

**ICANN
Transcription
GNSO Council Teleconference
Tuesday, 30 January 2018 at 22:00 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-30jan18-en.mp3>

Adobe recording: <https://participate.icann.org/p8x5fekpqd6/>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page <http://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

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 Federline, Arsene Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Ben Fuller - ccNSO Observer

Julf (Johan) Helsingius– GNSO liaison to the GAC

Guests:

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Marika Konings – Vice President, Policy Development Support - GNSO

Mary Wong – Senior Director, Special Adviser for Strategic Policy Planning

Julie Hedlund – Policy Director

Steve Chan – Policy Director

Berry Cobb – Policy consultant

Emily Barabas – Policy Support Senior Specialist

Ariel Liang – Policy Analyst

Mike Brennan – Technical Support

Nathalie Peregrine – Manager, Operations Support
Terri Agnew - Operations Support - GNSO Lead Administrator

Coordinator: Recordings have started.

Nathalie Peregrine: Thank you very much, Operator. Good morning, good afternoon and good evening everybody and welcome to the GNSO Council meeting on the 30th of January 2018.

Would you please acknowledge your name when I call it? Thank you ever so much. Pam Little.

Pam Little: Here.

Nathalie Peregrine: Donna Austin. Rubens Kuhl.

Rubens Kuhl: Here.

Nathalie Peregrine: Keith Drazek.

Keith Drazek: Here.

Nathalie Peregrine: Darcy Southwell.

Darcy Southwell: Here.

Nathalie Peregrine: Michele Neylon.

Michele Neylon: Here.

Nathalie Peregrine: Carlos Gutiérrez.

Carlos Raúl Gutiérrez: Here.

Nathalie Peregrine: Marie Pattullo.

Marie Pattullo: Here.

Nathalie Peregrine: Susan Kawaguchi.

Susan Kawaguchi: Here.

Nathalie Peregrine: Philippe Fouquart.

Philippe Fouquart: Here.

Nathalie Peregrine: Rafik Dammak.

Rafik Dammak: Here.

Nathalie Peregrine: Stephanie Perrin.

Stephanie Perrin: Here.

Nathalie Peregrine: Arsene Tungali.

Arsene Tungali: Here.

Nathalie Peregrine: Tony Harris. Tatiana Tropina.

Tatiana Tropina: Present.

Nathalie Peregrine: Martin Silva Valent.

Martin Silva Valent: Present.

Nathalie Peregrine: Ayden Férdeline.

Ayden Férdeline: Here.

Nathalie Peregrine: Syed Ismail Shah. I believe we have Syed in the Adobe Connect room. I don't think he was connected on the audio yet. And Syed has also given his proxy to Heather Forrest would there be any connectivity issues during the votes. Cheryl Langdon-Orr.

Cheryl Langdon-Orr: Here, Nathalie.

Nathalie Peregrine: Ben Fuller.

Ben Fuller: Here.

Nathalie Peregrine: I don't think we have - oh, welcome, Ben. Erika Mann.

Erika Mann: Here.

Nathalie Peregrine: Johan Helsingius.

Johan Helsingius: Here.

Nathalie Peregrine: Paul McGrady.

Paul McGrady: Here.

Nathalie Peregrine: Heather Forrest.

Heather Forrest: Here, Nathalie, thank you.

Nathalie Peregrine: And from staff we have Marika Konings, Mary Wong...

((Crosstalk))

Nathalie Peregrine: ...Emily Barabas, Ariel Liang, Terri Agnew, Mike Brennan for technical support and myself, Nathalie Peregrine. I'd like to remind you all to please remember to state your names before speaking for remote participation and recording purposes. Thank you ever so much and over to you, Heather.

Heather Forrest: Nathalie, thank you very much. This is Heather Forrest. I'm delighted to wish us all a good afternoon from Los Angeles. We're all here bar one councilor who was not able to make it. And we can provide a bit of an update at the end of our agenda as to what we've been doing and why it is that we're all together here in Los Angeles.

Let's turn to our agenda beginning with Item 1 and we've completed the roll call. And may I ask please do we have any updates to statements of interest? Michele, please.

Michele Neylon: Thanks. I've updated my statement of interest, just a minor change just to deal with the corporate restructuring. I originally was listed as a shareholder of Blacknight, I'm no longer a shareholder of that company, I'm now a shareholder of the company that owns Blacknight.

