

ICANN
GNSO Council Teleconference
Thursday, 19 January 2017 at 21:00 UTC

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Date: 19 January 2017

Coordinated Universal Time: 21:00 UTC

<http://tinyurl.com/zocj4py>

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Friday 20 January 2017) 00:00 Istanbul; 08:00 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, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr(absent – apology, proxy given to Stephanie Perrin), Stephanie Perrin, Stefania Milan, Ed Morris (present until the end of item 4– temporary alternate: Martin Silva Valent), Marilia Maciel (absent), Rafik Dammak, Martin Silva Valent

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

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Patrick Myles - ccNSO Observer – (absent)

Carlos Raul Gutierrez– GNSO liaison to the GAC

ICANN Staff

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

Marika Konings - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Steve Chan - Senior Policy Manager, Policy Development Support

Berry Cobb – Policy consultant
Emily Barabas – Policy Analyst
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
Ariel Liang - Policy Analyst, Policy Development Support

Coordinator: Excuse me, the recordings have started.

Nathalie Peregrine: Thank you very much, (James). Good morning, good afternoon and good evening everybody, and welcome to the GNSO Council meeting on the 19th of January, 2017. Would you please acknowledge your name when I call it so that we know you're able to speak especially for the votes that we have during this call? In that case we'll know that you're on the line and that you have no connectivity issues.

So James Bladel.

James Bladel: Here.

Nathalie Peregrine: Darcy Southwell.

Darcy Southwell: Here.

Nathalie Peregrine: Michele Neylon.

Michele Neylon: Here.

Nathalie Peregrine: Donna Austin.

Donna Austin: Here.

Nathalie Peregrine: Rubens Kuhl.

Rubens Kuhl: Present.

Nathalie Peregrine: Thank you. Keith Drazek.

Keith Drazek: Here.

Nathalie Peregrine: Valerie Tan.

Valerie Tan: Here.

Nathalie Peregrine: Phil Corwin.

Phil Corwin: Present.

Nathalie Peregrine: Thank you. And Phil Corwin is also proxy for Susan Kawaguchi should she be experiencing connectivity issues during the call. Susan Kawaguchi, I believe you're on.

Susan Kawaguchi: Here.

Nathalie Peregrine: Paul McGrady.

Paul McGrady: I'm here, thank you.

Nathalie Peregrine: Heather Forrest.

Heather Forrest: Here, Nathalie, thank you.

Nathalie Peregrine: Tony Harris.

Tony Harris: I'm here.

Nathalie Peregrine: Thank you. Wolf-Ulrich Knoblen.

Wolf-Ulrich Knoblen: I'm here.

Nathalie Peregrine: Rafik Dammak.

Rafik Dammak: I'm here.

Nathalie Peregrine: I see Rafik in the Adobe Connect room. Okay, thank you, Rafik.
Stephanie Perrin.

Stephanie Perrin: Thanks, Nathalie.

Nathalie Peregrine: Thank you, Stephanie. And Stephanie Perrin is proxy for Amr Elsadr who
has sent in his apologies. Stefania Milan.

Stefania Milan: Here.

Nathalie Peregrine: Ed Morris.

Ed Morris: Here, Nathalie.

Nathalie Peregrine: Ed Morris as notified that he will be present on the call until the end of
Agenda Item 4 at which time his temporary alternative, Martin Silva Valent
will replace him. So Martin Silva Valent.

Martin Silva Valent: Here.

Nathalie Peregrine: Marilia Maciel. I don't see Marilia in the Adobe Connect room yet. Johan
Helsingius. Johan, I think your microphone is muted in the Adobe Connect
room. Okay, we see him in the Adobe Connect room. Cheryl Langdon-Orr.

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

Nathalie Peregrine: Carlos Raúl Gutiérrez.

Carlos Raúl Gutiérrez: On the phone line only. Thank you, Nathalie.

Nathalie Peregrine: Thank you. Erika Mann. I see Erika is in the Adobe Connect room. Patrick Myles. I don't believe Patrick has joined the call. From staff we have Mary Wong, Marika Konings, Steve Chan, Terri Agnew and myself, Nathalie Peregrine. Berry Cobb is also on the line with us as well as Josh Baulch for technical support.

May I please remind you all to state your names before speaking for transcription purposes? Thank you very much, James, it's over to you.

James Bladel: Thank you, Nathalie. And welcome, everyone, to the first GNSO Council call for 2017. Happy New Year, and I hope that everyone had a nice holiday break. Please remember to mute your line when you're not speaking and to state your name for the transcription purposes.

So we have a fairly full agenda for today's call, but before we dive in if we could please – if there's anyone who has any updates or changes to their statements of interest or their status as a counselor, please raise your hand in the Adobe chat room or otherwise get my attention on the call.

Okay, seeing none, then I would ask everyone to take a look at the agenda, which is posted in the right hand window of the Adobe chat room, and was also circulated to the list earlier this week. If there are any updates or amendments to the agenda please get my attention now. Okay, seeing none we'll consider the agenda adopted and we'll move forward.

Just one other note here on Item 1.4 under Administrative Matters, the GNSO support staff has informed the chairs that they – and I believe there was a note posted to the list to this effect as well – that there was a change to the backend software that supports our mailing list.

And this will allow for a new features which is observer status so that folks can subscribe to having the GNSO Council mailing list delivered to their inbox I believe as a – on a read-only basis. It's of course also still available via the archives on the Website. But this is just another way for folks to track the communications that are going on on the Council list and to keep up to date with our discussions.

Of course councilors will still have full access to the mailing list. And I don't know if staff has any other comments to say besides that but that is something that you will see that's new for 2017 and if you have folks that would like to follow the Council list then maybe point them in this direction, they can sign up as an observer.

Okay, moving then to – oh, sorry, Marika, go ahead.

Marika Konings: Yes, this is Marika. I just wanted to note that we'll also send a notice out to the different stakeholder groups and constituencies and probably post something on the GNSO Website as well so people are aware that they now have the ability to sign up as an observer and explain as well how they're expected to do that.

James Bladel: Thanks, Marika. And if I'm not mistaken, there will also be a break in our archives in that there will be separate links for all archives leading up to the end of the year, 2016, and then there will be a new link for all archives going forward beginning January 2017, is that correct?

Marika Konings: Yes, that's correct.

James Bladel: Okay excellent. Thank you. And maybe if we could get that out on social networks like Twitter just raise awareness of that change that'll be great. Then moving on to Administrative Item Number 1.5, Glen has – and Nathalie have posted the remaining minutes from previous minutes, including Part 2 of our meeting in Hyderabad, the minutes from our previous two calls, which were on December 1 and December 15, and I think there was also some obligations that were pointed out by Wolf-Ulrich regarding notifications that were required to be sent to the Board involving the election results from Hyderabad and all of that has since been taken care of, so thanks for that reminder, Wolf-Ulrich.

That's all I had to report on the minutes. Does anyone have any questions or comments on Agenda Item Number 1? Okay great, let's move on then to Agenda Number 2 and let's look at our project list and action items, if we can give staff a moment to pull that up, whichever one comes up first.

Okay first up is our project list. As you can see have nothing in scoping or initiation. We have a number of active working groups, those are currently listed there in Status 4. Nothing that is currently in the status of a concluded working group into Council deliberations. Our GNSO Review Working Group, the IGO INGO and Geo Regions Review are all concluded from the Council's perspective and are awaiting a Board vote.

And we have a number of projects that are in the implementation phase including our work under the revised ICANN bylaws, the GAC GNSO Consultation Group, Early Engagement, Privacy Proxy implementation, Translation and Transliteration, IRTP Part C, Thick Whois and IGO Names in all gTLDs.

That's currently the status as things sit at the beginning of the year. I don't know, Marika, if there have been any significant changes since our call on 15th of December. But I think that we are perhaps targeting in the early part of this year that some of these items from implementation will be wrapped up.

Any questions or comments on the project list? Okay, quiet group. Heather, go ahead.

Heather Forrest: Thanks, James, very much. Heather Forrest. Just to note that when the projects list was circulated around on the list, I made a few substantive updates in relation to the Cross Community Working Group on the use of Country and Territory Names as TLDs, so you'll find those minor amendments on the list. Thanks.

James Bladel: Thanks, Heather. And that's the second to the bottom item on – in Phase 4 of working groups? Is that correct? Okay thanks. Next up is Tony. Go ahead.

Tony Harris: Yes, just to mention that regarding the auction proceeds working group we have our initial call on January the 26th.

James Bladel: Thanks, Tony. That's a good update. So perhaps we can note that that working group will be underway beginning January 26. That's your first call, correct, Tony?

Tony Harris: That's right, yes.

James Bladel: Okay great. Glad to see that effort is getting kicked off. Phil, you're up next.

Phil Corwin: Yes, thanks, James. Just want to mention that the – currently in the working group phase the Curative Rights Protection for IGO INGO PDP, we should be publishing our draft report and recommendations for 40 days of public comment hopefully tomorrow. So that will go out tomorrow, comment period closing late February, early March and then I can't project how long it'll take us depending on the comments and their range. But it should be getting for Council deliberations certainly in the second half of this year. So just an update on that. Thanks.

James Bladel: Thanks, Phil. That's a good update and we can all keep an eye out for those – for that draft report and that comment period. Donna.

Donna Austin: Thanks, James. Donna Austin. Phil, just a question and a follow up from a discussion we had with the Board in Hyderabad, have any arrangements been made to have a webinar or some kind of explanation, discussion with the GAC soon after the initial report has been posted? I really think it's important that we do that. And perhaps if nothing has been set up maybe it's something that Carlos could take on for us?

