Göran. I don't believe the Council has actually had an opportunity for a full conversation with Göran since he's come on board. And I wonder whether there's any way that we can change that? I don't know, you know, whether he's met separately with, you know, the ccNSO Council or ALAC or whether this is, you know, he's being consistent across the board.

But I would – I would think that we should have the opportunity for a one-one-one with Göran at some point in time. He's almost 12 months into his first term, so I'd be interested to hear from others on what they think.

James Bladel: Thanks, Donna. I think we had a very cursory discussion with him in Marrakesh, but it was part of the discussion with the Board; it wasn't one-on-one. Michele, go ahead.

Michele Neylon: Thanks. Michele for the record. I think he met with the Non Contracted Party House this week in Iceland. I saw something from an email or something so I think he has met with several groups, but not - apart from that cursory thing with the Council. I don't think he's met with us. I'm not aware of him having met with any of the stakeholder groups within - on our side either, I mean, maybe Donna knows more than I do.

James Bladel: Thanks, Michele. Phil.

Phil Corwin: Yes, Phil for the record. Just to follow up on Michele's statement, Göran engaged in - he was not here in Iceland. He engaged in two separate 45 minute phone calls with the CSG and the NCSG. The calls were plagued with technical difficulties and I can't speak for the NCSG, within the CSG a lot of folks felt that the exchange was not particularly useful or satisfactory and that an extended discussion face-to-face would be far preferable.

James Bladel: Thanks, Phil, for that report. I'm sorry to hear that you're having the technical difficulties. I'm just also noting from the chat that were kind of noting that Göran has met with the ALAC and that there was not a meeting with the Contracted Party House in Hyderabad. And whether or not he's met with the GAC, I'm not sure, Paul, I would assume so but whether that was individually or in conjunction with the Board meeting, I'm not sure.

Okay, let's take this to the list as well. And I think, you know, with some open questions do we still have available time slots to add one-on-one discussions with Göran and whether we want to add other discussions with, for example, the GDD executive staff, or maybe that's a once a year item that's targeted for something like the AGM.

Phil, is that new hand? Okay looks like an old hand. Next up is Item Number 10, which was the GNSO meeting schedule. I think we beat this one to death earlier in our call when we were reviewing the open action items. But does anyone have any further updates on the block schedule for Copenhagen? And just noting that there are still some sessions that are still in flux, still working on I think at least one, possibly more of the formats and panel composition for the high-interest topics sessions, which now apparently have a new name, they're not high-interest topic sessions, they are – what are they called again? What'd you call it, Mary?

Mary Wong: Cross community discussion topics.

James Bladel: Of course. Why use three words when you could use for? So that's part of our culture here at ICANN, cross community discussion topics are still in development. And again, I think we're still trying to pin down some of the GNSO sessions as we previously discussed and see if we can get Göran added back our schedule.

Yes, Michele, well I guess the acronym would be CCDT, which sounds like a food additive. Okay, any other final thoughts on the schedule for ICANN 58? Otherwise just please watch the mailing list for further discussions on those two topics.

And finally, the next item is Item 11, which is a proposed Council response or request for a letter for – from the Thick Whois Implementation Review Team. Now, first off, we had a discussion on this in our previous call. I think we were discussing a couple of items of whether a response was necessary, whether a request for a legal review was appropriate, and if so when?

And I think we had some volunteers who went off and put together a draft approach. And so if there are no objections I could turn this over to Erika and she can introduce the draft that she's come up with. Erika, are you on the line and would you like to take over from here?

Erika Mann: James, I only put forward the point related to the - to a review and an update concerning the privacy protection policies. So if a more limited approach what I did. You want me to talk about it?

James Bladel: Sure, we have a couple of minutes if you'd like to introduce the topic of what you posted to the list.

Erika Mann: Yes, I mean, what I did was the following, and we had a debate last time at the Council meeting. And I did a draft, discussed it with Michele, and had a short exchange with Keith as well just to ensure that it covered point which I might overlook.

So the idea is very basic and is very simple and straightforward. The last review, what Marika sent to us, was in 2015. And since then we have seen major development in different locations around the globe. I focused on the European Union simply because it's, to my knowledge, the greatest departure we have seen on data protection policy between 2015 and 2017.