Heather Forrest: Thanks, Michele, very much. And Syed has noted that he has an update as well. And I don't believe yet that we Syed on audio so perhaps we might direct attention to after the meeting to his update on his SOI if we don't have him on.

Erika, please.

Erika Mann: I updated my conflict of interest for the Whois and I would love the same language to reply here. I still have to do it.

Heather Forrest: Thank you, Erika, for letting us know. Any further updates to SOIs? No, seeing none, seeing no further hands in the room, we can then continue to our review of the agenda. You'll see that we have no consent agenda items on but we do have two votes, a number of substantive discussion items. With your indulgence I would like to add a 10.2 in any other business just to provide those who are listening in on the audio cast with a very high level update as to what it is that we're doing here in LA and what we have to come tomorrow. So if anyone objects to an addition of any other business item in that regard? No? Seeing no objections, excellent, thank you.

Any other changes, amendments to the agenda? No? Seeing none. Thank you, Cheryl for your comment. Excellent. All right, then we can note in 1.4 the status of the minutes for previous Council meetings. The minutes of the Council meeting of the 30th of November were posted on the 21st of November. The minutes of the meeting of the 21st of November were posted on the 8th of January. So as you can see were entirely up to date in the publication of our minutes from our two previous meetings, so thank you very much to staff and councilors for making that happen.

Let's move on then to Item 2 which is traditionally our review of the projects list and the action items list. And perhaps we could begin with the projects list please. As is normally the case this projects list and indeed the action items list but the projects list is the one we're - is perhaps most evident was circulated in a redline amended form and a clean amended form to the Council list so councilors have had an advance opportunity to view this.

You'll notice that one of the significant changes here is something that was flagged in our December meeting which was that certain items could move off of our action items list because really in terms of Council's responsibility or Council leadership those things had been completed but there was outstanding work to be done by the groups themselves in that regard. I'm thinking specifically the Standing Committee on Budget and Operations.

Pardon me, now that that has been formed it's moved - it can move off of the action items list and likewise in relation to the RPM PDP data request items have shifted onto this projects list. I am not aware of any other major substantive changes that need to be highlighted here. I'm looking to Marika who's nodding that that's the case. Does anyone have any questions on our updated projects list?

Seeing none, could we shift to the action items please? Thank you very much. So we've made some very good progress in the interim now in the month of January. You'll see that a number of these items are on our substantive agenda for today and where that's the case I suggest that we not spend time talking about them here.

The first of those of course is the drafting team on the charter related to the next steps for the ICANN procedure of handling Whois conflicts with privacy. On our substantive agenda you'll note there the action item drafting team members to share draft charter. And indeed that draft charter will be discussed today as part of our substantive agenda.

The GNSO strategic - indeed it should be the GNSO Council strategic planning session, that is currently underway, we're halfway through. And at the end of our agenda in any other business we'll provide a quick update as to where we are with that, so correctly noted it's completed.

The ICANN Org paper on suggested incremental changes to the ICANN meeting strategy is also on our substantive agenda today in the form of draft comments for discussion. The Standing Committee on Budget and Operations you'll note the note there as I flagged in relation to the projects list. The open items that remain on this list are actually for the SCBO as opposed to the Council so hence it moves over to our ongoing projects list.

That group did meet most recently, it would be now a week ago perhaps, we had a presentation by Xavier in relation to Xavier Calvez, the CFO of ICANN,

in relation to the publication of the FY'19 budget and that group is now turning potentially to the role of the GNSO in relation to responding to that budget under the new bylaws. So that is underway.

SSSR2 is also on our substantive agenda in the form of an update to the SO/AC chairs, in relation to Council's thinking on the current status of that review team as it's on our substantive agenda, we'll leave the discussion for that time and at that point I'll be happy to provide an update as to what has happened at the SO/AC chair level since our last meeting.

Appointment to the - of the GNSO liaison to the GAC, all items completed there. The Review of All Rights Protection Mechanisms in all gTLDs data request, again an item where Council's work has finished hence this will shift to the projects list and you'll notice the outstanding item there is for the PDP working group cochairs to cooperate with their colleagues in the Subsequent Procedures PDP to provide Council with a consolidated and up to date timeline of those two.

The next item on the list is GNSO members for the ICANN Accountability and Transparency Review Team, ATRT 3. An update to provide there, you'll notice the two outstanding action items have to do with informing the endorsed candidates of their appointment and their - or the adoption of the full slate and the commencement of their work. We're not at that point and Council leadership met and determined that it was appropriate to notify those folks and provide them with a bit of an update as to why there's been a delay since their approval by the GNSO Council back in September.

