

**ICANN
Transcription
GNSO Council Call
Thursday, 27 September 2018 at 04:00 UTC**

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at: <https://audio.icann.org/gnso/gnso-council-27sep18-en.mp3>

Adobe Connect Recording: <https://participate.icann.org/p725mdkiv10/>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:
<https://gnso.icann.org/en/group-activities/calendar>

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

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

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Susan Kawaguchi, Philippe Fouquart, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin, Tatiana Tropina, Rafik Dammak, Ayden Férdeline, Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Adebiyi Oladipo – ccNSO observer

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional (apology sent)

Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy Consultant

Emily Barabas – Policy Manager

Ariel Liang – Policy Support Specialist

Caitlin Tubergen – Policy Senior Manager

Mike Brennan– Technical Support

Nathalie Peregrine – Manager, Operations

Terri Agnew - Operations Support - GNSO Lead Administrator

Coordinator: Recordings have been started. You may begin.

Nathalie Peregrine: Thank you very much. Good morning, good afternoon and good evening everybody. Welcome to the GNSO Council meeting on the 27th of September, 2018. Could you please acknowledge your name when I call it out? Thank you ever so much. Pam Little.

Pam Little: Here. Thank you.

Nathalie Peregrine: Thank you. Donna Austin. Donna, sorry, I wasn't sure if that was you or not. Donna Austin, are you online? Okay, perfect, I see her chat. Thank you, Donna. Rubens Kuhl. I don't see Rubens in the Adobe Connect room. Keith Drazek.

Keith Drazek: Present.

Nathalie Peregrine: Thank you, Keith. Darcy Southwell.

Darcy Southwell: Here.

Nathalie Peregrine: Thank you. Michele Neylon.

Michele Neylon: I think I'm here.

Nathalie Peregrine: Thank you. Carlos Gutiérrez.

Carlos Raúl Gutiérrez: I'm here, if you can hear me. Thank you.

Nathalie Peregrine: Thank you, Carlos. Marie Pattullo. I see Marie in the Adobe Connect room. I think she has dialing-in issues. We'll help her now. Thank you. Susan Kawaguchi.

Susan Kawaguchi: Here.

Nathalie Peregrine: Thank you. Paul McGrady. I don't see Paul in the Adobe Connect room;
we'll circle back to him. Philippe Fouquart.

Philippe Fouquart: I'm here. Thank you.

Nathalie Peregrine: Thank you. Rafik Dammak.

Woman: Go ahead, yes.

Rafik Dammak: Yes, here.

Nathalie Peregrine: Thank you, Rafik. Stephanie Perrin.

Stephanie Perrin: Present.

Nathalie Peregrine: Thank you. Arsene Tungali.

Arsene Tungali: Present, thank you.

Nathalie Peregrine: Thank you. Heather Forrest.

Heather Forrest: Here, Nathalie, thank you.

Nathalie Peregrine: Thank you. Tony Harris.

Tony Harris: I'm here. Thank you.

Nathalie Peregrine: Thank you. Tatiana Tropina.

Tatiana Tropina: Present. Thank you, Nathalie.

Nathalie Peregrine: Thank you. Martin Silva Valent.

Martin Silva Valent: Here.

Nathalie Peregrine: Thank you. Ayden Férdeline.

Ayden Férdeline: I'm here.

Nathalie Peregrine: Thank you. Syed Ismail Shah.

Syed Ismail Shah: Here. Thank you.

Nathalie Peregrine: Thank you. Cheryl Langdon-Orr. I don't see Cheryl in the Adobe Connect room. I do believe we'll try to dial out to her. Erika Mann has announced she'll be arriving late but on time for the update she'll be providing. Julf Helsingius.

Julf Helsingius: Here, (unintelligible).

Nathalie Peregrine: Thank you. Adebisi Oladipo.

Adebisi Oladipo: I'm here, thank you.

Nathalie Peregrine: Thank you. From staff we have Marika Konings, Mary Wong, Julie Hedlund, Steve Chan, Caitlin Tubergen, Emily Barabas, Berry Cobb, Ariel Liang, Terri Agnew, Mike Brennan, for technical support, and myself, Nathalie Peregrine. May I please remind everyone here to remember to state your name before speaking for recording purposes? Thank you ever so much and Heather, it's over to you.

Heather Forrest: Thank you, Nathalie, very much. And welcome everyone, to our September meeting of the GNSO Council. This is our last meeting before the Annual General Meeting, ICANN 63, which will take place in Barcelona at the end of

October. This is therefore our last Council meeting by phone before our face to face meeting in Barcelona. And you'll notice a number of things on the agenda are – let's say put on the agenda with a view towards in attempt to wrap them up before the Council year ends at Barcelona.

At Barcelona we'll seat the new GNSO councilors and a new GNSO Council leadership team and the current Council leadership team is hoping to provide as clean a slate as possible so bear with us as we work through a full agenda and we'll continue to work through some items between now and ICANN 63.

With that, we'll make a start with Item 1.2, updates to statements of interest, anyone with an update to an SOI they need to notify here before we get started. All right, I see no hands. Excellent.

We'll move on to Item 1.3, which is the review of our agenda. Now I will note that we have three items in our consent agenda, it is the case that anyone wishing to pull an item out of the consent agenda and down into our substantive agenda can do so, so in addition to any calls for any other business, is there anyone who has concerns about any items in the consent agenda?

All right, seeing none and hear none, so we'll take the agenda as it stands, which brings us then to Item 1.4, which is the status of the minutes for previous Council meeting. Minutes of the Council meeting of the 19th of July, posted on the 17th of August and minutes of the Council meeting of the 26th of August posted on the 3rd of September, so we're up to date with all of our minutes. Thanks very much to staff for shepherding that process through and keeping us on track.

That takes us then to Item 2, which is our review of projects and action items and if we could start with projects list please? I think that would be helpful. And we'll wait for that to appear on the screen. And they're popping up now. Fabulous. So you have on the screen our current projects list and many

thanks to Marika and Steve for their hard work in ensuring this document is updated, the whole staff team ensures that each of the various projects that they're working on are updated here and Steve very kindly gave me a brief before we got started today so I'll highlight the items that were changed.

Items changed include first of all, the procedure for handling Whois conflicts. Now that has moved to initiation. I have asked for clarification around that because coming out of our last meeting we said that was to be held back and to not formally commence or let's say (unintelligible) until such time as the EPDP was in a stage of decision making and more further along in its work. So the clarification there is that although the Whois conflict has moved to initiation, there are prerequisites for that, the EPDP initial report and the call for volunteers. So that explains the shift there.

GNSO review has moved to Board vote and we don't yet have a sense of when that will find its way to the Board agenda. You'll notice that will come up in our action items as well. CCT Review Team has delivered its final report and the item will then be removed from our list. And that is all that I am aware of in terms of major changes to the projects list. Steve, if I have missed anything, would you help me fill that gap now? If I haven't missed anything so much the better. Steve is typing. No, great. Thanks, Steve, and thanks goes to you for helping me to prepare on that one.

Excellent. Well then that takes us to our action items – before we shift to action items, before we make projects lists go away, forgive me, anyone have any comments, questions, concerns on the projects list? Apologize, I didn't need to move too quickly.

All right, Nathalie is typing. Okay. No, I don't see any comments or questions on projects so I'm going to switch over to action items then. And action items have only just had some updates on them a short while ago before the Council meeting to make sure that the colors were consistent with the ordinary color coding that you see there at the top. Working through these

one by one, the – all the items in relation to Red Cross names have been completed and we have that of course on our substantive agenda today as a voting item.

EPDP update will also be provided by means of our agenda today. GNSO 2 review, just as noted in the projects list, that is sitting with the ICANN Board and will stay there until such time as the Board has dealt with it. IFR team, Council to consider a selection process by which a GNSO-appointed member of the IANA function team will be selected. And do we know what the deadline is by any chance, staff, on the appointing the member of the IFR team? If we don't know on the spot we could follow up afterwards.

Donna Austin: Heather, it's Donna.

Heather Forrest: Donna, go ahead.

Donna Austin: I think it must be shortly because the team itself is supposed to kick off early October. Oh, but this action item is actually for the GNSO to appoint a co-chair so I think there will be representatives from the GNSO appointed by the different SGs and Cs and then the GNSO will need to decide on who the co-chair is. So I think it's a – might be a ccNSO and a GNSO cochair arrangement. So that can't happen until the IFR team has been put in place.

Heather Forrest: Thanks very much, Donna. And thanks also to Rafik and (unintelligible) has great knowledge on this, as Rafik has noted in the chat, that the SG Cs, SOs and ACs have already submitted their appointments, that was due by the 25th of August. And Mary, many thanks to you for volunteering to follow up. And the reason I ask for this was I was thinking this was in the relatively near future so just something that we want to keep an eye on. Excellent. Any comments or concerns on that one as I understand it, once the full slate is ready then it's likely that we will have responsibility there. All right no hands, no comments.