Phil Corwin: Yes, Heather, and I note Mary is on the call. In fact the cochairs had an exchange with Mary yesterday asking about our availability for a webinar early in February. And I'm not sure whether it's on the schedule for Copenhagen but certainly the cochairs are happy to participate in any event on that topic in Copenhagen.

Donna Austin: Thanks, Phil. I think that's helpful. And, James, I think this kind of – might be an important piece of information once we have the discussion on IGO Red Cross further down the – in the agenda. So and, Mary, I note you'll be sure to invite the GAC. I'm, you know, in my mind I think we should also think about whether there is a dedicated webinar for the GAC because I think it will be a different – potentially a different set of questions if we just have a separate one for them. But anyway I'll leave that to the working group. Thanks.

James Bladel: Okay thanks, Donna and Phil. And I'm noting in the chat that Mary has noted that we would be sure to invite the GAC. Just one other question, and I guess this is just something I hadn't noticed previously. But why – and this is maybe for Marika and Mary – why we see a status "Other" for the Competition, Consumer Choice and Consumer Trust Review Team and the CCWG for Framework of CWG Principles.

And whether – does that mean that those are – and certainly in the case of the latter, that's something that's winding down and going to be off this list

soon? Do we need to create a new kind of category or status to track these items going forward or are they just one-off projects that really maybe don't belong on this list? I'm curious as to what the, you know, what staff opinion of that is. That was simultaneous, let's go with Marika first.

Marika Konings: Sorry about that. So on the first one on the CCT I think it's basically added there as it's considered, you know, so closely linked to the work of the New gTLD Subsequent Procedures PDP that we thought it might be useful just to track it there as well. And I think that's the main reason why it has been added.

I note in the other one it actually used to be a (charge) of implementation as I think there was still some outstanding action in relation to that concerning sharing the framework as adopted by the GNSO and ccNSO. Actually I'm not 100% sure why it moved to the Other Category. And that's maybe why Mary raised her hand.

James Bladel: Mary, did you have something to add?

Mary Wong: Not specifically, James, just that as I noted in the Adobe chat to follow up on Marika's point that we as staff do have an action item to make sure all the SOs and ACs know about the completion of the work. But from the GNSO community perspective, the work is done. Thanks.

James Bladel: Okay awesome, thank you. And just as a side note, I just received word that staff is working to fix the audio cast issue, they've identified the problem and appears to be with the phone provider. So I note that a number of councilors and folks in the chat have asked if that was going to be fixed soon. And I know they are working on it. So bear with us please. Thanks .

Okay any other questions or comments on the project list? Okay seeing the queue is clear, we can then move on to the action item list. We can pull that up. Give a moment for that document to load. Okay great.

Items that are, I believe, that are in blue will appear later in our agenda for r this particular meeting so that's ICANN 58 planning and the IGO INGO PDP issue. Item green is completed and that was our resolution relative to Internet governance.

The other items are, I believe, ongoing so we have a couple of items there relative to PDP improvements and modifications to address Whois conflicts with national law. That latter one is a discussion that we had some, I think, some substantive work done in Hyderabad but really has been a little stuck ever since and I intend to get that going again so that we have something to discuss in our February meeting.

We have a charter for a new CCWG on Auction Proceeds. And as we heard from Tony, that group is getting underway I believe next week. We have the interim representative for the empowered community.

And something that we should be aware of is that depending upon the status of the workgroup that's working on the updates under the new bylaws, we may need to renew that and that might be an extension of the current interim appointment, which is me or we could find someone else to step in. But I can tell you there's been very little to report on that. But I expect that will be a topic of discussion for our February meeting as well.

We have completed the review of the communiqué from Hyderabad. We are going to be discussing SSR. And we have a number of completed issues here, a letter to the Board on IRD, we have provided our feedback on a limited scope for the RDS Review Team. We have the Council responses for CCWG Accountability Work Stream 2. And we are – we've completed the review implementation plan, submitted that to the Board.

And I don't know that we've received a response yet. We only sent that to them right immediately before the holiday break so I think we're still awaiting

a response from the Board on that one. Does anyone have any comments or questions relative to our open action items?

And hearing now from staff that the audio cast is up and running so thank you. Thanks, (Josh), for that one.

Donna, you're up.

Donna Austin: Thanks, James. Donna Austin. So nothing on the open action items, just on one of the completed ones, which is the GNSO review of the GAC communiqué. Just to note that I did send on to the Council list – I think it was a transcript and the recording from the GAC conversation with the Board about the communiqué which is really helpful.

I think the other thing that was obvious to me from the call is that the GAC had a copy of our response to their communiqué, but the Board members that were on the call obviously hadn't seen it. But one of the things that triggered something for me is that we really should try to get that response done before that communication happens between the GAC and the Board. And that, you know, is – may be a challenge for us or maybe the other side of it is maybe we should wait until after that call to do it. So maybe that's something we need to think about moving forward.

But also on – I think it was Jorge from Switzerland asked a question related to one of the responses that we had as it relates to the Red Cross, which I think we said that we're waiting on something from the Board for that. So I just wonder whether there are – we should actually go through the responses that we've done for the Board and where we have things like that maybe we need to be more explicit with the Board in a covering letter about what our expectation are.

So I just wanted to flag that, James. I mean, I think it's terrific that the GAC is obviously taking into consideration what we have provided to the Board. We

should think about, you know, what's the optimum time for us to provide that whether it's prior to the GAC and the Board talking or whether it would make sense to hold off until afterward so that we would have a better understanding of the intention of the communiqué.

And also if there's anything explicit that, you know, that perhaps we've hidden within the response to the Board that we should draw that out and say that we are expecting a response or something like that. So I just wanted to flag those items, James. Thanks.

James Bladel: Thank you, Donna.

Carlos Raúl Gutiérrez: James, may I ask something to that? Carlos.

James Bladel: Yes, Carlos, go ahead.

Carlos Raúl Gutiérrez: Yes, this is a good case, Donna, how the Red Cross was upgraded to advice level. I mean, it had been part of the IGO INGO in the previous communiqués, and once in Hyderabad it changed lanes and now it – I recommend that when we do these exercise either before or after the Board call we also take a timeline view of how this advice has evolved because it was very surprising what happened with the Red Cross there. Thank you very much.

James Bladel: Thank you, Carlos. And, Donna, I think your point is noted. We have a process to respond that we've been following but it may need to be tweaked. We, you know, to provide more timely response either immediately after the communiqué or to wait until after this – the Board GAC call so that we can specifically address any points or questions that were raised during that.

And, you know, I think you're correct in that, you know, it's not like we don't know these things are coming. They're a fixture at every ICANN meeting so we can be prepared to respond and get something going faster.

Yes, and I think, Carlos, and having a cover letter that outlines specifically what we are expecting by way of response from the Board I think would also be helpful. Anything that we can do to clarify our expectations at the outset is probably a good thing.

And Carlos's point about tracking an issue as it graduates from a mention or, I'm not sure what the lower level is from just inclusion in the communiqué up to formal advice with a capital A, is probably also worthwhile if we see an item changing either being promoted or demoted through communiqués over time. So I think those are all good feedback. And I've captured those here and I will ask staff to capture them as well.

I do think that we probably would be – the response would be more valuable if we could get it closer to the publication of the communiqué. I think we were just a little challenged with getting that out on time this time around so thanks.

Any other thoughts on that topic, of the communiqué or any of the items here in the action item list? Just noting in the chat that Erika is agreeing with that and as a formal Board member we appreciate that perspective. Okay fantastic. Let's then close this and close Item Number 2, which is the review of the projects and action list. And thank you, everyone, who contributed to that both on the call today and on the list.

Item 3 is the consent agenda, which is empty. And in fact we really don't have a lot up for vote this time around. But our first item is up for a vote and it's a motion for the endorsement of GNSO representatives to the Security, Stability and Resiliency, or SSR2, what I've been calling it affectionately, Review Team.

And as we noted, we've got a couple of parallel tracks here. I think we've all agreed, and thank you, Susan and Ed, for kicking this off, that we need a formal process to address these review teams now that this responsibility has

moved away from under the AOC I believe it was the – it was the Chairman and the Chair of the GAC. And we've moved this now to the SOs and ACs.

So we need to develop our process for that and we are working on that. And I think we're going to need to schedule a call next week to finalize that because there are more review teams and candidate evaluations in our future.

But in the interim, for this first one, because we're under a deadline, we put together a small team of the Council chairs and Susan and Ed, to take a look at our candidates, all those candidates that were requesting GNSO endorsement, and put them together with our recommendations.

There are three guaranteed slots for primary members, is what we're calling them. And then there are up to four additional alternate slots, which may or may not be included depending upon the needs and the size of the review team, the composition, the need to balance diversity for gender, language, region, etcetera.

I just want to note that this process has really opened my eyes to the fact that this always going to be somewhat more of an art than a science. Just let everyone is bringing some – some different unique set of experiences and expertise to contribute to these review teams. And I think everyone has something of value to contribute and so it's really, really difficult to do a comparison.

But I think that the group that we've put together did a great job and we came up with these recommendations. And if you don't mind, I will go ahead and read the amended motion, which has been seconded by Ed. The – I'll just skip to the Resolved bit if you don't mind?

Resolved, the GNSO Council nominates, in alphabetical order, Denise Michel, Emily Taylor, James Gannon as its primary three candidates

for the SSR2 Review Team, noting that these candidates under the new ICANN Bylaws are entitled to be selected.

Furthermore, the GNSO nominates, in alphabetical order, Rao Naveed bin Rais, Howard Eland, Norm Ritchie and Scott McCormick to be considered for inclusion in the SSR2 Review Team by the SO-AC Chairs should additional places be available.

Noting the lack of diversity, gender, geographic, of the applicants, the GNSO Council encourages Staff to explore ways to encourage gender and geographic diversity in applications for future review teams.