So we did that. We put together a draft letter updating them as to reasons for the delay primarily being the fact that other SO/ACs have not fully completed their nominated or their nominee to ATRT 3. And until we have the full slate it is the responsibility of the SO/AC chairs to approve the full slate. So we don't have the full slate therefore we don't have a full slate to approve therefore they can't start their work.

If you like a related matter, and/or a reason for why we're in that position has a lot to do with two things. One is SSR2, there's a general understanding amongst the SO/AC chairs that if we do have issues with SSR2 at least we want to understand what those are before we kick ATRT 3 off. There's also a concern in - at least from our perspective as Council that there's an opportunity to provide our comments to the SSR2 matter, update the members of ATRT 3, our members, with our thoughts on that so that we might vet issues on - within our own group.

There's also the secondary matter of the open comment period on operating standards for ICANN-specific reviews, which is another item on our substantive agenda. So what we've undertaken to do in that letter to ATRT 3 members for the GNSO, and I'll ask that staff help by putting that onto the correspondence page so that everyone can see that email.

We've said that we'll come back to them, leadership will come back to them next week with two things. One is the finalized, assuming we have them, finalized and of course this meeting - finalized comments from the GNSO Council to the SO/AC chairs on SSR2. And the other one is the finalized comments on - from the Council on operating standards for ICANN-specific reviews so action item for those folks.

I will say this, we gave a tentative - not a tentative, you know, one of the statements that I think was very appropriate that we made to those folks was, we're very, very sorry for the delay. We understand that this might impact on your willingness to serve. We very much appreciate your willingness to serve. We can't give you a firm timeline now as to when that work might begin. If you have any concerns about that and if your ability to participate has changed please let us know.

I'll say we've heard from every single both primary and secondary appointments on that list and they were all delighted to hear from us, very

grateful for the update and express their willingness to continue insofar as that. So I think that was quite a good thing, get that out to those folks and we'll be sure and follow up with them after this.

The next item on our action items list is the revised GNSO Operating Procedures and Bylaws. And of course that is on our substantive agenda for today. And it's something that we are in a much better position to tackle having devoted some time here in Los Angeles together as a group discussing those.

PDP improvements is an - is the last item on our action items list and I have two things to say to this. You'll notice there are two items. The one is integrating proposed PDP charter as part of the preliminary issue report. This is wrapped up in the incremental changes, if you like, the other items that have been swept up in our amendments to the GNSO Operating Procedures so indeed this is in progress and will be completed with the conclusion of what we're talking about today in relation to the Operating Procedures.

The second item is the development of draft guidelines for the use and application for face to face facilitated PDP working group meetings for Council review and adoption. And it's the case that with the new meeting strategy, I'm sorry, thank you, with the new meeting strategy substantial time is being carved out within our normal three-meeting a year face to face ICANN meetings for PDPs. We are prioritizing face to face time for PDPs.

So with that being the case, we're not in a position that we were at the time this was initially raised to be seeking outside time for a PDP working group. We're really trying to maximize our face to face ICANN meetings. So at this point it doesn't appear that we need to pursue this item; it's really only if we're not able to prioritize PDP time in a face to face meeting. So this item remains open but it is not one that we believe we need to pursue at this time.

So with that, that takes us through all of our action items. I'll first to staff and say is there anything that I've neglected to mention here? Marika.

Marika Konings: This is Marika. Just clarifying a question on the last one. So we can take that action item off noting that at this stage there's no need to pursue that?

Heather Forrest: Thanks, Marika. So let's put that to the group. Does anyone feel the need to leave this on the action items list, meaning Council has to do something in relation to a draft document that deals with what happens when a PDP meets outside of an ICANN meeting? My personal view is we ought to be putting our efforts into allowing those groups to meet during the normal three meeting a year schedules. But it's entirely - if there are objections to that it's a good time to raise them. I see no objections. So Marika, let's remove that from the action items list please? It'll of course remain captured that it was at one point on our action items list but it will come off of ours to do.

Any other questions, concerns, comments in relation to action items? And I think we'll have some significant updates to make when we come to our February meeting given the number of substantive items on our agenda this month so. Excellent. Thank you very much. So we can turn away from our action items and come back to our substantive agenda.