Geographic (unintelligible), this is on my to do list and it's the case that the Board has been fairly occupied with its workshop and I've been plowing through some other action items so I will undertake this back on the agenda for October and it may well be that Cheryl, I reach out to you in that plan as well and we'll see if we can't find some time in your schedule, coordinate with you as we discussed in the last meeting. And Cheryl says, "fine" in the chat so that's – thank you. Any comments or concerns about (unintelligible), other than we don't know quite what's going on, which is the aim of that action item.

All right, CCWG Accountability Work Stream 2 final report, of course a subject of today's voting item so we can leave that for now. Next steps in relation to the temp spec, what we see here is the last remaining item relates to RDS. And the RDS team has been working very hard on putting forward some proposals and recommendations to the GNSO. I understand there's a bit more work to do in relation to that.

And so I think we will you know, first of all we should acknowledge the work that the team has does up to now and the leadership team and indeed the entire PDP, of course attention, efforts and (gear) are now shifted towards the EPDP so they're working against fairly challenging circumstances to just find the time to be able to work on that one. So I'm fairly confident that we'll have that in the very near future and anything that perhaps the leadership can do to support RDS in that effort, by all means, they should feel very welcome to do so.

Any concerns, questions, comments around this last remaining item in relation to the temp spec? And I note Mary's comment in the chat that it's unclear that the geo regions final report is likely to be on the Board's agenda for Barcelona, so that's helpful. And I will follow up with Cherine to see what – find out about that. So thanks, Mary, that's very helpful. Great. And thanks, Cheryl too.

All right, so I see no comments or questions in relation to the last remaining item on the temp spec. That takes us to PDP 3.0. I suspect we can tick this item as complete, leadership to develop a proposed plan and timeline to progress the project in prep for public consultation. So there's two things that have happened or are in (unintelligible). The first one of those is the (unintelligible) or Q&A session that we held prior to this Council meeting to discuss the feedback that had been received.

We've got a very impressive suite of recommendations, some of those need to get a tinkering based on the feedback that was discussed in that webinar. The second item here, second prong of this, of course will take place which is the fact that this is on our agenda in the Council working session on Sunday in Barcelona, so that will – that will be sort of by then. And the hope at least of the leadership team is that we will have that suite of recommendations to be able to hand to the next Council for that implementation so that's a big success for us if we're able to make that happen. Any questions around PDP 3.0?

No, all right. SubPro RPM consolidated timeline, this is an item, again, that we come back on a fairly regular basis, put on our agenda back in January at the strategic planning session. The Council meeting (unintelligible) expressed concern that this needs to move forward, that this is – this consolidated timeline is becoming increasingly important as these groups work towards major milestones. I would like to suggest that this is something we put a bit of time into on the ground in Barcelona. I think this discussion of consolidated timelines will all be refining timelines in PDPs in anticipation of the face to face meeting, and that's probably an opportune time when we are all face to face to be able to identify any concerns in relation to those timelines.

The fact I think – I think Paul has just joined us and so, Paul, we won't put you on the spot. Keith, Donna, any concerns from you as liaisons to SubPro in terms of let's say setting an objective to get together in Barcelona to talk about timelines?

Donna Austin: Heather, it's Donna.

Heather Forrest: Go right ahead, Donna.

Donna Austin: Yes, look, no objection from me. I think it's probably timely. From the Subsequent Procedures PDP Working Group I think they are making good progress. I think there's, you know, the comment period for the initial report closed today. They're making progress on a number of other supplemental reports so while I do – I'm not certain that, you know, they'll meet published timelines, they are making progress, which I think is heartening.

And I think the Geo names Work Track 5 is also starting to work on an initial report so I think that's good progress. But I think we do need to look at the timelines just to have that conversation to make sure that things are stacking up and those dependencies you know, aren't going to be an issue. Thanks, Heather.

Heather Forrest: Thanks, Donna, that's helpful. Cheryl.

Cheryl Langdon-Orr: Thanks very much for that, Donna. Look, I just wanted to alert the Council wearing the PDP co-chair hat, on an email with a letter from Cherine, received only today, I'm literally looking at it now, that may have an effect on our timeline. Amongst a number of points from the Board, which is their contribution to our PDP that, as was said, it closed today, there's a section here that says, "on name collision there may be an opportunity to combine the work being done by the SSAC on name collision with the work being done in the PDP to achieve consensus solution on the issue."

If that thinking prevails, that I'm afraid would have a considerable impact on our published timeline. I'm not making a comment one way or the other but I thought it topical to warn you all about that discussion that we're going to obviously need to have. Thank you.

Heather Forrest: Thanks very much, Cheryl. And thanks, Keith, for your comment in the chat as well so all positive comments and I've heard nothing, let's say, that would suggest that it's not sensible to move forward with the idea of a – of a face to face informal get together of the liaisons in Barcelona, so we'll move forward and anything that I can do, yes, Cheryl, I understand in terms of timing, anything that I can do to help that to happen please lean on me, I'm more than happy to do that. All right, anything else we need to say about the consolidated timelines in this PDP?

No, all right, seeing none, that takes us to CSC and IFR review. So there are some items in our consent agenda with sincere thanks to Donna and Philippe for championing these efforts. I think we can safely leave these for our agenda – our man agenda. Anyone with questions, comments, concerns about that? I'm particularly leaning on Donna and Philippe here if they have objections, think there's anything that needs to be raised. Mary, that's helpful. Thank you for reaching out to the SubPro RPM teams.

All right, I don't see anything on CSC and IFR so we can safely deal with that in our agenda. CCWG IG, what we have been working towards is engaging with a Olivier Crépin-LeBlond in Barcelona and we are working now through staff to find some time to work Olivier into our agenda to pick up some of these threads that have been long been sitting. So with that in mind, any concerns about that as a plan? I wouldn't expect any because that was the direction we were headed last month but just check.

All right, that takes us then to Whois conflicts, which of course we know in the context of the projects list, on hold until those two milestones we talked about in relation to projects list, so don't anticipate anyone would have any questions there but we'll just check before we move on. No, okay.

Likewise, ATRT 3, ATRT 3 sits in our – in the business for this Council meeting in the form of instructions to the Standing Selection Committee, we

can provide an update as to what we've done before instructing the SSC but in the meantime any questions in relation to the ATRT 3? We now understand that that group is getting ready to move ahead to confirm a slate, so hence we are now coming into action in relation to that one. No? All right, I see no hands, hear no calls for comments.

IGO INGO Access to Curative Rights Protection Mechanisms, the outstanding item here is for Susan and I to work together on the preparation of a report of the 3.7 appeal process. I think that would be useful for the implementation of some of the recommendations that will come out of PDP 3.0. It is the case, however, we've been hoping to get that group through to final recommendations before Council or at least make a decision as to what happens if that final report before we do this ancillary work as we don't want to confuse let's say the report of the appeal process with the actual substantive outcome of that PDP.

So Susan, that's for you and I to follow up on and keep an eye on and support the ongoing work there. And likewise, ICANN staff, and thanks, Susan for your comment, likewise staff will continue to work with Council leadership and the liaison, Susan, to feed in any concerns around process and procedure into the PDP 3.0 process. We have had some excellent detailed comments received at we talked about in the webinar from Petter and Phil, the two co-chairs of that effort and that has been extremely helpful so again, thanks to those two. Any questions in relation to Curative Rights?

All right, what I'm going to suggest in relation to Curative Rights is that we get together prior to the next Council meeting, I know we have a very busy schedule in Barcelona, but I think in order to fully explore our next steps and then understand how it is that we want to go about the votes for this – how and when we want to go about the vote on these recommendations.

I would suggest that we have one more opportunity to come together, that we don't try and jam this into a 15-minute Council slot, which is about the

longest, 15, 20 minutes is about the longest I normally I attribute to an individual item, and that that would be an opportunity for all of us as councilors to go back to our respective SGs and Cs, collaborate with those folks, bring back any questions that we might have and determine how it is that we want to take that item forward when we want to do that in particular.

I think we have an opportunity while we're face to face in Barcelona but I do think it would be helpful to do some prep work. For your reference, the leadership team has been working hard to minimize, I might say, or maybe it's make more efficient the level of prep work that is done between now and Barcelona and how many times we get together and what sort of webinars we run and this sort of thing. We've been very careful about that. I appreciate staff's willingness to work with us in that regard.

To the extent that there is something that I think is a priority for us to spend some time on, I think this is it. So any objections to that, getting together, so Keith has made a comment in the chat, thanks very much, Keith. I do think it would be helpful if we have some time to prepare. All right, I don't see any – and no one's screaming, no comments, no hands, so we can progress with that.

CPIF, Consensus Policy Implementation Framework, that is with staff. Brian and his team are working on that and working very diligently to incorporate the comments that we've made and we can follow up with them. I suspect it's a very likely period for staff as we all prepare for ICANN 63 so it might be something that we sweep back on soon after ICANN 63 when that pressure is over. Any objections to that? No?

All right, in terms of our strategic planning session items, the website doesn't show very well the PICs here. And I think what I would like to do is suggest that Donna, Rafik and I work together with the staff team, consider each one of these items and discuss what we can move forward, what haven't we moved forward and maybe what wasn't realistic. A number of these things

are in train as sort of individual responsibilities for example I will provide a report at the end of my term and hope that that might be of use to the next leadership team and the next Council and so on, we've got various items that are individual responsibilities that will carry forward. So with that, I think that gets us to the end of action items.