Three, The GNSO Council instructs the GNSO Secretariat to communicate resolved 1 and 2 to the staff supporting the SSR2 Review Team.

Four, the GNSO Council instructs the GNSO Secretariat to inform the applicants that have received endorsement that the GNSO Council expects that, if selected for the SSR2 Review Team, the applicant will represent the views of the entire GNSO community in their work on the SSR2, and provide regular feedback as a group on the discussions taking place in the SSR2, as well as the positions being taken by GNSO Review Team Members.

And five, the GNSO Council requests staff supporting the SSR2 and application process to send a response to those applicants who did not receive endorsement, if any, thanking them for their interest. The response should also encourage them to follow the SSR2 work, and participate in Public Comments and community discussions.

This is where we landed with our three primaries and our four alternates. And I think it's a good slate of folks and I really am grateful to Donna and Heather and Susan and Ed, and Valerie, who also contributed as well ,to the evaluation of these folks and the meetings that we had over the holiday break to arrive at this list.

So with that I'll open this up for discussion or questions. And then we can proceed to a vote. Okay, first up is Wolf-Ulrich. Wolf-Ulrich, go ahead.

Wolf-Ulrich Knoblen: Yes, hi. Thanks, James. Wolf-Ulrich speaking. Well I'm okay with this motion and with the result of the motion. And thank you very much for the team who was working on that. Just a question with regards to the last amendment you brought in to replacing one of the candidates. Because my question is, how could it happen that somebody is nominated or they are nominated by two SOs, one from the RSAC and from the GNSO?

I thought, from the process, that the candidate have to supply or to provide or submit their affiliation where they affiliated to and then was that failure just in the process or what happens with that? That is just my question. Thank you.

James Bladel: Thanks, Wolf-Ulrich. I think that – I think that in this particular case we were evaluating (Erik) as a person who was seeking GNSO endorsement. And I'm looking to staff here to weigh in and correct me if I've got this wrong. But other groups were also – or at least did not feel constrained to choose only from those particular applicants who they – who were seeking their endorsement and looked at the entire slate of candidates as a whole.

We were not aware that they were going to do that. In a way, it was encouraging to see that one of our selected primary members was also the first or one of the top three choices of another group, which kind of validates our evaluation process as well. But it did catch us off guard because they submitted their slate of primary members before we were able to. And so that essentially meant that one candidate or one applicant was double-selected.

But that also presented an opportunity for us as evaluators to take a look at our alternates and to see if we wanted to select again for that empty spot there. And I think that the consensus amongst the selection team was that we did want to go forward with a full slate of members and alternates and so we

kicked off a smaller process to fill out those empty slots. And that's where we ended up with the amended language. I hope that made sense.

The sequencing I think – the two challenges were that we weren't aware that other groups were looking at all candidates and not just those that were asking specifically for their endorsement. And secondly, that other groups finished this work and published their selection before we did, which gave us that opportunity to revisit our candidates. I hope that made sense.

Next up is Paul. Paul, go ahead.

Paul McGrady: Hi, Paul McGrady for the record. So I don't have any problem with these candidates and the process and I'm thankful to everybody for their hard work. But I just can't help myself by saying that oftentimes when last-minute adjustments are made to motions, you know, there are – sometimes we're all tempted to throw up our arms and say, you know, wow, this is last minute or this is so unusual.

And I just wanted, for the record, to note that this kind of thing is not unusual to have a last minute change like this, and it seems to be pretty common practice. So since this seems to be a fairly noncontroversial motion, I thought it was a good time just to note that, you know, last minute changes do happen and sometimes we all have to be flexible. So that's all. Thank you.

James Bladel: Yes, thanks, Paul. And that's a great comment and it's kind of how we all saw it as well as an opportunity both as a validation of our evaluation process that, you know, they went off independently and came up with one of the same answers, and then also that it gave us an opportunity to expand our list of candidates. So we tried to be flexible and not necessarily handcuffed to our process. So, yes, thanks for that comment.

I think Keith had his hand up but I saw it go down so I'll go with Heather next.

Heather Forrest: Thanks, James. Heather Forrest. I just wanted to pick up on Item 2 in the resolved clause and make it very clear for the record that that's not simply lip service. We had a difficult time drafting this, the lack of diversity in our applicants, and we've experienced that in other efforts as well. It seems that at time we ask for volunteers there tends to be a trend in geographic and gender representation. So this is of course something that's reflected in the GNSO review and something that we need to think about, let's say, more broadly within the GNSO.

And as a broader organization and how we go about doing that strategically when we call for these sorts of applications, is something that we should be thinking about as opposed to let's say the reactive side. I think we need to be more proactive. Thanks.

James Bladel: Thanks, Heather. And agree. And I think that was a, including Resolve 2, was something that we all wanted to see reflected in the motion and is something that we're going to be watching for future review teams.

That brings us to the end of the queue. This was a confusing and, let's say, suspenseful and interesting process. But I think that we arrived at a good result and certainly thank everyone for putting in the extra hours to do this the right way and to give everyone due consideration. All of the materials that were submitted were fairly extensive and also very impressive credentials and CVs, and letters that had to be reviewed carefully. So thanks, everyone, for putting in the time to do that.

If there are no other questions or comments, we can move to a vote on Agenda Item Number 4. And if there are no objections, then I would ask Nathalie if we can proceed with a voice vote?

Nathalie Peregrine: Thank you very much, James. Would anyone like to abstain from this motion, please say your name. Hearing no one, would anyone like to vote

against this motion? Hearing none, would all those in favor of the motion please say, "aye"?

Heather Forrest: Aye.

Phil Corwin: Aye.

(Group): Aye

Nathalie Peregrine: Thank you very much. And, Stephanie Perrin, proxy for Amr Elsadr please?

Stephanie Perrin: Aye.

Nathalie Peregrine: Thank you very much. With no abstention or objection, James, the motion passes.

James Bladel: Thank you, Nathalie. And thank you, everyone, for that item of business. And before we go if we can just make sure we follow through on those staff-directed items there to close off and notify the candidates that were selected and the candidates that were chosen as alternates as well.

Okay then returning to our agenda we have Item Number 9, and this is a Council discussion. And this is probably going to be myself and Heather and Donna and staff.

But I think you saw on the mailing list a note, and I think there were some folks that had questions or that weighed in as well, on the issue of where to proceed with the IGO INGO issues and specifically the differences between the PDP recommendations from the Council-adopted PDP back in late 2013, the GAC advice that is – that contains different recommendations and was most recently reiterated coming out of Hyderabad and both of those sort of conflicting requests or instructions now resting with the Board.

And the Board is understandably looking for the most amenable path forward to reconcile those two groups, our recommendations and the recommendations and the GAC.

And one of the discussions coming out of Hyderabad was that we would participate in a, what's being termed as a facilitated discussion whereby members of the GNSO and members of the GAC would sit down and work with a facilitator, in this case it would be Bruce Tonkin, to address the differences, understand and educate on the different procedures that are available to each of the groups and essentially just try to find a path forward to untangle these so that we can give some direction to the Board or present the Board with some options so that they can give direction back to the community.

I don't know that any particular outcome is assumed or guaranteed at this point. I think the timeline is that we would like to proceed with this as quickly as possible but the understanding is there would be some sort of a facilitated session in – at ICANN 58 in Copenhagen. And that is also part of our planning for that meeting.

As far as who would participate on behalf of the GNSO we had identified that it would be myself and Heather and Donna as well as Carlos as our GNSO liaison to the GAC. We've also probably alerted Thomas Rickert, who was Chair of the long-forgotten PDP working group that arrived at the original policy recommendations. We've also noted Phil and Petter as the Cochairs of the existing and ongoing Curative Rights PDP, that those PDP leadership individuals may also be called upon to participate in this discussion.

I think that, you know, we heard a couple of responses on the list when I originally put this out, that this facilitated discussion was being proposed. And I think what we want to discuss here today is essentially a couple of just, you

know, threshold questions. First off, you know, does the GNSO accept this invitation to participate in a – in the facilitated discussion?

I think the, you know, I think I know what the answer is but I don't want to assume that. And I think that we need to have that – have that opportunity to discuss that at the Council. And then secondly, do we have – do we have the right list of participants identified? Is there somebody that we've left off that needs to be a part of this group? Do we want to make it larger, keep it small? This is also I think a topic for the GNSO Council to discuss.

And then finally, procedurally how do we want to, you know, open up this topic when we get into a discussion with the GAC, members of the GAC, with the members of the Board and what our objectives and goals should be.

So putting that on the table, I know it's a huge topic and it's, you know, it's just this kind of a shapeless blob of a topic right now but hopefully we can put some definition around some basic threshold questions and give the group of participants who will be representing the GNSO in these talks, some guidance on how to proceed.

So with that we'll throw it open for a discussion. I note that there's no shortage of opinions on this. And I want to make sure we capture them all and particularly if you've heard any from your stakeholder groups and constituencies. First up is Donna. Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. So this isn't necessarily specific input to this discussion but just at a high level, I really think this is something that we do need to participate in. I know there's a lot of emotion around it from a number of quarters, but I think if we can go into this with a level head and I see, you know, Erika's already said what do we want to achieve from this? And Phil said the rules need to be well-grounded. And I do agree with those.

But, you know, let's go into this with an open mind. It will be the first time we've tried something like this. I don't think it will be the last. So it maybe that, you know, as we, you know, move forward in years to come that this will become a format that becomes quite popular to resolve or, you know, reach agreement on outstanding issues. So I just wanted to kind of level-set that as we move into the debate of this discussion. Thanks, James.

James Bladel: Thanks, Donna. And just noting that Erika is posting a couple of questions in the chat just because of her connection, stability, but one of them was asking what we wanted to achieve. And I think that we can certainly touch on that before we close off this topic. But next up is Phil. Phil, go ahead.