And Cheryl, thank you very much for your comment in the chat. I'm sorry I didn't see it, I was looking at the action items. I was just afraid I didn't want to blast anyone out of the room. But do let me know and someone will ping me if volume turns out to be a trouble.

So as noted at the beginning, we have no items on our consent agenda, which means we can turn directly to Item Number 4, which is a natural follow on from discussions that we've had here in Los Angeles. This is a voting item in relation to the revisions of the GNSO Operating Procedures and - pardon me - recommended amendments to the ICANN Bylaws. I have put this motion forward. I'm down to present it. And I'm happy to do so. We can

present the motion and then have a bit of a discussion about it and go from there.

What is everyone's preference? Given that we've had a look at this motion before, would you like me to read only the whereas clauses or would you like me to read the whole motion into the record? Get straight to the whereas clauses? All right. Thanks. Okay - or sorry, into the resolve, sorry, I wasn't very clear, resolve clauses. Thank you.

All right, Resolved 1. The GNSO Council adopts the proposed modifications to the ICANN Procedures - we provided the link. Including the two minor updates as suggested by staff in the report of public comments in response to input received from the Registrar Stakeholder Group and Intellectual Property Constituency.

Two. The GNSO Council instructs ICANN staff to post the new version of the GNSO Operating Procedures, effective immediately upon adoption.

Three. The GNSO Council recommends that the ICANN Board of Directors adopt the proposed changes to section 11.3.i of the ICANN Bylaws to reflect new GNSO voting thresholds which are different from the current thresholds of a simple majority vote of each House. We provided a link. Until such time as the ICANN Board adopts the proposed changes to section 11.3.1 of the ICANN Bylaws, the existing voting thresholds will remain applicable to any GNSO Council decision.

As I read this, and look very closely, we've got one reference to 11.3.i and one to 11.3.1 so we need to go back and just clean up the one that's inaccurate.

The motion is read into the record. And we have opportunity now to discuss and Rafik, please.

Rafik Dammak: Thanks. Rafik speaking. So just want to put it on the record what I sent to the mailing list regarding two small edits. So the first one is the footnote in Page 4. I think this is become outdated or irrelevant because we moved from the GNSO restructuring at that time. And the second in Page 26 I think the reference for - should be for Section 6.1 and 6.5 instead of 5.1 and 5.5.

Heather Forrest: Thanks, Rafik. Would it be helpful for everyone see those on screen rather than read out the numbers? No? Everyone's happy with those minor changes. All right, excellent.

Any further - any further discussion items here? And I suppose it would be helpful just to note for the record that discussing these proposed changes in brief was a - was the primary topic of our discussions today here in Los Angeles, the strategic planning session. We've had an opportunity to talk about it. The history of how these changes came to be required by the IANA transition and the adoption by ICANN of new bylaws. We noted the fact that this work is the product of some time now of effort involving a bylaws review team here within the GNSO Council. Some of us were on the Council at the time that that happened, some of us have joined the Council since then.

Those comments went back to the SGs and Cs and hence you see here the reference to particular stakeholder groups or constituencies commenting on those and making minor changes. So we've been through quite a robust process, had an opportunity to review them in detail acknowledging the very significant import that we believe that these have on our work. So we've taken the time to do our due diligence and understand these.

With that as a bit of background, any further discussion on these items? Excellent. I see no hands which suggests to me that we can turn to a vote. Would anyone like to request a voice vote in the matter - or sorry, a roll call vote? All right, we're happy or a voice vote them. Nathalie, would you kindly take us through a voice vote please?

Nathalie Peregrine: thank you very much, Heather. And just before we do a voice vote, I'd like to check Syed's audio. Syed, could you please come off mute (unintelligible)?

Syed Ismail Shah: Yes, I'm out of mute now. Can you hear me?

Nathalie Peregrine: Perfect. Thank you very much, Syed. So we'll start the vote now. Would anyone like to abstain from this motion? Please raise your hand if you're in the room or say "aye" if you're on the phone. Seeing no hands raised and hearing no one, would anyone like to vote against this motion? Hearing and seeing no one, would all those in favor of the please raise your hand or say "aye" if you're participating remotely?

Syed Ismail Shah: Aye.

Nathalie Peregrine: All right, thank you very much. No abstention, no objection, the motion passes.