There might be other locations around the globe which I've done similar things. And I might have overlooked it. Anyhow it's just an example why we need to do - should ask the legal to send us an updated review about practices and policies as far as they impact the ICANN environment.

The request was done in such a way that we actually – ICANN Legal to do this in-house but to reach out and to work with privacy counsel on this one because it's probably too complex area to do this in-house. That's what is in the - practically in the document. And the way it is drafted it would request as well to give precise examples and not just to stay up to track in the theoretical sense that we give precise recommendations at what should change in so far the ICANN parties would be impacted by the various laws.

We have to be a little bit careful because some of the changes at least as far as they are coming from the European Union, some of the changes are still in flux. For example the implementation of the data protection law will come into effect in 2018, but even after 2018 certain parts might be not fully implementable depending on certain interpretations.

But this only gives us an example on the European Union. And I don't think that we should focus only on the European Union, but so many other locations around the globe which might impact our environment. But anyhow it tells us how important it is to get an update and to understand the potential difficulties the ICANN ecosystem might face because of the various data protection or data privacy laws.

So this is what I've done. It's a draft I think which why we sent out to everybody and just maybe would be good to get reviews back and reflections from colleagues what they think about it, how we should proceed.

My idea would be to get this out as quickly as possible and not to wait. We have an exchange with the data protection authorities, at least what I hear,

and Copenhagen. And it could be good to have some clearance about what we want from the Council as early as possible, definitely before the meeting in Copenhagen.

James Bladel: Okay thank you, Erika...

Erika Mann: James, back to you.

James Bladel: ...for that. Thank you, Erika. We certainly appreciate that introduction as well as the work that you put into drafting this draft request. I'm just noting in the chat that Stephanie thought that such a legal review might also be informative to other areas of work like the RDS PDP. And I would note that we are also kicking off the RDS Review Team and some of these other groups might also find this valuable. So I think it is something to consider, and it's something that we should discuss as the Council.

And I would encourage everyone to please take a look at this on the mailing list. I think Erika's draft is something that deserves our full consideration. And so if you could please put that together, put together some time to review that and submit your comments to the list, that would be fantastic.

And yes, Marika, if we can boil down the specific questions that we are looking to address as well as, you know, how they would impact the ongoing work is good. Okay, oh, sorry, Paul, go ahead.

Paul McGrady: Thanks, James. Paul here. So I just, for clarity, can we talk about next steps on this? We're going to talk about it on the list, is that meant to lead to something? Everybody does their best to stay active on responding to things on the list, but with, you know, four work tracks in this and three in the other, you know, I'm concerned that violence could mean assent on something. And so I just want to understand what's next? I mean, will we talk about this in Copenhagen? Anyways thank you.

James Bladel: Yes, Paul, I think specifically what we're looking for is do folks support the idea of requesting an updated legal review from ICANN Legal? And if so, when should that occur? And if so, what should that request from the GNSO Council look like?

So for example, if you believe that we should have won but it should wait then I think that's part of a conversation; or you could say we don't believe that there should be one at this time or we should do it but we shouldn't use outside counsel as mentioned in Erika's request, I think all those are just examples I think of things that we should do.

And then I think what we'd like to see is to boil all of that down into a position from the GNSO Council that can be expressed in Copenhagen and can be communicated back to ICANN Legal and the other folks. I think given the length of time that has elapsed since the previous review and the fact that, you know, the ground is shifting under our feet as far as the Europeans in particular, I think it's a question of probably when not if. But, I mean, when does it make sense and who pays for it and what's the outcome of such a review meant to inform?

But I think all of those are questions that we can take to the list and then try to hash out some common position that we can communicate in Copenhagen. Hopefully that's what you were looking for, is something a little more specific and less squishy than just take it to the list.

Paul McGrady: Thanks, James.

James Bladel: Okay thanks, Paul. And I'm just noting Avri has some chats as well. So okay, that takes us two minutes over our time. So thanks to everyone for sticking around. We do have I think Ed has raised that he would like - raised his hand that he has one bit of AOB. So, Ed, if you're ready go ahead.

Ed Morris: Thanks, James. Yes, hate to keep people over, but this is an issue that is still here from and year, was raised by Avri actually, at an open mic, which is the rather opaque and closed nature of the informal Council meetings. We're now coming up to Copenhagen. We haven't taken action on this. And I'd just like to request that that meeting be opened or we are going to close it, we actually vote to close the Council meeting per Section 3.2 of the Operating Procedures.