Phil Corwin: Yes, James, I'll try to be as brief as possible. I want to raise a couple issues I think it's important for Council to consider. First, it's unfortunate that we're having the discussion without the ability to know what the Board is going to propose, the item says they are preparing to circulate a proposed process outline. And we don't know that yet so we're having this discussion in quite a vacuum without knowing what the Board thinks this is going to be about.

Number 1, we have to decide what a facilitated discussion is. The facilitated discussions I've taken part in within ICANN have been those of working groups to facilitate them reaching recommendations when they've reached certain critical stages of their process.

My concern is that a facilitated discussion might turn into a facilitated mediation session where basically a negotiation. And, you know, Donna just said this might set a precedent. I'm afraid it might set a bad precedent. We have a situation where the Council gave clear policy recommendations several years ago. The GAC gave conflicting advice.

And the Board, for whatever reason, probably in part due to pending transition, decided not to make a decision to either accept or reject the GNSO recommendations. And now they're basically – it looks like they're asking

Council and GAC to work it out rather than make a decision. And I would be concerned that becomes a pattern for future situations where the Council and GAC have conflicting ideas.

We also need to – what does this imply about the relative voice of the Council and the GAC in the policy process? When you have two parties and what might appear to be a negotiation, they appear to be equal but the bylaws are quite clear that the Council has the lead role in making policy and the GAC's role is merely advisory. So this could become a process if it set a precedent where the GAC in the end, can disagree and then have a co-equal role in hammering out the final policy.

And finally, while, you know, I'm not arguing against having this, I'm just saying we have to be very clear about what the purpose is and what the rules are before we enter into it.

While I'm happy to be part of the GNSO Council group due to my role as one of the cochairs of the CRP Working Group, I think that other than answering questions about the preliminary recommendations of that working group, it would be absolutely a terrible precedent and impermissible for this group to yet – to get into trying to make decisions about IGO access to curative rights process while there's still a pending PDP that has not completed, at the stage we'll be having this it will not have completed consideration of comments on the initial recommendations nor will it have put out a final report and recommendations.

And certainly the Council will not have concerted whether to accept or reject those recommendations. So I think that's a real minefield in regard to that part of it. But of course the GAC's notion and the Board has also said that the IGO small group proposal should be the starting point for Council discussion. Well, their proposal on CRP is significantly different from what our working group has arrived at.

So I'll stop there but I think this is worth getting into. But because of the precedent it might set and the implications we have to be extremely careful about how we enter into this and very clear about the rules and objectives are. Thank you.

James Bladel: Thank you, Phil. And I note this is a good conversation and general agreement with a lot of your contributions in the chat. I put myself in the queue at the bottom, but next up is Michele. Go ahead, Michele.

Michele Neylon: Thanks, James. Michele for the record. And first off, I think Phil should be thanked for all his hard work on this because he's been taking and putting in a lot of time, energy and effort into this specific topic.

But I think, you know, this is a broader issue. The kinds of relationship between the GAC and the GNSO and the GAC and the rest of ICANN, it's evolving and in some ways I suppose it is evolving in a positive sense in that there – with the liaison and various other things, there is a bit more of dialogue between the GAC and the GNSO and other groups, which is all positive.

But we do need to be very, very careful because as Phil as underlined, I mean, their position is clearly one to provide advice but there's a big difference between advice and something which is more than advice. I'm not a legal scholar and I, you know, I'll leave that up to those of you with law degrees to talk about the finer points of the term "advice" and all that.

But, I mean, from my perspective just having been involved in multiple PDPs over the last few years where the GAC or a subsection of the GAC has taken a different view to what the actual – the working group and the PDP has come out with, I mean, it does cause a lot of tension.

The most recent example that I was involved with was around proxy and privacy where the PDP completed its work, the GNSO Council did what it had

to do and then the entire thing got stalled by this kind of backwards and forwards between the GAC and the Board, which was a bit ridiculous, because, you know, then you have people coming along and saying well, you know, the PDP is taking far too long and you're not implementing things.

And the people complaining are, in some respects, are the ones who are actually causing the delays. So, I mean, I don't have an answer but I would, you know, wonder, I mean, how this is going to evolve. It does concern me deeply. Thanks.

James Bladel: Thanks, Michele. And I hear a number of points where you're agreeing with Phil. And I think this is exactly what we hoped to cover in this discussion. Next up is Paul. Paul, go ahead.

Paul McGrady: Paul McGrady for the record. And everybody is sick of me saying this, but this is why everyone objected to I believe it was Recommendation 11 as it was originally written. And why we, before we voted in Marrakesh to say yes, we were promised by the drafting team that we would not be put in this pickle where essentially the GAC can trigger a Board vote on something that they have to vote. And as a result, ICANN has become bicameral; there seems to be the GAC and there seems to be the GNSO, and the GAC essentially has a right to force a vote, which is essentially, in practical purposes, a veto.

And so, you know, I don't know why the bylaws didn't end up the way that they were supposed to be when they were finally drafted. But just, you know, for the record, this is why we're here. But we are here. And while I understand Phil's caution about the precedent, you know, we're here. And unless the GAC advice goes back to the way it was, which was advice, essentially now if all the GAC members agree it's a directive and the Board has to decide whether or not to accept the directive or accept what the GNSO Council policy making process has done.

And so since we are in this process, and since we are in this pickle, and there doesn't seem to be any sight – insight to the pickle, then I agree we should be cautious, but we do need to start working how we work things out. If the GAC has one view and we have another view, I guess I don't see any way out of that problem unless we just want to tell the Board, you know, take our policy advice or leave it. And that could lead to outcomes that we don't necessarily like.

So anyways, there we are, cautious but we have to be realistic that this is a situation we find ourselves in so we can't go in and be obstructionist, we have to figure out how to resolve the problem. And I think that every – the reason why everybody is looking to the GNSO to resolve it, to be the first party that bends, is because we're viewed as more nimble than the GAC, and that's fine. But that probably means a bylaws change or something along those lines, not sure. Thanks.

James Bladel: Thanks, Paul. And you used the word “veto” and I think that's one of my concerns as well. I think that's in line with a lot of what Phil was saying too. So I'm just going to keep taking myself out of the queue and giving – and deferring to other councilors. So next up is Heather. Go ahead, Heather.

Heather Forrest: James, Heather Forrest. I'm more than happy if you'd like to go first here, you're very welcome to, James.

James Bladel: Oh, I'm trying to capture all this and summarize at the end so – and then I may weigh in with some thoughts of my own, which I'm allowed to do that, but for the most part I'm just kind of – I'm just kind of bringing up the caboose here and making sure everybody has a chance to weigh in.

Heather Forrest: All right thanks, James. So I'd like to pick up on some points that Phil has made and also Paul in the last interjection. And I think Paul said something particularly important which is that there seems to be this expectation that the

GNSO is the party to bend because, you know, to use Paul's excellent words, the GNSO is a bit more nimble.

I suppose one of the concerns that we all have, and, James, I don't know how we, as participants in the facilitated discussion, if that's indeed what we decide to do, I don't know how it is that we clearly communicate, because I don't think we've really achieved this yet, that we participate in the process on the basis or on the understanding that there is no predetermined outcome.

I think one of the undercurrents or undertones that I'm hearing in Phil's comments and reading these comments in the chat is that we're going in this with the expectation that the GNSO is the one to bend, to use Paul's word. And I think there's an important point to be made here which is, you know, to the extent that we enter into these discussions, it is a level set and it is an opportunity to revisit some very complex issues. It is an opportunity to listen to each other's views. And that doesn't simply mean the GNSO to listen to other's views.

I don't know how we communicate this. I think the impression that I've had, I won't speak for the others who were on that call on the 20th of December, but the impression that I walked away with was that there was an expectation on some parts that the GAC advice would prevail. And I would like to think that somehow when we communicate our willingness to participate in discussions that we do so on the basis of the fact that this is an open discussion without a predetermined outcome. Thank you.

James Bladel: Thanks, Heather. Excellent points particularly about, you know, the default position seems to have some level of inertia and we need to make sure that we're controlling for that at the outset, I agree with you.

Donna, you're up next.

Donna Austin: Thanks, James. Donna Austin. So I, for one, have absolutely no idea how this is going to turn out. So I certainly don't have any preconceived ideas of at the end of the day what we're going to achieve by this. I just wanted to address, you know, I did use the term "precedent" but I wanted to put some context around this.

We have discussed with the GAC I think a couple of times now the idea of, you know, having a conversation with the GAC when we know PDP recommendations and GAC advice is inconsistent. And having that conversation prior to PDP recommendations being forwarded to the Board and GAC advice on an issue being forwarded to the Board.

So that's what I was talking about in terms of precedent, that this type of facilitated discussion might be the way forward for us to go in those instances. And I, you know, and I'm very much aware that we will be in that situation undoubtedly when we look at the Subsequent Procedures for new gTLDs. If we don't get there beforehand, well to some extent we're already there with Phil's Curative Rights PDP.

So that's the point I was trying to make about precedent. I'm not talking about, you know, renegotiating PDP recommendations because that's not something that we can do. So I just wanted to make that point, James.

I think the other thing here too is that there seems to be an expectation that the Red Cross protections is something that can be dealt with ahead of time. And I think we haven't really addressed that at the Council level. And perhaps that's something we should do. I think there's an expectation that there will be two, at the moment we're looking at two separate sessions, one for Red Cross and one for IGOs in Copenhagen. So I think we need to keep that in mind as well. Thanks, James.