Heather Forrest: Thank you, Nathalie, very much. And for Syed's benefit we can note that all hands in the room of voting councilors were raised. We didn't all unanimously say "aye" because we could see hands up in the room. Also important to note in this that we had attached such importance to this item that we suspended our normal voting thresholds and requested a super majority. Of course we've achieved that having unanimously passed the motion so thank you very much.

We now have action items then, these changes to the Operating Procedures become effective immediately as per the motion. And we need to move these through the appropriate channels to get them to the ICANN Board, so if we can turn those to staff as action items that would be very helpful. Thank you. Excellent. Wonderful.

If we can turn back in the Adobe Connect to our agenda? All right, we've completed Item 4, we can now turn to Item 5 which is also a voting item, it's

our second voting item on the agenda, our final voting item on the agenda which is the adoption of the charter related to the next steps for the ICANN procedure of handling Whois conflicts for privacy law.

Donna submitted the motion in view of the fact that we reached document deadline and none of the members of the drafting team had actually submitted the motion. So many thanks to Donna for saving us, otherwise this document or this item would have fallen off of the agenda. Donna, I will turn to you.

Donna Austin: Thanks, Heather. Donna Austin. So this is something that's been floating around the Council for some period of time, there's been some work undertaken by a smaller group to develop a charter to continue progress with the effort. So I guess - Resolved, The GNSO Council adopts the proposed charter for the ICANN Procedure For Handling WHOIS Conflicts with Privacy Law Implementation Advisory Group WHOIS IAG in brackets.

The GNSO Council appoints (unintelligible) as the GNSO Council Liaison (unintelligible) until such time the IAG (unintelligible).

Three. The GNSO Council requests staff to circulate the call for volunteers to the GNSO Stakeholder Holder Groups with the request for each Stakeholder Group to appoint up to 3 members to the IAG as soon as possible. Further, staff are requested to circulate through the normal communication channels a call to the wider ICANN community (unintelligible).

Four, the GNSO Council thanks the drafting team for its efforts.

Heather Forrest: Thanks, Donna, very much. So I put up my hand to remind everyone that this item or this topic has been on our agenda a number of times. This effort, this drafting team and this charter for putting together the next group, let's say, that will look at this, is of significant importance to the GNSO community as a

whole and with that in mind I will note that in the December meeting I did say in the anticipation of the formation of this group that if this group was not able to reach agreement or if it was apparent that we would not be able to reach agreement here at the Council when it got proposed that as the chair I would exercise my discretion to remove the item from consideration at the meeting until such time as we got to a point where we could all agree.

So I'll remind everyone that I've made it very clear that I intend to exercise discretion if we're not all in agreement on this. It's too important to duke it out in voting. We want to start this group off in the spirit of agreement. Cannot have this one come back on the agenda again. So will turn it then to discussion and open the floor. Thanks.

So our first speaker is Stephanie. Thank you.

Stephanie Perrin: Stephanie Perrin for the record. And I would just note that we've had a very useful discussion in our retreat here about having a number of processes on the go at the same time. I understand that there is a need on the part of some parties to have a mechanism to resolve conflicts with law and that that mechanism, you know, has been missing for some time.

However, having been on the last IAG, and I apologize, I've already said this so for the benefit of new members perhaps, I'm sure most of you have heard me drone on about this, this procedure may become irrelevant rather shortly as we try and do GDPR compliance. And I would hate to see us, after the fruitful discussion we had earlier today, plunge headlong into another painful expensive exhausting process that will not yield fruit.

So I invite those who need a mechanism - do I see Michele there - to respond to this and persuade me because unfortunately I suspect it'll be either me or one of my colleagues very close to me having to staff this thing. And, you know, we're trying to economize on our resources here. Thanks.

Heather Forrest: Thank you, Stephanie. I think that alone speaks to the utility of getting us together. So we have a queue, Darcy, Michele, Keith. Darcy, please.

Darcy Southwell: Thanks. Darcy Southwell for the record. So I somewhat share Stephanie's concern. I think we have a lot going on right now. We discussed at length the last day and a half the four PDPs, the IRT, the global GDPR issue. And I'm really concerned how we can staff this right now to make it effective. I would hate to see us launch this IAG and it's not effective and whether it suffers from something similar to SSR2 or some other fate, that would be I think a real disservice.

Heather Forrest: Thanks, Darcy. Michele, please.

Michele Neylon: It's Michele for the record. Darcy said what I was going to say.

Heather Forrest: Michele. Keith.