We have an additional item there which is the CSC and IFR review. And in terms of CSC and IFR, Michele, over to you.

Michele Neylon: Thanks, Heather. Michele for the record. No, just thanks to all of you for providing the dates for that strategic meeting well in advance, for those of us with hectic travel schedules it helps a lot. Thanks.

Heather Forrest: Thanks very much, Michele. As with most of these things, we have staff to thank. They've done an incredible job of not only driving our additional budget request and making sure that leadership stays on top of that but then pinning leadership down to work with the scheduling and making sure that it didn't fall off of our agenda. And I agree, I think that the feedback that we received from all of you is great incentive to make sure that whatever we can do to plan these things as early as possible we'll continue to do so thanks for your positive feedback there.

And I'm sorry, Tatiana. That's (unintelligible). That takes us through the end of our action items unless there are any further comments, questions or concerns. No, all right. Excellent. Then let's return in the AC room to our main agenda.

And that takes us to Item 3, which is the consent agenda. There are three items up for vote on the consent agenda. The first one is the approval of the 2018 slate of members and liaisons on the Customer Standing Committee. We've been provided with the link to the membership in the item in the agenda. There's a motion that sits behind it. The approval of the approach for the CSC Effectiveness Review and for Donna Austin and Philippe Fouquart

to represent the GNSO in review; likewise a motion standing behind that, and the acceptance of the Standing Committee on Budget and Operations after action report.

In relation to the first two items, as noted in reviewing our action items list, we have Philippe and Donna very much to thank for carrying those two and in relation to the third item we have our chair of the SCBO, Ayden Férdeline and staff support – brilliant staff support provided by Berry in that effort in bringing that to a close in the after action report.

At this point we're accepting the after action report. This isn't necessarily a vote on affirming the contents of it, but it's simply noting that it has been received. Donna, the two consent agenda items made by you, I'm very happy, they require a seconder, I'm very happy to do so in support of these. Anything, Donna, we need to say, anything you would like to say before we go to a vote? We don't normally do that with a consent agenda item so I suppose it's really only for anything concerning.

Donna Austin: Heather, the only thing that I would like to say is for the first one on the Effectiveness Review, the ccNSO has approved the approach for the review as well and appointed Debbie Monahan and Martin Boyle to be part of that review team and for the slate of the CSC moving forward after of course, they discussed it during a ccNSO Council meeting on I think it was the 20th. They had until the 24th to raise objections. My understanding is that no objections have been raised so I think the ccNSO is on board with the slate that's in front of folks as well. So just additional – a little bit of additional information given that we're working with the ccNSO on both these issues. Thanks, Heather.

Heather Forrest: That's brilliant, thank you very much, Donna. So with that I'll click to Nathalie to take us through the vote on the consent agenda. We've not opted to pull any of these out for discussion so Nathalie, over to you.

Nathalie Peregrine: Thank you very much, Heather. Would anyone like to abstain from this motion? Please say, "aye." Hearing no one. Would anyone like to vote against this motion? Hearing none. Would all those in favor of the motion please say, "aye"?

(Group): Aye.

Nathalie Peregrine: Thank you. No abstention, no objection, the motion passes, Heather.

Heather Forrest: Excellent. Thank you very much, Nathalie, and thanks very much to everyone. We will communicate the necessary communications that arise from this and again, thank you to – since we have them on the call, thank you to Ayden for your work in relation to the SCBO and Berry for championing the effort of bringing that final report to – the after action report to a close.

That takes us then to Item Number 4, so if we can return back in the AC pod to our Council agenda? That takes us to the vote which is the approval of the CCWG Accountability Work Stream 2 final report. And on behalf of the GNSO Council leadership team I am pleased to make this motion. And we can begin by reading through the motion text itself. And I think we can probably pull that up onto the AC screen. There we go. And unless there are objections, I will read through the resolve clauses.

"Resolve 1, the GNSO Council adopts the CCWG Accountability Work Stream 2 final report on recommendations," at the link provided. We might need to clean up – it looks like there's a spare w at the end of the URL. "The GNSO Council instructs the GNSO Secretariat to share the results of this motion with the Chairs of the CCWG Accountability as soon as possible." And, "Resolve 3, the GNSO Council expresses its sincere appreciation to the CCWG Accountability, the GNSO members and participants in that effort, and especially the GNSO-appointed Chair, Thomas Rickert, for all their hard work in achieving the delivery of the WS 2 final report and recommendations."

That takes us through the resolved clauses. Of course, a tremendous effort by all involved. Darcy has nominated herself as a seconder. Thank you very much, Darcy. Open for discussion, any final questions, concerns, comments in relation to Work Stream 2? And many thanks to staff for that little cleanup in the URL. So positive comments from Tatiana in the chat. I agree, Rafik, (unintelligible) moving, this is of course an effort that we've been at for quite a long time, yes well done, Michele.

Excellent. Last call, questions, concerns? Full support from the GNSO, which I think is a strong message. And wait, Keith is typing, and then we'll turn it over to Nathalie. Yes, well done, Keith, October 2014. Let me ask everyone, is there anyone who objects to a voice vote? Would anyone like to have a roll call vote on this motion? Okay, I see no requests for roll call. Nathalie, could you take us through a voice vote please?

Nathalie Peregrine: Thank you, Heather. Would anyone like to abstain from this motion? Please say, "aye." Hearing no one. Would anyone like to vote against this motion? Please say, "aye." Hearing none. Would all those in favor of the motion please say, "aye."

(Group): Aye.

Nathalie Peregrine: With no abstention or no objection, the motion passes, Heather.

Heather Forrest: That's wonderful, Nathalie, and that's a great achievement for the GNSO as a participant in this effort and a great achievement for the ICANN community in – as a whole so brilliant work. We will communicate Cheryl's very point there to see the clapping hands in the AC room. We will communicate our appreciation and as noted in Resolve 2, the secretariat will share the results with the chairs. And on behalf of the leadership team or on behalf of the Council, rather, the leadership team will personally reach out to Thomas, our GNSO-appointed Chair, to thank him for his effort here.

So with that, we can turn to our next agenda item which is Number 5, another vote. This is the adoption of the final report on the Protection for Certain Red Cross Names in all gTLDs Policy Amendment Process. This is an agenda item that was deferred from our August Council meeting, deferred to this month. And there's been some follow up work in the meantime. And if we could begin by reviewing the motion, we'll read the motion into the record and proceed from there. Excellent.

So any objections that I just read the resolve clauses into the record? No? And I will note that I had made this motion as the Council liaison for this reconvened PDP. We do need a seconder. Donna seconded, thank you very much, Donna, I appreciate that.

“Resolved 1, The GNSO Council has reviewed the Final Report and approves all of the consensus recommendations made by the Reconvened PDP Working Group. Resolve 2, the GNSO Council thanks the Reconvened PDP Working Group for its diligence and its successful work in attaining consensus on all recommendations; Resolve 3, the GNSO Council thanks the International Red Cross and Red Crescent Movement for its efforts in providing the documentation and information needed to justify and underpin the consensus recommendations; and Resolve 4, the GNSO Council directs ICANN staff to prepare a Recommendations Report for delivery to the ICANN Board in accordance with the process outlined in the ICANN Bylaws.”

Open for discussion. Any comments, questions, concerns? Tatiana, please.

Tatiana Tropina: Thank you very much, Heather. Well first of all, as the person who asked to defer this motion from our last meeting to this meeting, I would like really sincerely to thank you, Heather and Thomas Rickert and also ICANN staff, Mary, Berry and others for organizing the call with NCSG. I would like to say that in contrary to some statements I saw on the mailing list that the groups who – stakeholder groups who didn't actively participate in the working group should not be able to defer the motion. I want to say that it helped us

tremendously and answered most of our questions and clarified the issues of our concern.

And I would like to, before we hopefully move to the voice vote, to make a statement on behalf of NCSG. So I'll just read it before the vote, if you allow me? So the statement is for the record. "NCSG applauds the dedication of the working group to clarify its recommendation about reserving Red Cross names in domain name space. The working group has responded to our concerns. The process that the working group went through was solid and fulfills the formal requirements of the PDP."

"We would like to make it clear that while we appreciate the effort and voted affirmative for the approval of the recommendation, we record our grave concern regarding the move towards reserving names and their alteration by broad interpretation of national laws and conventions in domain name space. While the freedom of expression concerns in this context might be minimal for some, the practice itself is unacceptable for us and for the broader community. We hope that the recommendations of this group will be interpreted narrowly without taking an unintended precedent in the future. Thank you very much once again. Non Commercial Stakeholder Group."
Thanks.

Heather Forrest: Thank you, Tatiana. And your reference to the process that has been followed by the working group, I would direct Council's attention to Items 5.2.1 and 5.2.2 in the agenda. And I think, for the purposes of our discussion it would be helpful if we could return back to the Council agenda so that those discussions can guide us here because I think Tatiana has provided us a very good link to the way that this is articulated in the agenda.