James Bladel: Thank you, Donna. And thanks to – and thanks for clarifying what you meant by precedent. And thanks to everyone who weighed in on this. If you don't

mind, just not necessarily speaking – just in a personal capacity. I guess I find myself aligned pretty much exactly with some of the concerns from Phil, Paul and Michele and Heather in that – and I sense this kind of angst that we are going pretty far off the page and sailing into uncharted waters. And I think that's absolutely correct.

And I think that's troubling because it creates this new phase of – in the policy development process where, you know, you have to get the thing or sign-off or silent assent of GAC before something can proceed between the GNSO and the Board. I think that's a concern; it's certainly not part of any of the bylaws that I'm familiar with.

But also, this facilitated discussion, in particular, I think presents an opportunity to set a precedent for us to set the precedent of how the GNSO will approach these types of, you know, these situations where we have an impasse between GAC advice and policy recommendations and the Board is asking us to come in and, for lack of a better word, kind of defend our conclusions, defend our recommendations, defend our processes and to explain how we arrived at these discussions.

I think that – I tried to capture some notes here, but, you know, the conversation both on the phone and in the chat was going fairly quickly. I do think that – I don't believe that we should characterize these or treat them as sort of negotiation. I don't believe that we should presume any type of outcome.

If anything I believe there should be inertia around the GNSO recommendations as they stand currently and that the, you know, the burden or the onus should be on those wanting to see something different, to demonstrate where we got it wrong or where the PDP went off course or failed to live up to its processes.

I think that we have – I think Phil raised this point about the concern about having a chilling effect on an existing ongoing PDP with the curative rights. We want to make sure we steer clear of that but also simultaneously we need to kind of thread the needle so that we don't end up in the same situation with that PDP that we're in with this one.

You know, I think Paul – I think it was Paul – nailed it when he said that, you know, we're kind of seeing the GAC setting itself in a position where it is a part of the community but also separate from it. And I think this is an opportunity for us to go into these discussions and explain that this is the community developed process. This is the legitimate channel to get new policies.

Oh and by the way, if you want it to be enforceable via contracts, since ICANN has no specific legal authority aside from its own contracts, that there is one channel to get that done and that's through GNSO policy development. So I think maybe this is an opportunity to get all of those points, you know, on the table and to discuss them in an open and transparent manner and to get them – and to essentially, you know, to make our case.

So with all of that said, I guess I would just kind of circle us back to these threshold questions, which is should we participate? I don't think we have any place to tell the Board no, anymore than the Board can tell the GAC no. I think that we do participate but we go in, you know, with the expectations and with the objectives that we've laid out.

And then I would ask – I didn't hear anyone raise this but I would ask the Council if they have any objections to the team that we've laid out. I think the only concern I heard maybe was from Donna or Phil that bringing PDP leadership in might sway the outcome of a PDP that's currently underway. I think that's a good point, Phil. So maybe it was an opportunity to educate and to discuss and not necessarily to, you know, to have PDP cochairs called up before the GAC while their work is still ongoing.

And I think that was it. I think those were the threshold questions that we wanted to cover to feel like we had a clear sense of direction from the Council and from everyone on this call and from all the stakeholder groups and constituencies that are supporting us. But I think this is – we are the managers of the policy development process and we're being asked to come in and reinforce that process and I think we should do that. And I don't – I don't know that I'm hearing anything different.

So I'm just kind of trying to catch up on the chat here. But I'll go to Heather next and see if she has anything to add. Heather. You going to rescue me here?

Heather Forrest: Thanks, James. Heather Forrest. Just a procedural question. Given that the level of dialogue that's happened on this, I realize this is identified as a Council discussion item. Do we need to vote on this? Is there some way that we, in our maybe not in the formal vote, is there some way in our discussion that we capture a decision as to how we're going to proceed? Thanks.

James Bladel: Yes, thanks, Heather. That's a good question. I don't know that there's anything to put to a vote at this stage of the game except to, you know, to go in – do we go into the room, I guess is the potential for the vote here or the slate of, you know, of representatives. But it's possible that if we become – that this starts to look like it's becoming decisional that we would need to bring something back to the Council for approval or to reconfirm that we're on the right track or to, you know, or to course-correct if we've gone wrong.

So – but I just – I don't see anything that tangible in front of us immediately, but I think it's definitely potentially in the future. I don't know if that fully addressed your question, I'm just kind of doing the best I can here with not a lot to go by because as I mentioned, and I think everybody noted, we're way off the page here. Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. Just responding to a question that Erika asked, and Mary has responded to, so there are briefing documents being prepared. I'm not – the – some of us have seen those so myself, James and Heather and I think Phil has been party to that. So they're drafts at the moment. And I think they've also been shared with GAC members as well.

I'm not 100% confident that they cover off what they should so far. But I guess just for the information for everybody else, there are documents that are being prepared, and one of those documents is kind of like an expectation guidelines for what this facilitated discussion looks like. So, Mary, I'm not sure what the intent is in terms of timing for when we would make those available to the rest of the Council.

But I think with that information folks might have a – will have a better sense of at least what's in Bruce's mind about what he's trying to achieve here. So I think, you know, the sooner we can get those finalized at least in a strong draft form to share with the Council that would be great. Thanks.

James Bladel: Yes, thanks, Donna. There were a couple of, I don't know if we call them pre-draft things circulated that we were trying to shore up. I think we should get those to the Council as quickly as possible. I would note that there were – and I think Mary posted in the chat – there are some definitions of the problem, problem definition, problem statement, one for Red Cross names and one for IGO acronyms.

I proposed that we have a third document which was a problem statement, which is more of a – overarching problems like, you know, are all of the groups, like the GNSO and the Board and the GAC operating within their remit and according to their internal processes and the processes outlined in the bylaws. I think that's – I think that's important to get that established at the outset. But I think that, you know, once we get those finalized we should circulate those as quickly as possible. But they're pretty rough right now.

Mary, go ahead.

Mary Wong: Thanks, James. So just two quick points. One is that in relation to the draft documents that you and Donna have described, and that I've listed in the chat, I believe that, you know, there's nothing to stop you from sharing that with the Council now on the understanding obviously that any comments either you or the representatives of the Council have can go back to the group that's discussing these documents.

Because the idea that Bruce had, and I think the socialized on the 20 December call, is to really make these documents, you know, what the process was, the objective, what the problem statement, how we got here, make that the agreed basis for any of the discussions to take place.

The second point I wanted to make was that those documents have been circulated to an email discussion list that currently comprises just the folks that were on that December call, but again there the understanding is that as the GAC and the GNSO appoint their representatives to these dialogues, those folks would be added as well.

That is a transparent and open mailing list with archives. There's also a wiki page for the group. And what I can do is send around links to those so that the rest of the Council and GNSO can see what's been done and discussed to date.

James Bladel: Thanks, Mary. Just to be clear, those documents were published to that list and that list is publicly available so these – it's not a question of these things aren't ready yet. I mean, we can send them out at any time. Is that correct? I'm seeing in the chat she's saying yes. Okay. Okay thank you. Let's get that going and then Mary or Marika or someone from staff if you could post that in the chat here and then we'll post that to the GNSO Council list as well so folks can take a look at those documents as well as some of the conversations that we've had around them, that'd be great. Thanks.

So again, you know, and I think taking Heather's point, which is that at what point do we cross the threshold where we mean to vote on what to do, what to say and who's going to be put out front on this to represent the GNSO. I think we have a starting point but I think we're looking at this point if we want to – are we already there? Do we need to start making some decisions? Are we able to take a step forward here and then bring some of those decisions back to the group? I don't know that we have anything tangible to put in front of the Council at this point.

Paul, go ahead.

Paul McGrady: Paul McGrady for the record. So I don't think this is a place where we vote because we – all we're doing is authorizing people to go and talk and try to make peace and find solutions and all that stuff will come back to us anyways. And then we in turn would have to go back to our constituencies to make sure that everything lines up with their particular view of the constitutionality of it all, right?

So, you know, so I don't think there needs to be a formal vote. I think that, you know, the team that's going, you know, are all really smart and diligent and careful people. And I think they get it. So I just would vote – I would not vote. So I would just suggest no vote at this point but just, you know, sort of affirmation by acclaim that we think we have the right team and that we're going to be able to, you know, we've talked through what we want to accomplish and they have pretty good instructions on what to do. Thanks.

James Bladel: Thanks, Paul. Appreciate that. And that's pretty much my thinking as well is we just kind of – we don't know what we don't know yet so let's just go in there and find that out.

Just a note, and Mary has posted the links in the chat. Thank you for that, Mary. And you can see that there are some documents that are circulated by

Bruce. Just a note that the GNSO delegation, for lack of a better word, doesn't currently include our liaison, Carlos. So if we could make sure or confirm that he is added to this group that would be helpful. And that's the only other kind of administrative bit that I have here.

Carlos Raúl Gutiérrez: Thank you.

James Bladel: Okay. So, yes, that was a big chunk of our agenda. But it is an important topic and I think as many have pointed out, it – in this post-transition environment, we are setting the precedent for – that maybe driving the way that this – that the GAC and the GNSO and the Board interrelate for years to come so we need to get it right so thank you. Any other comments or questions related to Agenda Item Number 5? Okay.

Okay then let's move to Agenda Item Number 6, which is a letter from the Thick Whois Implementation Review Team regarding privacy issues associated with implementing the recommendations from the Thick Whois PDP.

Now, Amr is the GNSO Council liaison to this particular group and he was going to introduce this but unfortunately he was not able to attend the call today. The letter has been circulated to the Council list. For the most part I believe it's raising a number of issues to our attention but not necessarily making any specific requests or explicit asks from Council at this time.

But in Amr's absence I'm wondering if I can't press Marika into service, she can maybe pull up the letter here and just touch on the highlights of what this IRT is communicating to us. And just wait a minute while that loads. And, Marika, any time you're ready just go ahead and take it away.