I think for an organization that talks about transparency and openness, to have this closed meeting, I understand why we have the informal section, but I'd suggest we need to open it up because we are doing a lot of serious policy making inside the meeting. And having just spent two years of my life trying to force the Board to open up their records and their meetings per se and to be a lot more transparent and opaque, I hate the fact that we actually are closing our working sessions. Thank you.

James Bladel: Thanks, Ed. I note that we did have that discussion and that Avri did raise that point in India. I thought one of the ideas, and Avri is in the queue next and so we can go to her - or wait, her hand went down. I think one of the ideas that we proposed then was that the meetings be closed but recorded and that the recordings be published or the transcripts be published. And I think that might have been something that we could also consider for Copenhagen.

But I think your point is noted and Avri and - if you'd like to make that as a proposal for Copenhagen that we are open to meeting or vote to close the meeting or something in between where we have a closed meeting that's recorded and published or transcribed, I mean, I think all of those are certainly things that we can consider.

I just want to make sure that we continue to – look, I'll just be blunt, a couple of issues over the last three or four meetings have been saved in those meetings because I think people have been willing to discuss their

differences frankly and candidly. I want to make sure that we preserve that value and that we're not just having another Council meeting, except this one with snacks and refreshments. That's my only concern is that it doesn't, you know, turn into something less valuable.

But I think Paul and then Avri. Sorry, Avri.

Avri Doria: Yes, thank you. This is Avri speaking. And I put my hand down before because you said you were going to comment and I wanted to let that happen first. I understand the value you're trying to protect of getting some work done and people speaking frankly. The value that I guess I was trying to see protected is what I was always most proud of with the GNSO was its transparency and the fact that it was more transparent than anything else around, you know, either in or out of ICANN and it worried me to see that slipping away.

I do think being intentional about what you close, whether it's by vote or otherwise, is essential. And if nothing else, the recording after so that people can see the discussion that happened. Now I don't see any problem with people sitting there in the back and listening and such. And I would hope that most Council members would be able to speak their mind even openly. I would hope that that would be one of the requirements of being on Council was being brave enough to speak one's mind in the open, but it may be deluded about that necessity.

But so I really do encourage us to basically keep it open if possible but if not at least let everybody see what was said and to be intentional about the action taken in closing. Thanks.

James Bladel: Thanks, Avri. Possibly what we can do is at least plan for the contingency that this meeting will be recorded and we will have that ready so that if it's closed, it's closed but if we vote to keep it open we won't have to scramble to

get a different room or different staff resources lined up or something like that. So I think that's something we can do immediately.

And then I would say that this conversation should continue not only on our mailing list but also as we continue to plan for Copenhagen. And when we are on the ground there at ICANN 58 let's have a clear understanding, if we're going to close it, let's vote to close it, as you said. That certainly – it's certainly possible that we can have it both ways, that we can have an open session and then moved to a closed session, and anything that we feel could benefit from that closed session, those agenda items can be moved to the back end of the meeting.

But I think that there are competing good intentions here. I don't think anyone is looking to do anything in an opaque manner; I think that it's just a recognition that, you know, some things can get done a little bit more expeditiously if we are kind of meeting to prep for our open Council meeting. So thank you for raising that, Ed, and thanks for following up from Avri's ideas from Hyderabad.

We are nine minutes over. I don't know if there are any other items of AOB. Going once. Okay, the queue is clear. The agenda is completed. We have a number of items that are going to be hitting the list so please don't be shy, let's continue these conversations particularly about the standing selection committee, that charter, whether or not to pursue a legal review on Whois conflicts and EU law, and also that bit about limiting the scope for ATRT 3. I think those are all issues that we had healthy discussions here in Council, and they need to continue.

With that we'll adjourn the call. And thank you, everyone, especially those on the Pacific Coast, those strippers who got up at four o'clock in the morning, and we will see you in Copenhagen. Thank you.

Cheryl Langdon-Orr: Bye.

Wolf-Ulrich Knoben: Bye-bye.

((Crosstalk))

Terri Agnew: Thank you.

Terri Agnew: Thank you very much for joining. This concludes today's call. Operator, please disconnect the line.

END