You'll notice what we have done is to direct our thinking in terms of the discussion here on two particular questions, 5.2.1, "Does the Council believe that the PDP has addressed the issues that it was chartered to address? i.e.

what questions or topics for the working group charter to consider? Did it consider those charter topics questions and did it do so in a legitimate way?

And 5.2.2, "Has the PDP followed due process?" And I believe Tatiana's comments read out from the NCSG speak directly to both of those, so I appreciate your input there. Would anyone else like to comment on 5.2.1 or 5.2.2 in particular? Donna, please.

Donna Austin: Thanks, Heather. Donna Austin. I guess I'd just like to note that this was a reconvened PDP so I think it was another first for the Council in terms of working out how that process would work and how they worked with – in response to the Board's request that we do so. So I think you know, maybe this was a first but I think the process that was followed seemed logical. I'd also, you know, just like to call out that we were fortunate that we were able to reconvene the working group with a number of the original participants in the first PDP.

I think that was very helpful to this process. I think if we'd had to reconvene at a point where those folks weren't available, and certainly Thomas to actually, you know, step back into that chairing role, it could have been a more difficult ask. So I think that continuity was important and probably helped the process along the way because of the knowledge of those that were involved in the original effort so just to acknowledge that as I understand it, this was something that the Council hasn't had to do before.

So I think we should to the extent that the process was followed and we could copy and perhaps make sure that we – what's the word I'm looking for – capture that process that was followed I think it might be very helpful in the fact in the event that this has to happen at a future time and place for another Council. So I just wanted to point that those things out, Heather. You know, in terms of due process, some of this was made up potentially along the way but in accordance with the PDP manual so I think it's important to make that point. Thanks, Heather.

Heather Forrest: Thanks, Donna, very much. And I think it's important to have that in the record and to that I would add although it seems perhaps a trite thing, one of the things that the leadership team has worked on throughout the year is ensuring that we follow up and thank formally and in writing those that have contributed to efforts such as this and brought efforts to a close. And I think it's important here that we reach out to Thomas Rickert, again, Thomas does a tremendous amount of work behind the scenes for the GNSO with our PDPs and cross community work.

And likewise, as Donna said, to the entire reconvened PDP group, there's some long hard hours that have been put in here to reach this result and frankly, to reach a set of recommendations that has the full consensus of the group is really quite important to note. So I will ask staff please to note an action item for leadership to follow up after the meeting with the – with Thomas and the reconvened PDP team to thank them for their efforts.

Any further comments, questions, in relation to 5.2.1 or 5.2.2? And apologies, I should have also noted there, 5.2.3 should be inset, I'd missed it when I went through those first questions. "Did the PDP working group address GAC Advice on the process?" Anything we need to say on any of these questions or are we happy to take this one to a vote? Donna.

Donna Austin: Thanks, Heather. Donna Austin. I think just to acknowledge that the reason that this group was reconvened was the result of GAC Advice, well I think that's my memory of it. I think you know, we did have a session with Bruce Tonkin, I can't remember what we – how we phrased that, that went some part to getting this issue better understood and for the reconvened working group to understand the task ahead of them. I think this is one instance where the GAC has participated in particular Stephane Hankins, so I think we – the working group itself did take into consideration the GAC Advice and hopefully the GAC will be happy with this result. Thanks, Heather.

Heather Forrest: Thanks, Donna. I certainly agree, and what I've experienced participating in this group joining as a representative from Council leadership while James was chair and continuing with the group until this point I would say that everything (unintelligible), it is certainly the case that the group spent considerable amount of time in its reconvened errand of working through the GAC Advice and had the benefit of input from Mr. Hankins and other representatives of the International Red Cross.

I'd also like to say here, there's a tremendous staff effort that sits behind this, Dennis Chang, Berry Cobb, Mary Wong, and others. I hesitate – I always hesitate to name names of staff because if you miss someone it's a terrible thing. There has been a huge amount of work, Ariel's been in the background on this one, there's been a huge amount of work that's happened on the staff side as well to get to that finite definitive list and verify that list and work through that list and work very closely with the International Red Cross and Red Crescent. So this is very much the product of many hands.

With that, final comments? You'll note here that our vote threshold is super majority, that is in line with the requirements given that this is a reconvened PDP, as Donna has noted, this is the first time that we've experienced this. So the voting threshold is higher. Staff, is there anything that we need to say in relation to the voting threshold? Mary, thanks.

Mary Wong: Thanks, Heather. Hi, everybody. This is Mary from staff. And as Heather and Donna have noted, the voting threshold for this particular vote is super majority that is a requirement in the PDP manual for reconvened PDPs and this was also cited by the Council when it actually reconvened the group. The staff does have a comment here, not on the threshold, but on the process for a vote. I want to emphasize that what I'm about to say does not affect the fact that you will vote today and it will not affect the fact that if you do get to the threshold today that will be the result.

But for fullness of the record, we wanted to note that if there are absent councilors in a meeting where a PDP vote is taking place, the GNSO's procedures allow for absentee ballots to be cast. So again, if we do reach the threshold even with the absentee ballot it may not make a difference, but it is the practice, and it is documented in the procedures that absentee ballots are permitted for PDP recommendations including, I should add, reconvened PDPs.

So we note that Rubens Kuhl is not present for this vote and so our recommendation to the Council is that regardless of the result today on this call, that we allow Rubens to cast an absentee ballot such that the final numbers will be known after his ballot has been cast if he indeed chooses to do so. Thanks, Heather.

Heather Forrest: Mary, that's very helpful. I appreciate your procedural update on that one. And I note as well Pam is asking, "Is Stephanie here?" And Stephanie is in the AC room, Pam, so there we go. So as we understand it, having gone through roll call, we're only missing Rubens. I personally think that Mary's advice is sensible, that we allow irrespective of how this vote proceeds, that we offer Rubens the opportunity to file an absentee ballot. Anyone have any objections in relation to that? Tatiana is typing. Pam is typing. (Unintelligible) typing.

All right, Keith has said no objection. Donna, likewise, no objection. Many thanks to Mary for explaining that as clearly as you have, Mary, so thank you. With that final call for comments on this vote. All right, does anyone object to a voice vote for this motion? Now I need to be – we'll draw a line under all the no objections that are in the chat just to make sure I don't conflate anything. Does object to – voice vote is great, Keith says. Thanks, Keith, that's good and clear. All right and I see no one screaming, no hands up. Excellent. Nathalie, may I ask you to take us through a voice vote please?

Nathalie Peregrine: Thank you, Heather. Would anyone like to abstain from this motion? Please say, "aye." Hearing none. Would anyone like to vote against this motion? Hearing none, would all those in favor of the motion please say, "aye."

(Group): Aye.

Nathalie Peregrine: Thank you all. We have no abstention and no objection, but one absent, the motion passes. Thank you, Heather.

Heather Forrest: Excellent. Thank you very much, Nathalie. And thank you very much to everyone. This is an excellent achievement for the GNSO, certainly an excellent achievement for the International Red Cross Red Crescent Movement. And I know they've been anxiously awaiting our outcome here so we will communicate to that – that to them as soon as possible. We'll also make sure that the Board and ICANN CEO are aware of this milestone so well done, everyone. Excellent accomplishment.

That takes us then to Item 6. Item 6 is our update on New gTLD Auction Proceeds. And for this one so we're out of our motions, we have a few discussion items on our agenda, we're well ahead in our agenda, doing extremely well. And Erika, you are with us so if you have sound and able over to you, Erika.

Erika Mann: Sure. Thank you so much. Can I check with you first if you are understanding me well? I'm on the phone but the phone line seems to be not perfect so just checking with you.

Heather Forrest: Very well, Erika, you're perfectly clear.

Erika Mann: Oh wonderful. Good to hear. So just to give you an update, because the – we thought that an update – it's a good time now because we will actually in the phase of issuing the initial draft report very soon ahead of Barcelona, actually

on – our plan is to issue it on October 8. And we are in the final phase and reviewing the very early draft which we have done, which staff has done an excellent work. So we thought it's a good time to give you an overview and thank you so much for allowing it to have this exchange today.

So just to give you maybe some of the parameters what we debated and some of the things we expect and hope for that we will have some contribution coming in once the report is published, and so we are hopeful that we then will have some more comments from the community and maybe even the board or public.

So as I said, the date is October 8 and which is well ahead of Barcelona. We will have another exchange at Barcelona where we will talk about the topic and so we can again have a little bit more time to review our recommendation.

Just to remind you about one thing, the task was that we shall review and we shall investigate what is the best mechanism in ensuring that the auction proceed money is going to be spent for the right project and for projects that fall within the ICANN's mission and bylaws, so which is to some degree of course limiting the scope. The scope would not be let's say, you know, it wouldn't be allowed for the creation of a completely new fund which would allow to finance everything this is good for the Internet, but it's for ideas and for projects which are limited by the mission and by the bylaw.