Marika Konings: Sure. Thanks, James. So this is Marika. So I think the letter itself is really speaks for itself basically. It basically follows one of the recommendations from the original PDP working group which noted that should any privacy

issues emerge from these transition discussions that were not anticipated by the working group, and which would require additional policy consideration, the implementation review team is expected to notify the GNSO Council of these so the appropriate action can be taken.

In principle, I think, as I understand it, this letter is that notification as referenced here. So in the letter the IRT explains that there have been a number of important developments especially regarding EU data protection laws since the recommendations were finalized and as well a legal review that was carried out at the start of the implementation work.

And the IRT also noted that, you know, some of these changes may increase the uncertainty of the legal landscape; others may ultimately reduce that uncertainty, and some may have an impact only on certain registries or registrars. And that basically then – and it provides some more details on those different pieces of laws that are being implemented and developed across the EU but also recognizing that similar things may happen in other parts of the world.

And then the IRT basically concludes with it, you know, it hopes that this letter provides the GNSO Council with a more complete understanding of how the IRT has considered these issues in the process of designing and proposing an implementation plan for the transition of all remaining thin Whois registry to a thick Whois model.

James Bladel: Okay thanks, Marika. And in absence, thanks to Amr and the IRT. Just a couple of questions and then we can throw it open to the floor to see if anyone wants to weigh in on this. But the letter has been circulated to the Council list. I would just ask that councilors take a moment or two to review it.

But is – while the IRT isn't necessarily asking us to do anything, does it make sense that there's any sort of actions that we can take to anticipate their future needs? So for example, I think they mentioned that there was a legal

review conducted previously, was it in 2015, which predates some of these changes, specifically to European data laws. So maybe one option would be to, you know, revisit that legal review or to refresh or to conduct a new legal review?

Or is there anything that we can do to anticipate what they're going to be needing next because it feels like this is a yellow flag being raised here. And before it becomes a red flag I'm just wondering if there are any prudent and responsible steps that we could take as a Council, or that we can – or any resources that we can get them that will help them.

And I see we've got Michele and Erika wanting to weigh in so we'll go with Michele first. Go ahead.

Michele Neylon: Thanks, James. I'll cede to Erika. I think she might have a better insight on the Brussels side, and then I'll put myself behind her.

James Bladel: Thank you, Michele. Appreciate that, it was very gracious. Erika, you're up then. Erika, I don't know if you're speaking, we can't hear you. I note that you did type in chat that you would put some thoughts together for potential recommendations. Okay. I see Michele, do you want to weigh in now and give Erika a chance to reconnect or should I go to Stephanie?

Michele Neylon: No, I'll go ahead now. Thanks, James. Because I – it makes more sense, the Europeans than the Canadians and then we can take it in terms geographically. No, I'm sorry, I'm being a bit facetious.

Joking aside, I mean, the – a lot of these policies were developed under the kind of slightly older regime and the older regime was in place within the EU. Over the last couple of years there have been so many changes and particularly around privacy that any legal review that may have been conducted in the past would at this stage be, well, out of date, defunct, whatever you want to frame it.

That beeping is. I mean, then another thing possibly to consider is that there's already considerable work being done in the RDS PDP which will be looking at a lot of aspects – policy aspects to ICANN policy in particular around Whois. So maybe I don't know if that's an option but maybe some of this can be referred over to that group, I don't know. I mean, rather than duplicating work. Thanks.

James Bladel: Thanks, Michele. That's a good suggestion. Maybe one of the potential actions would be to share this letter with the leadership of that RDS PDP or at least make sure that they are aware of it even though it wasn't necessarily – they weren't the intended recipients.

We've got Erika, are you dialing in? I think she's still typing in the chat. How about in the meantime we go with Stephanie. Stephanie, go ahead.

Stephanie Perrin: Thanks very much, James. Stephanie for the record. The mention of how the previous legal opinion said that consent might be a mechanism, has me very curious to see the previous legal opinion. Is it possible to get that or a digest of it? As quite frankly the notion, even before the GDPR, that consent was acceptable to move this data out of the country to, for instance, the United States, where the citizens of Europe would have less protection under the constitution for law enforcement access and that kind of thing, has me concerned.

And it's not just that we have the GDPR coming, we've had some very important cases in Europe that have more or less changed the ground rules. So I would suggest that we need to reevaluate that advice and get a new opinion. But I'd certainly like to see the advice we got the last time because if the advice we get this time is not better, I'm a little concerned. Thanks.

James Bladel: Thanks, Stephanie...

Stephanie Perrin: You all know my bias, by the way so...

((Crosstalk))

James Bladel: Yes, noted. And I think, Stephanie, what we can do is certainly make sure that that legal review – we'll ask staff to go back and recover that and circulate that to the list. And it looks like Marika has already posted the link in the chat. How about that for service? But if we can post that to the list as well that will be something that you can review following this call.

I note that Erika has made a couple of points in chat and I will go ahead and read those. The first is that there are two points to consider. One is that the new European legislation will become fully implemented in all member states in 2018. And two, that the European Board of Regulators is still working out the interpretation of the law. So it sounds like even the moving targets are based on moving targets. And that's why this is turning out to be such a challenging topic.

Okay. Erika, are you on the line? Did I cover that correctly or is there something more that you'd like to add?

Erika Mann: No, you did James. It's totally right. But what we can do – and what I think we should do, the Council members who are interested in this topic why don't I make a draft together with staff and then we then circulate it. And everybody else who has some bits and pieces of knowledge just add the point which I'm missing and then we can distribute it to the Council and we can then take a decision how we want to move this forward.

Probably we will have to do it in two, three stages because things might still change because of some of the uncertainties, but as soon as we have the paper I think we can redefine and understand better what is relevant for our environment and then we can have a second paper – second review paper which is probably give us a better understanding and better background

about the situation. I'm happy to work with staff on this one. And if Michele or others want to join would be fantastic.

James Bladel: So thank you for that offer, Erika. I'm sure that we would all welcome anything that you would want to share with us as far as your thoughts or your – if you can help us kind of get our arms around some of the aspects of this. I think that the, you know, just going back to the original intent of this letter was to just get this on our radar; they're not asking us to make a decision at this point.

My question was just, you know, is there something that we need to be doing in the interim to get ready for potential changes. And it sounds like even requesting a new legal review might be premature. I was just throwing that out there as one possible idea. But it sounds like...

((Crosstalk))

Erika Mann: No, I...

James Bladel: We might not even be ready for that yet.

Erika Mann: No, James, I'm not saying this. I think we should do a legal review but we should highlight in the legal review so we should evaluate what was done before and then we should add, you know, the points where we have clarification about the legal implications. But we should highlight as well points of uncertainty. So there are certain points which are still not very clear because they either the Board of Regulators are working on it or some other reasons why it wasn't clarified in the final vote.

So this is my proposal. So let's do the evaluation of the letter – of the legal document, which we have, and then let's look how we can handle this.

James Bladel: Okay. Thank you, Erika. And I appreciate – you know, at this point even just enumerating the things we don't know is probably – gets us further than we are currently. Stephanie, is that an old hand? I thought Paul was next. Let's go to Paul. Yes, it was okay thanks. Paul, go ahead.

Paul McGrady: Thanks, Paul McGrady for the record. So I guess I feel like this conversation has become very fuzzy. And we're sort of all over the place. And I'm not really sure anymore what's being suggested. First of all, as I read the letter, it doesn't really have a call for action in it and so I'm not really sure why we're all jumping into action when there is no call to action. It looked like it was a heads up. And I think that if there had been a call for action then we could talk about that. But I guess I just don't know, since there was no call for action, why we're calling for action at this point.

Secondly, Erika's proposed paper, what would that be on? What would the topics be? There's a danger in ICANN-land that if you don't pick up the pen at the early stages, you know, volunteer to be on a team that, you know, documents can get well down the path before you realize like, hey, I didn't even know that was going to be the topic of a paper.

So I'm hesitant to put together any kind of paper-writing team that's then what we circulated that then, as Erika suggests, we can decide what actions to take. I don't even think that we know what that paper would entail and what the topics would cover.

I also am hesitant about the idea of further delay on implementation. We all know this thick Whois thing has been, you know, lingering out there for just ever. It's becoming a joke. And I would hate to see further delays on this especially on the notion of the potential that law changes may be out there. You know, law changes every day. And, you know, if every single time we are going to implement something we have to stop and do a legal review, we're never ever, ever going to get anything done.

And so that makes me nervous as a general principle and especially here where Erika has identified that whatever law we're supposed to be reviewing won't even be settled by the law makers for, you know, until 2018 soonest. You know, that just sounds to me like a recipe for eternal delay. And especially – and again if I'm wrong, somebody please tell me, but we're talking about only a small number of registries that aren't already on thick Whois so we are, I mean, it's not like thick Whois is a complete unknown to ICANN and we're proposing something that has resulted in a giant meltdown.

I think in fact there's only a handful of people – or registries that are not already doing this. So I guess, James, can you help unpack what the conversation is about? And, you know, if it's just forwarding this letter on to another team that's working on something similar, of course, we should share information. But, you know, I don't want to get too far down the road and give assent to something that is just too fuzzy for me to know what people are really proposing and what the next steps are to react to jump into action for a letter that didn't call for any action. Thanks.

James Bladel: Thanks, Paul. And, you know, as far as muddying the waters, I think that's on me. As I stated at the outset, this letter really doesn't ask us to do anything. But I made it worse by noting that, you know, is there something that we can anticipate we will be asked to do in the future and get ready for that like for example, updating the legal review, which now seems like that was, you know, based on what Erika has noted about the changing nature of the law, that seems like it was, you know, just premature.

I think the only tangible thing that we've, you know, discussed here is the potential that this letter should be – that we should make the other PDP aware that this letter was submitted to the Council and make sure that they are able to reference that as part of their work when they discuss privacy.