Keith Drazek: Thank you, Heather. And Stephanie and Darcy and Michele, I think the points that you raised, the concern about, you know, overlapping efforts and ongoing work volunteer burnout question are all very legitimate. But we did receive a letter from Akram going back, I don't know, it's probably six months now, basically asking us look at this issue, to identify whether this was an opportunity to introduce another tool into our tool box for dealing with GDPR. So I think there's - so I'll just park that for the moment.

(Unintelligible) hanging out there for quite a long time, gone through multiple cycles, public comments and we're now at a point where a previous call or calls we agreed that the right approach was to establish another implementation advisory group to look at the issue, to try to find a path forward.

I think it's very, very important for us to move forward with approving the establishment of this group but perhaps, and I want to open this up for

conversation, there's an opportunity to say we're going to approve the formation of this but we want to be sensitive to the question of timing and resource and overlap.

Like, you know, different threads of conversation going on right now in the community around GDPR. A lot of uncertainty, I expect over the next month that uncertainty will become a little bit more crystal. We'll have a better idea of what needs to happen. But so my sense here and my recommendation is we have output of a drafting team where we seem to have - I think a prior recognition that a new IAG is the right path forward. I think we ought to move forward with this motion today but perhaps add a consideration or in recognition somehow that doesn't have to be (unintelligible) next week, right, and that we ought to take a look at the conversations that are going back to that end of the discussion about timing.

I want to put that out there. I want other's feedback and tell me if I'm off base here in terms of process and sort of thinking out loud here.

Heather Forrest: Thanks, Keith. So I think we have two points now to think about in our discussions. One is the timing of making this motion and the timing of commencing the group, let's say. Two is the actual substance of the charter, which I know we haven't started discussing yet, but I think it's important that we deal with the procedural first.

Darcy, your hand is still up and, Keith, your hand is still up, I'm assuming those are old hands, which means I have remaining in the queue, Susan, Erika, Paul, Stephanie, Rubens, so over to you, Susan.

Susan Kawaguchi: Susan Kawaguchi for the record. And I agree with all of the previous speakers (unintelligible). The only point I really wanted to bring up is - and I can't remember what country (unintelligible) in but I was one of the Council members that met with the previous IAG and we gave them a commitment that we wouldn't drop this issue that we would move on and then create

something and create another one. And Stephanie, you were (unintelligible) that and I'm a little fuzzy, so I do feel as a Council we gave a commitment to that part of the community that had worked on this.

So I, you know, if Keith's proposal is feasible, you know, that might be a way of fulfilling our comment and not stressing, you know, and overburdening the community right now. Agree that all this pass the motion and then wait three months, and I don't know from a process standpoint, I would agree with that at least.

Heather Forrest: Thanks, Susan. Erika.

Erika Mann: Maybe I'd like to add few points. In principal I like to support Keith's approach extended by what Susan just said because I think you need this because you will see that's the biggest clash going to be between what the law enforcement people do need and what needs to be protected by privacy particular in the European environment. So that's something somebody needs to do and this can't be done only by ICANN organization, that's not possible.

And it can be light touch, it can be just bringing the factors together and have a, you know, a simple document over the - with all the key points and how much, you know, this relates to in particular to potential future Whois structures. So my idea that would be important read the letter, the recent letter, you know, these three European commissioners wrote to ICANN which is interesting in this context.

So first of all you see three commissioner which is not typical, it's an explanation that there's a clash inside the commission, you have the commissioner which relates to the (unintelligible) of security issues involved, so you see there's a dispute. They can solve the problem neither in - for the ICANN context if they don't have an understanding actually what is at stake. And they don't have an understanding. So a light touch, maybe a little bit

delayed, not solving policy conflicts but rather, you know, documenting the issues but probably - could probably a good approach.

Heather Forrest: Thanks, Erika. So our queue is currently Paul, Stephanie, Rubens. Paul.

Paul McGrady: Thanks. Paul McGrady for the record. So really appreciate the discussion. I do think that we're going to have a lot more clarity in 30 days once we know what model is adopted or whatever hybrid comes out of all the feedback from the community. That clarity may in fact affect this charter and so if we adopt it today we would have to do an amendment to the charter to fix it later. We're talking about 30 days or 60 days of delay anyways by adopting it and then putting it in the refrigerator, it seems to me that we should just be prudent and wait 30 days where the smoke's at after it settles next month, take a final look at the charter and say, yes, this still gets to what issues remain.