The second thing which you have to keep in mind is that this is a one – so the goal was that we shall look for a mechanism which is supporting a one-off auction proceed cycle. So the idea is not to send – set up a structure which would be able to continue and to support ideas and projects forever, like you typically would do if you would create a foundation; this would be typically an open ended project and it's not limit, you know, in a specific time. So that was – these are the two things we had to keep in mind so the mission and the bylaws that we had to search for something which is a one-off structure.

So we then came – it took us a long time. We then identified primarily four mechanism in which we found interesting to evaluate in a very early phase. We considered even more but then we narrowed it down to four. So one is how about creating a new department inside of ICANN so like we already have the IANA department, how about doing something similar which would be an auction proceeds fund for example, could have this name.

The second mechanism we then found as interesting to investigate further was a kind of merger between such an entity inside of ICANN and an outside entity which has expertise in funds. We haven't narrowed this down and saying it has to be a specific entity so we left this open and we don't want to narrow it down right now because this would, for example, if the, you know, the end result would be that's the most ideal option then this would have to be investigate further so it would be a kind of merger.

The third option we looked into would be a creation of a complete new mechanism and for example a foundation. And then the fourth option would be we investigated further would be to outsource it to a different entity which already exists and then this – in this entity would be tasked in running this special auction proceed funds on our behalf.

Now, in all cases, in all scenarios, all the four scenarios, the limitation would be whatever it's inside or it would go to an outside entity, it would stay within the mission so even if it would be, you know, given to an outside entity this entity would still have to fulfill this obligation and would not be able to support something else. And this is actually something funds are quite familiar with to do this.

And the other limitation which I haven't mentioned yet would be that oversight and fiduciary obligation and tax exemption which exists would have to be fulfilled as well independent of these four mechanisms. So we then had a long discussion between members in our group. We invited many outside

expert from different fields and just to give us advice. People which are in this, you know, doing something similar either like Nominet, they had a fund first – or they had a fund outsourced first and then there in a moment just to give you one example in housing again so they're, you know, reversing their model because of different reasons. So we had the discussions with many different entities.

Now, the outcome is interesting for you because we now in the phase where we narrowed down our options. We had many discussions about this and we are making the recommendation that in particular we recommend to look into two options. So we haven't narrowed it down to one single one but to two, which are very close in the – in those who took part in the survey, the outcome was very close. So one is either in housing, so a new department inside of ICANN; the second one is the merger with a different entity so in house, you know, of ICANN plus a merger; and very close as well not so close actually is the ICANN foundation.

The ICANN foundation – the problem with the ICANN foundation is that because of the one – the goal which we – was set to us it shall be a one-off undertaking. It is something which is a little bit difficult. It goes against the nature of a foundation to predefine a kind of time or to predefine, you know, the limited automatically to a certain period.

So the recommendation will be primarily these two – these first two, so in-house and the merger in-house plus a second entity. Again, keep in mind we're not making a recommendation about this entity, not even about the nature of such kind of entity. And so we will present these two primarily these two options but we will present the other two option as well because we want to hear back from our community and from the public as well if they participate, you know, with they think about this because each has a different constraint and we identified some of the – what we call charter questions so key question which are relevant and they all have to be judged against these four models.

So we will focus on these – primarily on the two top ones but we will present the other two as well but in less depth but we will want to hear about it. So this is where we are in the moment. We had maybe few other points which I want to mention because I believe it's interesting for you. So the first one is the concentration about these two key mechanisms which I just presented to you. The second one is important and this is because we discussed it before, this is a major question, can ICANN or a community participate in the future in the project?

And we will describe the scenario as a possibility but again, it will be important from the community to get, you know, good feedback and to see if this is something the community really would appreciate or is this an idea you know, which will not have a lot of support? We believe it's a good one, this is the majority understanding in this group I can say this. But it's still something I think which needs further investigation and a better – a deeper understanding.

We have excluded the question about the reserve fund. So this question, "Can ICANN and the community participate in a specific project? Let's, for example, say there's an understanding the root zone needs to be updated, and there's a (unintelligible) where all the root zone operator participate and everybody puts in some money depending on the resources they have available and ICANN would be part of this project and would – and all of them together would request from the auction proceeds.

The future, whoever is going to running this in the future, then would request a certain amount from it, so this would be an example which would support ICANN's mission, it falls within the scope, it is something which is essential, it's something which can't be financed – very likely not financed out of the operation of budget because that's another limitation which we have. So it is something which is – we believe can be done.

But keep in mind, the reserve fund, it's a different question, we have excluded this, this is not something we were tasked to handle so we have excluded this. And if it ever would come to this, this would have to be decided elsewhere.

Now there's one other topic which is important for you to know because we had a long discussion about this, and this is – you can imagine that the mission statement and the bylaws, were not written in a way that they would support future evaluators easy to judge projects which are sent to them. So we had the concern that there might be too narrow technical understanding only about what kind of project can be supported because of the scoping and because of the barriers, the mission statement and the bylaws are setting.

So we had a discussion to it and we came to the conclusion that we may have to give some guidance to future evaluators and we tried to define this in a – what we call a preamble. Now, we – I would say I probably can talk for the whole group, it's not – we wouldn't say we are totally happy about this preamble which shall guide future evaluators in areas where, you know, certain – there's an understanding it can fall within the mission but maybe not completely so what we call gray areas.

And so it's, again, we hope we can receive some comments and maybe, you know, once we have evaluated all the public comments we receive maybe there's time and willingness to redefine even maybe this kind of preamble. But – and this is the more important part, in the meantime, during the time we were working – a team was working – a brilliant team was working on this preamble, we actually achieved with the Board an understanding that our concern, first of all is correct, the Board shared our concern, and we then came to an understanding that we would be happy with the wording which would say “in support of the mission” so instead just of saying it has to fulfill the mission stamen, it has to support the mission statement.

This is a much more flexible understanding for future evaluators and so which would allow something which really worthwhile and needs to be done anyhow but it's maybe not you know, a total – doesn't fall completely inside a narrow understanding about what the mission is. So we have this understanding in the meantime with the Board, which to some degree, you know, compliments what the preamble was trying to do, so just keep this in mind, so these were some of the really hard question we had to solve.

So that's a pretty much where we are. So we have time next week and – sorry, an internal review until the 4th of the working group members and then on the 8th it's our goal to make it public. And then we have another discussion in Barcelona about it and then, you know, we will review it once the public comment period is over.

So back to you. Happy to take questions.

Heather Forrest: Thanks, Erika. You have Darcy in the queue who – Darcy's, you've been very patient, thank you, and then we'll go to Michele.

Erika Mann: Sorry.

Darcy Southwell: Thanks, Heather. Darcy Southwell for the record. Thanks, Erika, that was an excellent overview, and I personally really appreciate it. I was curious if you could shed a little bit of light on how the CCWG looked at the creation of a new department and what value they think that brings. When I think of this as a very limited duration project, I'm curious about that. Thanks.

Erika Mann: Yes, I mean, you have to keep in mind, Darcy, that there will be another phase which will follow ours, so after we have done the review of the public comment, and we have consolidated the report and the recommendation, then there will have to be an implementation phase. So depending on the weight which we receive from the public comment period, and the final recommendations, in the worst case we don't hope we need a second round

of, you know, public comment period so we – at the moment it doesn't look like it, but let's assume – and, you know, there's a final outcome and we have a final recommendation, and then there needs to be an implementation phase. So I believe the implementation phase really needs to look in depth into it.

Now, again, there's something which I haven't mentioned, we had Sam Eisner and Xavier and these two in particular but many other ICANN people from the staff always participate in the calls which was very help – like we had two Board members as well, Becky and Martin, which was very helpful because whenever we crossed a, you know, a question which was relevant to be asked – answered by either ICANN Org or by the Board, you know, we could do this either immediately or we had an exchange of information and then they came back to us.

So the – I think the most important one that it needs to be independent, which means it needs to – it already has its own budget but the budget needs to be – and this is something they will have to set up then in (unintelligible) in department inside of ICANN, you need to do all the budgeting which falls within this department, you have to be, you know, the people you either hire or the people you will locate or the time you use from other people which are already hired, so you have to budget this each time whatever you do, whatever kind of work to do.

You need an independent audit. We discussed the audit to – not in detail but we talked about it because you have different procedure, you have a different budget so you have to be very careful. And I'm talking about the general audit. You need of course as well project oriented audits you will have you know, assignment of project officer, which are overseeing and auditing the individual work of an individual project.

So depending on the knowledge which is inside of ICANN, but again, this needs to be done in the implementation phase and it has to be done super

carefully, you know, depending on the knowledge which is already available, you probably can assign some people, otherwise you will have to either work with contractors, if you don't want to have a long term contract so you have to be careful because you don't want to end up in a situation where you suddenly, you know, you hire 50 people or 60 people and then, you know, you have a long term contract so you have to be very careful how you do this.

So these kind of things we didn't look into it. We – the main goal why I think there's a preference to do it is the flexibility, is the understanding, you don't have to train people about the mission, you don't have to, you know, you can use some of the available resources which are already there. There's an understanding how to run independent department like IANA, so it's not – they have to start new, it's not like an entity which has never done this to run separate departments. So there's some understanding there and some knowledge.