But I don't know that we ever – and I'm saying this as an American and not a privacy expert – but I don't know that we ever seem to get anywhere on these

Council calls when the issue of privacy comes up. It just seems to be like this, you know, kind of a quicksand. And I'm always just essentially trying to find some clear and meaningful path forward. But, you know, it always seems to elude is as a group here.

But just, yes, to reiterate at the outset, this is asking us to consider that there are changes coming that will affect this implementation or could potentially affect this implementation and then they're just asking us to be aware of that and nothing else. Everything else was essentially just kind of organically resulting from this conversation.

Keith, you're up next. Go ahead.

Keith Drazek: Hey thanks, James. Hi, everybody. Keith Drazek. So before I start let me just, again, point out for those that aren't following this real closely, I work for VeriSign. VeriSign is the registry operator most impacted by the thick Whois transition. Com, Net and Jobs are the three remaining TLDs that are not currently thick, so just so that's out there. So understand my comments in that context.

So, look, I think the thick Whois policy was approved in February 2014. The legal review memo that's referenced in this letter from the thick Whois IRT was completed in June of (2015). I'm getting some background noise there. And a lot has happened since then in terms of data protection. So I think this letter from the thick Whois IRT is (unintelligible) an issue – excuse me, can somebody mute their phone? I'm getting some background noise.

So I think the letter from the thick Whois IRT is flagging a concern about a changing landscape with regard to data protection legislation, particularly from Europe, that could have a possible impact. It's not suggesting in any way that this is going to derail the implementation efforts that are underway. It acknowledges that there are existing mechanisms available to registries and registrars – particularly to registrars – you know, to handle a current situation.

But I think the letter is flagging a concern that something substantial has changed since the policy was adopted by the Board, finalized by the GNSO and adopted by the Board. The legal review memo is now a year and a half old. And I think it's appropriate for us as a Council to consider this at a minimum to send the letter, James as you've noted and others have suggested, to the RDS PDP Working Group because this is not just a transition issue, this is not just a thin to thick transition concern; this is a broader concern for all thick registries and registrars.

And I think that Erika's suggestion about requesting an update to the June 2015 legal review memo from ICANN I think is absolutely appropriate if not, you know, almost a mandatory update. We need to be informed about the changing landscape so we can make an educated decision.

And I do just want to note here, it's important to recognize that the primary impact of these data – sorry, these data privacy regulations is not on the registry, it's not on VeriSign in the United States; it is on our registrars in Europe and around the world and their registrants. So let's make sure that we as a Council make an informed decision as to whether this constitutes something that requires further policy consideration. Thanks.

James Bladel: Okay thanks, Keith. Appreciate your perspective there. And I think the – I think I'm hearing broad agreement that we should share this with the RDS folks, some of whom I think are participating on this call, as far as whether or not to update the legal review seems like it makes sense as a prudent step, but the question is are we ready to do that yet? If this is still a work in progress and has been noted, then maybe it may even be premature to do that. But I think that's maybe something we could consider.

We've got Michele and Erika and then we probably should saw this off. I know we could probably talk about this for another six hours, but we should probably saw off this discussion because we do have some other agenda

items to cover. And I also note that some folks have flagged me for AOB. So let's go with Michele and Erika briefly and then we'll move then to the next item. So, Michele.

Michele Neylon: Thanks, James. And brevity not being my strong point. Just to a couple of points that Paul raised. Yes, the number of registries impacted by this – by the thick Whois is small. Unfortunately, the registries impacted are Com and Net, which happen to be the biggest. So the impact of this, as Keith points out, is very, very, very big. It impacts pretty much all gTLD registrars and of course registrants.

While the EU level legal frameworks and all the bits and bobs that go with them are still in flux to a certain degree, even in the letter that is cited, you can see that several governments within Europe have – send a very clear message about how they want these things to be handled, what they consider to be acceptable and what they consider not to be acceptable.

It is a big issue. I mean, at present the registrars based in Europe face a lot of challenges around all matters to do with data privacy, transfers abroad, etcetera. So I think it is – it is an issue which is also kind of touches on some other Whois related issues but have come up at Council the past and will probably continue to come up. So as one of the co-chairs of the RDS PDP, punting it over to us, at some level might not be the worst thing to do or at least formally put it on our radar.

Ignoring it is not a good idea. The number of – the number of registrants and domains that are impacted by this is very, very big. So I think it is something that needs to be dealt with. Thanks.

James Bladel: Thanks, Michele. And just to note that when we talk about this we start to get way beyond just the thick Whois policy, as you mentioned, we start to talk about all registries, even those that are not transitioning that are already thick, and then we start to open up further future considerations of RDS so I

understand this is a much bigger issue and it always seems to expand when we put it on the table.

Erika, you have the last word.

Erika Mann: Yes, maybe to add to Paul's points, why this particular EU legislation is so problematic for our environment and that's – it's because it's one of the few legislations which have automatically transnational impacts. So wherever you are going to be located as a company as soon as you have a client you work with in Europe or a customer in Europe, you automatically will fall under this legislation even if you're not headquartered in the EU.

And in so far I'm – I would argue it has an immense impact. And we can do – and we can do an update immediately about looking into the existing paper. I think Keith is absolutely right because we have clarity about, I would say, about 80% of what is going to happen, we do have clarity. We only do not have clarity about few aspects, and this we need to look into. And so far I would recommend that we do the update, (unintelligible) update and then we see. And we understand better what we still need to investigate further in the future.

James Bladel: Okay thanks, Erika. I appreciate your thoughts there. So here's where I think we should go with this, folks is I think at a minimum we will do the minimum, which we'll make sure that we share this letter with the RDS PDP leadership so that they are aware of it and they can consider it as part of their work.

I think that, you know, calling for a legal review or an update to the legal review would be, you know, it's certainly something we can do but it sounds like something we would have to be doing again here shortly, you know, not too far down the road.

So what I would ask is that anything beyond that, whether it's updating the legal review or any other steps that folks would like to think about or any

other thoughts that folks would like to contribute that we take that conversation to the list.

My only request would be that it – that we try to boil – rather than boil the ocean, we try to narrow the focus of what do we need to do as a Council to specifically and narrowly respond to the needs of the thick Whois Implementation Review Team and not necessarily try to solve the problem of exporting data from the European Union in a legal and safe way because I think we'll be at that, you know, until the death of the universe.

So let's move this conversation to the list. And again, this particular IRT and this letter wasn't asking us to do anything specifically but we will take one specific action which is to share this with another relevant work stream. So okay.

Let's then move to Item Number 7, which is a discussion on community requests for the budget for fiscal year 2018. Rob Hogarth, I believe, has joined the call and is able to speak to this. But I think that we certainly want to make sure that this isn't just a Council activity, that this is also occurring with your stakeholder groups and constituencies.

And then there's a timeline here. We want to, in this particular case, collect any of those requests that will be coming specifically from the GNSO Council so that we can get them submitted by the deadline, which is the end of this month. But with that I'll turn it over to Rob and Rob, if you would walk us through this process? Please go ahead.

Rob Hogarth: Hi, James. It's Rob Hogarth. Can you hear me okay?

James Bladel: Five by five, Rob.

Rob Hogarth: Fantastic. Thanks. I told Mary and Marika that I wasn't going to do much to all of your great joy, I'm sure, to give you a full presentation on this but just to

outline the highlights and then make myself available to chat with you about process questions, clarifications, or strategize if there's some concepts and ideas that you all are developing.

The process, as set up by the Finance team this year, is essentially the same process that they had last couple of years where there's an opening period for submitting requests. I will remind those who are not familiar with the special budget request process that this is something that was started back probably now about six years ago after the ICANN meeting in Brussels.

And the special budget request was designed to be a process that enabled various community organizations in the SOs and ACs to essentially highlight or identify particular areas where they felt that they could improve the quality, effectiveness, efficiency of their work through additional resources from ICANN.

And I think in the past, particularly the last two or three years, the Council has been very effective in identifying some particularly targeted activities that, over time, have now I think essentially become core activities of your community including the annual developmental meeting of the Council.

And so there are a number of opportunities here, I think, that present themselves every year. Marika and I and others are happy to help you in terms of preparing some of those requests.

The current deadline is the end of this month, January 30, but I'm here in Los Angeles and had a brief conversation with Finance team staff a little bit ago, and they indicated that with their schedules and trying to pull everything together they might be able to extend that deadline by a couple of days if that was necessary to give some of the communities time to pull everything together.

So essentially you've got this request period open now. Once it closes, there will be review periods for the staff to conduct assessments of all the various requests. And I think Xavier is planning opportunities for actual face to face conversations in Copenhagen for folks to refine their proposals or have additional conversations with staff so that everybody understands what is being requested and what some of the options are.

I think as you will all see when the formal budget documentation comes out for input, feedback, comments and review for the FY'18 process, you will undoubtedly see a line item that references the SO/AC special budget request process. The Finance team sets aside an envelope, if you will, of potential funds that would be available for these types of requests.

And there will be opportunities I think, not only through the special budget request process, but also opportunity for comments during the overall FY'18 process to make sure that you all have the chance to share whatever your particular requests are and support them over the next couple of months.

That's all I really had, James. I'm happy to answer specific questions or help clarify things if that's necessary. Thank you.

James Bladel: Okay thanks, Rob. Appreciate that overview. And just to, you know, kind of clarify that if you have requests like this being submitted via the – your stakeholder group or constituency that's not something that necessarily needs to go through Council so what we are looking for, however, is if there are requests specially from the Council associated with the work of the Council, that folks would like to raise, you know, please make sure you do so as you can note that we are – we do have a deadline coming up.