So there's some of the factors which are positive, I think many of our working group members believe that's probably a good example, you know, a good use of resources. And you spend maybe less money than if you outsource it. And we came to the conclusion so some of the experts which we had talking about this came as well to the conclusion it's probably true if you outsource so the overhead money which you need to use is higher for example, and if you create a foundation it will be higher too. So there were some factors we looked into.

But they are different questions, the implementation phase needs to really scrutinize this, you know, and has to come up, you know, really need to look into it how it can be done. The same is true if you go for a merger, I mean, those are interesting models, but in each case you really have to investigate this and further once we finish our phase.

Heather Forrest: Thanks, Erika. Michele, you're next in the queue.

Michele Neylon: Thanks. Michele for the record. Now just one very brief comment, the idea of creating a new department within ICANN sounds to me like that would lead to a further expansion of ICANN staff headcount and I think that's something that we – a lot of us would be strongly opposed to. Thanks.

Erika Mann: Yes, it's one of the things you need to look into and where we will need – I think there's way more discussion is needed, doesn't have to be, it can be as well that, you know, some of the – there are good people there which can maybe, you know, be part of this either part time or full time work in such an entity, ICANN entity, in-house entity. And then that's what I'm trying to say, you have to – you don't have to always hire new people but you can work with contractors as well, so it depends how you do it. But again, this is something which one needs to look into once the implementation phase really starts. I agree, it's a challenging issue.

Michele Neylon: Thanks, Erika. I mean, I don't think – I mean, I understand what you're saying but just from speaking as somebody looking at the – ever-expanding headcount and how there doesn't seem to be much (unintelligible), I mean, and, you know, the – and I mean, there's a whole range of other things in there which now is not really appropriate – the time to go into. I think the – allocating existing human resources to do something at a – as part of their existing job and role makes a lot of sense to me. But I would be strongly opposed to ICANN hiring more staff, even on a – even on a contract basis for something like this because the ICANN – ICANN needs to become a leaner organization. At the moment it is getting quite fat.

Erika Mann: Yes. I mean, yes, I mean, not something that is my role to comment on here. But I agree with you but all the other scenarios they have different other downsides so I think if you want to in-house it you have to really look for, like you say, for a lean model, for a lean functioning model and reassignment of people as many as you can in this new role instead of hiring new people, now you have to hire some new people because ICANN is not having internally the expertise of running something like this but you have to keep it small.

That's another reason why the idea you know, to work – to merge with a second entity and such kind of exercise is attractive because you would use the – already existing expertise and you would limit the work which ICANN has to do to what ICANN has to do anyhow which is the oversight and the fiduciary and responsibility because that's something which was a given goal to us. You can't outsource this because typically what you would do if you have a budget like this, something which I participated many times in which you would do when you outsource it, you outsource it to an entity, you give them complete money and they have to work within the constraints you give them, but otherwise you stay away from the daily operation.

But if you want to have oversight, then this is practically a model which is very, very hard to implement and to find such an entity, you know, who would be willing to do this, a fund operator, or something is not going to be easy. And we had some expert we talked to about such kind of model. So maybe then, you know, the second model, which we will recommend as well, you know, to go for a kind of merger which would allow ICANN to have a good oversight but at the same time you merge with an entity which already has the expertise and brings people so you don't have the burden of hiring you know, new people and finding the expertise.

And I believe in our survey we even had a preference for the second model, which I believe it was two people you know, but it's so narrow and it depends who is present for a survey and who isn't present so you can't really judge it, so that's why we need a public comment period and then hopefully receive more comments from the community in particular.

Heather Forrest: Thanks very much, Erika. And thanks to everyone. I don't see any more hands in the queue but we'll make a final call before we thank Erika. I don't see any further hands. Erika, thank you very much. This is...

Erika Mann: Pleasure.

Heather Forrest: ...it's timely, I know you've got a fair bit of work to do between now and Barcelona, and then you'll have work to do on the ground in Barcelona as well. If there's anything you think you know, that changes in the next few weeks that we need to know about, by all means, reach out on the list and anything that we can do as a supporting SO, you need only to shout.

Erika Mann: Yes, thank you so much and if there's anything else you have as a question, just feel free to send an email. And if you can come in Barcelona it would be wonderful to have some of you participating in the discussion.

Heather Forrest: Thanks, Erika. And sincere thanks to you, an enormous effort. You are there representing all of us and we're grateful to all the work and (unintelligible) put in here, so thank you.

Erika Mann: And to Marika and Joke and Emily who stepped in and, I mean, they have supporting us just immensely and Ching as the co-chair as well.

Heather Forrest: Yes, all right, everyone, let's move to Item Number 7, which is a standing item on our agenda for the time being. It is an update on the EPDP and this is an update provided by Rafik in his role as GNSO Council liaison to the EPDP and as well Rafik, for (unintelligible) you serve as EPDP vice chair so with that, over to you.

Rafik Dammak: Okay, hi, everyone. Can you hear me?

Heather Forrest: We can hear you, Rafik.

Rafik Dammak: Okay thanks. So this is the second report at the Council meeting but as what was agreed before we have the weekly report that was tweaked based on the input and comments we got on the Council list. And so we'll keep trying to update that.

So what I can report in general for the last two – I mean, for the last months since August Council meeting is that we – first we submitted our first deliverable, which was the triage report. And since then we focused following our plan, which is around the two calls per week to try to go through the several section and the appendices of the temporary spec. And maybe to clarify why we did that is based on the charter and I think the four part of the charter we highlighted what are the related section and appendices in the temporary spec.

Yes, so what I can maybe highlight as not necessarily issue but I think what can explain sometimes what people say they see in term of progress is that we had several occasion discussion about the process and (unintelligible) as EPDP team members raised concern if that's the right approach and so on. And the leadership team tried to adjust based on those comments and to try to suggest what is – seemed the best at the time.

And also there was issue that in deliberation may takes more time than what we envisioned because the time constraint but it can be understood in some occasion but maybe less in others when some topic that are not supposed to be covered at this phase to be brought up to deliberation.

And I think what we have as the most update is face to face meeting, and you may have seen in the last report that there is a lot – there was an expectation that with this face to face meeting to make more progress. And based on that we can – based on that we can make an assessment about our progress. I mean, it's still early to state if we can make it by – in term of the preliminary draft by Barcelona meeting and then by the 5th of November, but at least I think – that's my personal understanding that with the face to face meeting maybe we changed the dynamics within the EPDP team and to have the whole group focusing on some areas that – in order to make progress and wield some consensus.

So we went through the exercise to define the purposes – the purposes and we – based on what we had before and we could rework that. It's still work on progress but I think we got some basis that we can (unintelligible) on it. And then we had a kind of – another exercise to go through the data element needed for each purpose and also trying to cover the gating question and other question to clarify the processing and so on.

So I know maybe that's not enough but I think it's clear for the EPDP team more material that it can be used in the next weeks targeting Barcelona meeting to have – I mean, a preliminary draft that can be used for – to get community input. So there is still the risk that we have delay and that it can be seen in the weekly update for some items, but I also want to highlight it's also difficult to report the progress when it's just based on deliberation and when we are trying to assess how – if we are going to get the expected deliverable in time.

So we are monitoring this closely and trying to adjust our action to get this done. So I'm just here to maybe raise not necessarily concern but kind of issues to be monitoring closely for the next days. And we'll see if we can make it by Barcelona meeting.

And another maybe thing to highlight regarding the face to face meeting is the usage or leveraging the facilitators helped a lot the EPDP team to make progress and to work together compared what we have in the calls with, I mean, maybe not necessarily the most suitable mean to work in larger group. But, I mean, even if still 30 person is quite large and we have to work though consensus, but I think this experience showed that we may – we should – maybe we should use that more often if we want to go further.

Yes, so maybe I have some notes that I can raise later but I'm happy to maybe answer the question or any – I can provide any clarification if needed so. Yes, and I see Michele is in the queue. Please go ahead.

Michele Neylon: Yes, thanks. Michele for the record. Basically the – it would be more helpful for us I think just to have a kind of simpler, you know, the face-to-face meeting was positive.

The face-to-face meeting was a waste of time. You know, we're feeling optimistic. We all want – we all need counseling and that, you know, the – I – the thing that, you know, is – would be, you know, that kind of thing is more helpful to understand having to – moving or what needs to happen, what is working, what isn't working.

I mean, from some of the things I've seen in the chat it looks like the third-party mediators were a positive thing, but it's not clear to me whether or not any substantive progress was actually made at the face-to-face or are we going to end up in yet another RDS PDP type situation?

The other thing as well is, I mean, the – whether or not this kind of outside the EDP lobbying by certain groups – whether that's having any impact on the general morale of people involved within the PDP. Thanks.

Rafik Dammak: Hey thanks Michele. So in term of progress of substance I think we did so when we worked in the purpose I think it allowed us to start answering the first question from the charter.

And then having that maybe if it – but I can share it later - the material that we start to create like the worksheet. It's allowed us to really focus and to go like through the collection – data collection and trying – we put also some gating question there.