And with that the first in the queue is Donna. Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. And thanks, Rob, for the information. I just wondered if you could share with us some of the examples of funding that

was sought and received by the Council in previous years just to give us an understanding of, you know, what's been approved previously. Thanks.

Rob Hogarth: Certainly, Donna. Happy to do that. Two that immediately come to mind are the one that I mentioned about the Council special strategic/developmental session that takes place after the annual general meeting. That was something that was requested three years, I want to say, that originally started as a pilot effort. And after the opportunity to conduct several of them you all provided really good feedback about how effective that was.

Another example is working group face to face meetings. Some of you may recall the request that went in that was not only approved but implemented where there were opportunities for working groups to have their members meet face to face at ICANN public meetings to leverage that face to face interaction to maybe move things along faster.

And that was proven to be successful so it was another example of something that moved from the pilot classification to the core of the policy team budget. And those are just two examples that immediately come to mind.

James Bladel: Thanks, Rob. Donna, did that help?

Donna Austin: Yes, that's great. Thanks, James. Thanks, Rob.

James Bladel: Okay, I note that the queue is clear. I don't know if there are any other questions for Rob. I think we could probably end this particular item by noting that the deadline for submission from the Council is the 30th of January, which is a little less than two weeks ago. So I'd like to move this to the list if anyone has any Council-level specific requests that are distinct and different from any requests that might be submitted by your stakeholder groups or constituencies. Send that to the list and we'll get that evaluated through Heather and Donna and myself, and we'll get that submitted by this deadline.

I think that we had one proposal that came up in Hyderabad that we can discuss on the list as well, and we'll get that submitted so we can – so we can all take a look at that.

Okay, it looks like we've got eight minutes left here and as per usual, we're in crunch time for our last couple of items at the bottom of our agenda. So let's move then to planning for ICANN 58 in Copenhagen.

We have a couple of points of good news here is that we're much further along in this process than we were for Hyderabad. And I know that was a frustrating experience for everyone, the schedule seemed to be changing significantly while we were just days away from traveling to India or even while we were in transit.

We're still over a month away from Copenhagen and I think the block schedule and the GNSO sections, relevant sessions, are starting to take shape. So I think we're ahead of the game here. Donna and I met with the GNSO support staff to review the requests for sessions by the stakeholder groups and constituencies and try to fit those into the GNSO block schedule.

And I think that we have arrived at a working draft. Just a note that conflicts are inevitable. There is no way to accommodate all requests in such a way that nothing bumps into anything else. The name of the game is to try to minimize overlapping time slots that are also related to the same topics or the same groups so that while individuals may find themselves double booked, that a particular group or topic doesn't – isn't occurring in two separate rooms at the same time. And that's just something that we need to be aware of.

We're also mindful that the GNSO Council itself has certain sessions that have become fixtures at ICANN meetings including our weekend session, our open Council meeting, our wrap up session as well as allocating time for the active PDPs to have face to face meetings.

With that, I don't know if, Marika, if you want to, or Mary, if you want to walk us through some of the significant changes in a couple of minutes here but I think the key here would be to take this draft back to the SG and C leadership, which I think perhaps it's already been circulated to them, so that those ExComms as well as Donna and Heather and myself can take it back to the overall community planning team and get the GNSO schedule locked down.

So that's essentially what we're targeting here. Mary, can you give us maybe a three to four minute overview of this here and then we can open it up for questions or discussions?

Mary Wong: Hi, everybody. Thanks, James. Sorry, I was actually – I'm in airport, I was waiting for the very loud announcement to end. So really quickly, this was circulated to the Council an updated version earlier today. So I think all we would ask if you haven't had a chance to look at it, please take a look at it and come back with comments as to any clear conflicts that you see, any questions about why certain slots have been allocated the way they have.

And of course, in terms of timing, and so forth, I think the understanding will be that conflicts are unavoidable. And that what the Council leadership and staff have done is tried to minimize those as much as possible while allowing for the policy work to go on, especially as in Day 1 you see that there is some time or all the time set aside for face to face meetings for the three large ongoing PDPs.

I'm going to pause here because of time, I see also because Donna's got her hand raised.

James Bladel: Thanks, Mary. Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. And thanks, Mary, I didn't mean to cut you off in any way. But just as part of the conversation that James and I had with Mary and Marika and the team before we got on this call, is I just wanted to – a reminder to folks that Day 2, which is a GNSO working session, this is – so the intent of this session is that it's broader than the GNSO Council. It is intended to be an update for the full GNSO and to engage with the full GNSO.

One of the things that has become evident, and it's not – we haven't included the GNSO sessions that have been requested alongside of some of these meetings, but one of the things we did have a discussion around is that with Day 2 there are a number of sessions that are being hosted by GNSO constituencies or stakeholder groups that are directly in conflict with the GNSO working session.

And we appreciate that, you know, the constituencies and stakeholder groups are large groups, not everybody has to be in the room at the same time for the GNSO working sessions, but just a reminder that this is – Day 2 is supposed to be a GNSO working session even though it's the Council that sits around, you know, the U-shaped table that we have, anybody can join that table.

So it's just a reminder that, you know, when you are individually having a look at developing your respective scheduled that you try to keep that in mind that it's - Day 2 is not necessarily just for Council. It is supposed to be engage with the full GNSO community. So I just wanted to highlight that.

You know, and if people can be – can understand that and we thought it might be helpful to reiterate that that is the intent of Day 2; it's not just a GNSO Council session, it is supposed to be for the GNSO community to come together and understand what's going on within the GNSO space. So that's all I wanted to add. Thanks, James.

James Bladel: Thanks, Donna. Appreciate the clarifications. I see Stephanie up next. Go ahead, Stephanie.

Stephanie Perrin: Thanks very much, James. I just wanted to bring to member's attention here that the negotiations and discussions about bringing the data protection submissioners to the Copenhagen meeting, you may recall I brought it up – the Council of Europe has been organizing this with ICANN staff. And the Board met at the IGF meeting and apparently thought this was a good idea and timely given the work we're doing in the RDS and the long-standing history of interventions of the Data Commissioners on various aspects.

So that seems to be hitting a bit of a slowdown and (Peter Kittion) from the Council of Europe really has to get his invitations out to the Data Protection Commissioners, they are now calling to see exactly when they are supposed to show up in Copenhagen and we don't have that information for them yet.

So I was wondering if, as a kind of Plan B, in case this doesn't get off the ground, Council would at all be interested in speaking to them, sponsoring them, because the Council of Europe has been told they need to find a sponsor for this plenary discussion, it's thought of as a high level discussion kind of a panel with a number of the (unintelligible) representatives participating. And they have been encouraged to deal with the GAC and that's where the slowdown is. So that's my update on that is to see whether Council is interested in this.

James Bladel: Thanks, Stephanie. And I note that we're right up against the time. But just to report that that request was part of the list of session requests that we had – that we reviewed today. I think one of the challenges is that it was a fairly lengthy session so I think four hours, two hours, three hours. And it is something that I think we're trying to make room for and accommodate.

I think that the data protection folks are also seeking endorsement from the GAC simultaneously. So it's possible that both groups, the GNSO and the

GAC, will weigh in with that. But it is something that we are trying to find a spot for, however, as Donna noted earlier, you know, and Mary, conflicts are inevitable particularly for a session of that length.

Donna, go ahead.

Donna Austin: Thanks, James. Donna Austin. So just for transparency I suppose, Chuck Gomes actually sent a note to Keith and Rubens and I in relation to this. And I asked Chuck whether he thought this is worthy of a – as a high interest topic. Now bear in mind that I have no idea what the intent of this plenary would be, as Stephanie, you know, characterized it. I think the discussion we just had on Whois and EU privacy laws I think this is something that would raise to the level of a high interest topic.

And perhaps what we should be looking at is whether this is something that could be done on Day 3 and swap out some of the, you know, the underserved region or the DNS abuse mitigation that's currently scheduled as a HIT. Now, I understand that's going to require some negotiation with the SO/AC leadership team, but I just wanted to flag that that perhaps this is worthy of given that we are in Copenhagen, this is a hot topic as we've just, you know, had some considerable discussion around, maybe we should try to elevate this to a high interest topic and maybe swap out something on Day 3. Thanks.

James Bladel: Thanks, Donna. Yes, and that's something else that we noted that this is something that cuts across so many different groups as far as interest level that maybe it could substitute, you know, something like underserved regions which didn't seem to be getting the same level of traction.

But, Stephanie, I think the message is that the request has certainly been received and not being disregarded. It's coming to us from, in fact, multiple channels both from NCSG and GAC and other aspects of the GNSO. And it is – it is – it's on the list. So we'll try to accommodate that.

Any other thoughts with regard to planning for ICANN 58, in particular the GNSO-focused sessions, which you see in the document that's on the page. And I just know we're a couple minutes over our time. Okay, that's going to be a continuing conversation that we can take to the list as well.

But I think the good news is that we're way ahead of the game compared to Hyderabad and really that's a pretty low bar, how, you know, how could we do any worse?

Okay so then Item Number 9 here is AOB. And I think that one element of AOB was Stephanie noting that request. But I think we covered that in the discussion for ICANN 58 planning. Any other topics or business that councilors would like to raise during this particular call? The queue is clear. So if there are no other points of business, then I would move us to adjourn this call. We have a couple of action items that we will follow up with on the list and with staff.

Thank you, everyone, for your attention and work and particularly for those who I know worked over the break to get some of these things wrapped up. But we are now back in full speed for this season, and looking forward to a new year of productive and meaningful work from the Council. And certainly appreciate all the work that you've done and all the work to come. So with that we can stop the recording and end the call. Thank you very much.

Paul McGrady: Thanks, James.

Nathalie Peregrine: Thank you very much. This concludes today's call. Operator, you may now disconnect the lines.

END