Those material will help us to populate our preliminy (sic) – preliminary report and we are going to use them and there was even a proposal to put them as – in the annex.

And based also in what we have as a discussion there is homework for the EPDP leadership team to work out the plan till Barcelona, and how we can keep that – what we did in the face-to-face meeting.

So I think it was positive – the face-to-face meeting but just I want to be kind of more realistic and to not set I'll say more higher expectation. I think well that's where you said – I said we changed the dynamics but still we have to do more.

And the way to avoid that - we go in circles in some deliberation and so that's I think the challenge remain for us as a EPDP team and also the leadership and how we can steer the discussion in the way we get more things done.

Yes so I hope I answered your question Michele but I'm happy to elaborate more if needed. Okay looks okay. Keith you are in the queue. Please go ahead.

Keith Drasek: Yes. Hi. Thank you Rafik and thank you very much for your hard work and engagement on the leadership team as our Council Liaison to this EPDP. Just one very brief comment.

I think - as I've noted in chat I think that there was significant progress made by the EPDP team in Los Angeles during its three days of meetings. It wasn't always easy.

I listened to all three days. It wasn't always easy and there were, you know, two steps forward and one step back but I think overall there was progress and I think that was very encouraging.

And I just want to note that, you know, there's still a lot of work left to do and I think one of the things that I would encourage and strongly encourage as I – as you've all seen me post into the Council chat is to make sure that the

EPDP Working Group focuses on the questions that were laid out in the charter.

I recognize that there are a lot of different dynamics and a lot of different angles that, you know, that the working group can take. But I think if ever the group over the coming weeks gets to a point where it feels like there's, you know, the group is getting bogged down or running into challenges in terms of progress, the answer should be to revert to the questions that were laid out in the charter because those questions were negotiated by the drafting team, which is all of us, the, you know, essentially the Council, you know, worked on very hard over a period of time and laid out those questions for a reason and in the order for a reason.

So I would just encourage you Rafik to, you know, work with Kurt and work with the staff and work with, you know, the rest of the people to ensure that those questions are answered.

That's not to say that other conversations shouldn't happen and can't happen, you know, in parallel. But at the end of the day those charter questions must be answered in order to be able to I think address the scope of the charter and to produce an initial report that is meaningful and comprehensive.

So again I just want to thank you and thank every – you Rafik and thank everybody on Council who has been working so hard in this either as a member of the group or as an alternate for all the time and effort that you're putting into this because it's obviously substantial, but that's just my encouragement and recommendation. Thank you.

Rafik Dammak: Hey thanks Keith. Yes I'm – I understanding about the gating question and I think the point – it's taken. And – but I – what we tried to do is to have this kind of exercise to kind of direct the conversation and deliberation in the way we can have a common understanding within the PDP team.

But also we tried to every – produce I'll say for those – the material exercise to indicate what are the gating question that we are supposed to respond. And in the same way when – now in the last calls we also put as objective what are the gating question we are supposed to cover.

But I understand that maybe you have to be more explicit and to spend the time responding to them. So it's a challenge in the way – how we can create a – how we can have that deliberation and ensure that we are responding to the gating question but well yes we will follow-up and see how we can improve on that front. I see Darcy is in the queue. Please go ahead. Darcy?

Darcy Southwell: Thanks Rafik. It's Darcy Southwell for the record. Just to kind of follow-up on that I guess what I'm not really clear on is when you think about all the work that this PDP is to do, which we've known from the outset is an enormous amount of work in an extremely short period of time, it's a Herculean effort.

But as an example about reporting specifically about the face-to-face was there any critical piece of work that was expected to get done at the face-to-face but wasn't, and if so what impact does that have on the rest of the work?

Or even we can spin it in a positive, right? What was accomplished that was critical to the face-to-face? I guess I - I'm not feeling like I – and I listened to a lot of the face-to-face as much as I could.

I'm not sure I have a feeling for what was accomplished or what was not accomplished that's critical. I was wondering if you could shed light on that.

Rafik Dammak: Thanks Darcy. With regard to the face-to-face meeting I think we achieved what was in the plan in the agenda so we covered the two area, the purpose and the data element, as we – I would say as we worked on that with the facilitator in the last day.

So I think we went through the process as we planned and to some extent we got what we wanted and we – I think we created the foundation to – for – to make progress in the coming days.

I'm kind of I'll say – I am optimistic but, I mean, to – I cannot find the word – the right term but to some level I just – oh I'm keeping kind of also more realisting (sic) and see what kind of things that may pop up in the – also in the next day.

So the challenge here is how we can keep the momentum and also to follow-up with the several action items and homework we got from the face-to-face meeting.

So we – I think it – we got what we wanted from it but it's how – the – now the challenge is how to leverage that. Darcy is it an old or a new hand or you wanted to - follow-up question?

Okay. Okay so – yes so I think that's it from my side but maybe I missed one point because it was – right before it's about the output and also we covered that maybe not for a long time, but we covered that during the face-to-face meeting with a kind of say explanation what should be in the initial report in term of recommendation and so on.

So that's something we will work on regarding the outline and too we share it with the EPDP team. Okay. Okay any further question or comment? I'm sorry.

I think I missed some comments in the Adobe Connect. Okay. Yes that's it if there is no further questions so back to you Heather.

Heather Forrest: Thanks very much Rafik and if you can – to gate Council's – thanks to – and back to Kurt and to the entire EPDP team, certainly self-included for the time

and for managing - we've spent together locked in the room together over a couple of days.

This is something you remember we argued very strenuously for when we talked about (bida) that the group have an opportunity to get together in this kind of face-to-face way outside of the distractions of an ICANN meeting.

And so I think it's an important – really it's an important thing to acknowledge at this point. Rafik your hand's up. Over to you.

Rafik Dammak: Okay thanks. Maybe I missed other and even with the – all the notes I took. I – we have a – we – you can expect a blog post reporting on the meeting. That should be published soon so we are going to work on that for the next day.

And also with regard to the weekly update we also had last night, which is more monthly - is the fact sheet which – to – it's more from a budget perspective and I think that can be helpful for the Council to see how we are using the resources.

So I – just I would say this is the kind of point maybe I missed but I think we will take note of all the comment and question in the Adobe Connect and hopefully follow-up in the coming days too. Sorry.

Heather Forrest: Thanks Rafik for that further follow-up information. Any additional points to make here? Anything you want to refer back to the EPDP team through Rafik in his role as Liaison?

Sorry. On the weekly updates in chat several times, the weekly updates are very helpful and very much appreciate Rafik on what's he doing on those so I think we'll use that as our primary mechanism, you know, with ongoing comments.

Make sure to get those to Rafik by the list. Safe travels home to everyone who is sitting in LA, sitting in LAX or en route. We hope you have good travels and will get over your jet lag in time to turn around again and point to Barcelona, yourself included Rafik. You've had a busy travel month.

With that let's turn to Item 8, which is any other business. The first item in any other business is ICANN63 planning. Staff have provided us with a link to the draft GNSO schedule here.

There is one thing in particular I think from a GNSO point of view that we need, but Nathalie and her team will tell me if I mistake. I think it's the case that we're – and in fact I know it's the case that we've all agreed on rather than a dinner that we're going to get together for an evening of (unintelligible) to celebrate the local culinary traditions.

Is it the case now? I mean, and we still need someone to champion that effort. As I understand it we've got a number of suggestions for restaurants but we just need someone to decide, because the staff isn't necessarily keen on deciding where community spends its hard-earned cash. Am I right on that one Nathalie?

Nathalie Peregrine: Thanks Heather. Yes that's – Nathalie. Yes that's true and we've got the list – just a shortened list of (IZO) venues but obviously if there is a chance we could kindly step in and review them that would be most helpful.

Heather Forrest: Michele hand up. Over to you.

Michele Neylon: Michele for records and everything else. I'm still, I mean, on like my fourth coffee. I mean, Nathalie I don't think you really need the entire Council to weigh in on this.

You just need a – one or two people just to kind of help you with this so, I mean, if you're – you – but you – as always it's you and others from staff who

do most of the heavy lifting. So, I mean, I'm happy to help you with that if I can. Thanks.

Heather Forrest: Thanks very much Michele and Keith I note your comment in the chat and Tony over to you. Tony I'm not sure that we have you on audio.

Tony Harris: Hello?

Heather Forrest: There you are. Tony we've got you now.

Tony Harris: Hello.

Heather Forrest: Thank you.

Tony Harris: Okay I just wanted to say that I consulted a telephonic of Spain. They're the larger patients company and a member of our constituency and I asked them to recommend a good place for tapas, which they did and which I passed to staff.

It's a place which apparently is the most famous one in Barcelona and that has a recommendation of people who actually live in Barcelona and take their customers there.

So the place is called Tickets so that might be worth some consideration.
Thank you.

Heather Forrest: Thanks very much Tony. This is Heather and indeed – and staff passed on the recommendation to Council leadership and that is one of our possibilities on the list, and in fact that it comes with such a strong recommendation is excellent so thank you for sharing that information.

Keith you have been kind enough to volunteer. We'll pass on what we have collated to you in terms of options and much appreciated Keith. And in fact, I mean, that was sent around not too long ago.

I can't remember exactly where it is in your inbox. It – Nathalie (unintelligible) set out the options. Here are the options for – to guests sitting around the table so Keith I don't think you have too much work to do in that regard. It's just making a decision.

And Nathalie anything else we need to think about from a Council perspective on the GNSO calendar, which you very kindly posted the link to?

Nathalie Peregrine: Heather no, not from my perspective at all. The block schedule will be published on Monday. It's on the 1st of October. SGC and the Secretariats and staff report have been monitoring closely and have tried to minimize conflicts as much as possible.

So for now I'd say that the GNSO draft schedule that you see following the link will be pretty much the final one.

Heather Forrest: Excellent. Thank you Nathalie. That's great that we're, you know, we're in the end of September, meeting end of October and we've done fairly well. Paul is asking in the chat which side of the Council (unintelligible)?

So we're very clear it's not so much dinner as tapas and Nathalie's going to type in the answer for you because I'm entirely going to give that one while – on a Saturday. Yes we are Michele. Two for one.

Great. Anything else we need to say about ICANN63 planning, schedule, where we are, update, questions? Well and I understand that there are some finalization talking on the staff side to the schedule and as soon as we have those updates we will circulate those around.

I'm sure they'll go out to the SG team leaders as well. The – we'll make sure that we circulate those. Michele over to you.

Michele Neylon: Thanks Heather. Michele again. I assume because we're doing the strategic meeting in LA in January that there won't be anything on the Friday in Barcelona.

Heather Forrest: Sorry Michele, can I just check that your question was are we having – are we getting together for a strategic thing on the Friday in Barcelona? The – if that's the correct interpretation the answer is no because we've taken that extra day, which we are a bit reluctant to add to the end of an extra long meeting anyway, which is (unintelligible).

And we will have the three-day strategic planning session in January. Does that answer your question Michele?

Michele Neylon: Yes Heather. You speak fluent Michele. Thank you.

Heather Forrest: Perfect. Good stuff and everyone should not be able to seek an announcement. We're not adding a day to the formal schedule so what you see on the ICANN schedule – I suppose that the last activity for us would be the Council wrap up, which normally happens on the Thursday and that would be for continuing councilors because we'll reseal the new Council on (unintelligible).

All right, any further comments/questions on ICANN63? If not we'll move to 8.2, which is an item – two items actually in relation to the Standing Selection Committee.

So we have two things that require instructions from Council to the SSC. The first one is ATRT3. As noted in our review of the action items list that is now moving ahead.

We have staff in the background who have been working to check in with the GNSO representatives who had initially put their hand up and were concerned.

And we are – in a personal contact we mentioned that we know exactly how many seats the SSC needs to fill. It is the case we know for certain that we need to fill one that was very sadly departed earlier this year.

But we need to confirm let's say the full (unintelligible) of the SSC how many of those there are. Item Number 2 there in 8.2.2 is the fellowship program.

So we've had a great deal of discussion about this on the Council list, and I very much appreciate the concerns and the comments that were raised there in – both in relation to the timing and in relation to the difficulties of finding someone to represent the GNSO as a whole.

That – that's always going to be a challenge that we have. On your halfway house or at least to get us over the deadline what I did was volunteer myself to serve on an interim basis until the SSC could go through its process to appoint someone in a formal way following the process that they follow.

So staff have notified to the relevant department within ICANN that I'm happy to serve on an interim basis so that has been notified, but we need to instruct the Standing Selection Committee to select someone on an ongoing basis.

Any questions or concerns? And Susan's here so I'm looking to you as Chair of the SSC. Anyone have any issues with these two instructions to the Standing Selection Committee? Susan please.

Susan Kawaguchi: Just a quick question. Will there be a call for volunteers for the fellowship program or is that something the GNSO Council puts out a call for themselves? Not sure on the process for that one.

Heather Forrest: Good question Susan. My understanding - and staff can jump on me if I'm wrong. My understanding is that this is something that we'll do internally and it's for us to decide who it is that we wish to represent us.

And I think staff has been standing by waiting for this Council meeting so - Mary said correct in the chat. Thanks Mary. Staff has been standing by waiting for this Council meeting and waiting for those formal instructions.

We didn't want to put out that call for volunteers Susan until we'd actually gone about formally giving the instructions to the SSC so hopefully that helps.

Susan Kawaguchi: Okay thanks. Well the SSC is ready to start its work whenever appropriate.

Heather Forrest: That's brilliant. Thank you Susan very much and we'll follow up with the precise dates and so on so that we know what the timelines are that we're working to so that - and we'll do the best we can to get that information as soon as possible so you have the most amount of time possible to do your work.

Anything further for me to say - instructing the Standing Selection Committee on these two? Are we all agreed that we won't stop the Standing Selection Committee to confirm our ATRT2 representatives and its still vacant spots, and it appoint a GNSO representative for the fellowship program, bearing in mind all the comments that were made on the list about the challenges of appointing only one representative?

I will say actually this. So staff have been very, very helpful here. Mary and (Peter)'s helped us with our request to have two members of the GNSO on - as representatives.

And I understand there's a proposal to have a sort of representative and an alternate, which doesn't really address the concerns that we're raising here

and it's – or, you know, two people who'd serve on – part of the time or they determine themselves, you know, how this – productive the time on this Committee.

And I'm not convinced that that addresses the concerns that we've raised so we'll continue as we normally do with these sorts of things. We'll continue to push the point that the GNSO is made up of a very diverse range of interests, and to the extent that it's possible to have two representatives then that would be good.

Again we're not trying to mirror the – our structure as such. We are – I'm thinking it's a good process where we can represent that diversity that we try and do so.

So we will continue to follow-up on that but in the meantime we will instruct the SSC. All right, with our two remaining minutes next up for the IGO/INGO curative rights protection mechanisms PDP Working Group final reports – so this is an item that has appeared on our agenda over the past few months as a discussion item.

It appeared in July and in August. We have had some time today - I think an excellent model in terms of how a vote might be constructed if we wish to undertake a vote in the near future whether that's October or soon after.

And that model is the request – leadership working together to think about how we should crystallize our thinking, what questions we should ask in that discussion and that sort of questions that you saw there under Item 5, 5.2.1, 5.2.2 and 5.2.3.

I think those were very helpful in terms of structure and capital thinking so I think that would very much be on our mind when we next deal with this. As you – for two in reviewing I believe it was the project still – thought it could've been (unintelligible) list earlier this week.

And what leadership proposed this year is that we get together for a Webinar slash Q&A session. We'll ask staff to go ahead and schedule that in. I would suggest for the benefit of all that we use – and the benefit of aides really we use one of our regular GNSO Council staff, as it's certainly the case that the folks in Europe have had a very early morning and others are having a late night.

We'll not reuse this slot. We don't like to generally keep, you know, too much emphasis on a single time slot so we'll rotate to another time slot that we normally use for the Council, and that will hopefully share the burden of rotten time zones.

And that is I suggest an opportunity then to go back to your (CDC)s and think about that curative rights protection mechanisms final report. Think about it specifically in the context of those three questions that we used today in discussing the Red Cross motion and let that guide our discussion and questioning, and certainly any other questions that you and your groups may have.

Let's use that strategically as an opportunity to tackle those rather than try and jam them into a tight Council meeting spot. Any concerns about that? Any concerns about the proposed approach in relation to curative rights?

This is truly the next big item on our agenda and it would be lovely to make some substantive progress on this this year. This is one of the things in our strategic planning session that we said we wanted to wind up at the end – at the middle of the year, no later than the middle of the year and I would like to think that we could certainly get that on even a little – two months though.

I mean, I think we can get that done before the end of the year. All right, I see no objections there so staff if we can note as an action item please to send around an invitation.

Let's do the logistical planning for that Webinar. Donna/Rafik anything from your side that we need to mention?

Rafik Dammak: Nothing from me.

Donna Austin: Heather it's Donna. Just to note that given the interest from the board on the Curative Rights PDP we have invited – reached out to Becky, Matthew and Avri to see if between that and to attend the Webinar for informational – for their information because we thought it might be helpful in future discussions for the board, so just to let folks know that that's happening too.

Heather Forrest: Thanks Donna. That's great and it's Matthew, Becky and Avri – all three and certainly we'll follow-up and also we expect to see their names when we send around an invitation.

You know, as always with the right (unintelligible) of parties to join us. Not, you know, not every proposal (unintelligible). Thanks Donna. That's super helpful.

Final call for comments otherwise we'll close our September meeting. All right, I'm taking great pleasure to end our September meeting at three minutes past the hour.

Thank you very much to everyone, Rafik for the Webinar and (Terry Wright). We'll actually see you in person in Barcelona. Safe travels to Barcelona.

I'm looking forward to seeing you hopefully not terribly jet lagged and until then voila. Thank you. Thank you staff very much for getting on the call.

Nathalie Peregrine: Thank you. This concludes the Council call. Operator you may now disconnect the recordings. Have a great remainder of your days/evening/nights as well. Goodbye.

END