I suspect that issues will remain. I doubt that any of the proposed models will scratch every itch in the community. And there will be issues that remain but the charter can be perhaps a little better focused 30 days from now. And again, I think by setting aside for 30 days, letting ICANN Org do its thing and then coming back to it, we're not sending a signal to anybody that we've abandoned the idea we're just being good stewards of the process. Thanks.

Heather Forrest: Thanks, Paul. Erika, Paul, I assume yours are old hands. We can take them down, which means our queue is now Stephanie, Rubens and Keith. So Stephanie.

Stephanie Perrin: Stephanie Perrin for the record. And let the record show that I agree with my colleague from the Intellectual Property Constituency except that I'd make it 60 days because I'm not that optimistic we're going to get clarity in 30 days. But - and while I appreciate what Keith has to say on this, I'm very reluctant to create a vehicle for something when there's so little clarity about what that something is going to be. So I like the idea of saying we've agreed to put it on hold for 60 days and then we can tweak the charter as required.

In my own comments, I have to say I pointed out that this is backwards, that ICANN should have a privacy policy and that conflicts with the policy should be explicitly called out. So that's the degree of the tension here. Thanks.

Heather Forrest: Thank you, Stephanie. Rubens.

Rubens Kuhl: Rubens Kuhl, Registry Stakeholder Group. I have a suggestion for a date for this IAG to start, which is May 25 this year because that's when you have this - everything sorted out. So everyone will have implemented something or done something or something. And I would like - I don't like to be a (unintelligible) but we discussed this without a second (unintelligible) haven't discussed it according to our procedure.

Heather Forrest: Oh point of order noted by Rubens. And in fact, that was something that was noted just as we started the discussion by staff and the leadership. And the challenge that we have is at the point of discussing or introducing the motion let's say, that would traditionally be the time we'd call for a second. If we are going to remove the item from our agenda it's actually significantly easier to do without a second so I think that was - it was an efficiency question, once we saw where the discussion was going. But, Rubens, in the spirit of procedures, your point of order is noted and duly taken, thank you.

Rubens, interesting suggestion that I would like to follow up on but Keith is our last person in the queue for the moment.

Keith Drazek: Thank you, Heather. And thanks, everybody, for the input. I think, again, going back to the - my earlier point that we received a letter from Akram and the GDD suggesting that this could in effect be a tool in the toolbox for dealing with some of the GDPR issues. If we defer this motion at the earliest we as a Council could get it back going 30 days, right, (unintelligible) some suggestion that maybe it should be 60, I disagree with that strongly.

I think that we would be tying our hands if we were to defer this or to withdraw it because it may turn out that this is a very, very important tool for addressing sort of the outliers around the GDPR question. So I understand that people are reluctant to burden the community or to (unintelligible) also recognize that this (unintelligible) long, long time. Frankly this could be an important component of the work that needs to happen before May 25 and if we have to wait and go through the cycle of approving the motion, establish the call for volunteers for this group, that's just adding extra time. We don't have that extra time.

So I just - I would prefer that we consider this as an important tool that we need to have in reserve. We can defer this - the seating of the group until it becomes clear that we need it. But that's essentially in my view, saving 30 days and a very, very short timeline.

Heather Forrest: Thank you, Keith. So I'm not sure if we're out of order in the queue because in fact your hand is under Stephanie's so it's perhaps the case that I made a mistake. I do want to notice - want to further acknowledge the point that Rubens has been made. And in fact what our operating procedures say is that a motion can be discussed at any time up to the Council meeting, but discussion during and voting on the motion at the Council meeting, even if properly submitted, cannot proceed without a second. The GNSO Chair may call for a discussion and a vote on the motion only if it has been seconded on accordance with these procedures.

So indeed, I have, unintentionally, violated our procedures .and now that we're all skilled up on these things I'm very - unintended - or intended consequence is again, I will say for the record a distinct reason for getting ourselves together and already it seems we have positive outcome. So what I would like to do is I would like to second the motion and now we're having the official discussion.

So with that, thank you very much for - Rubens for raising that point. Susan, please.

Susan Kawaguchi: I just want to note that, you know, Resolve Clause 2, you know, we don't have to be appointed that, you know, this liaison whoever steps forward, and I'm stepping back on this one, is, you know, exactly. So I mean, that liaison is taking on quite a responsibility. I think through however we decide to move forward with this, you know, it's going to be a little bit different, and we've looked at the liaison responsibilities and so therefore, you know, somebody should really think hard about this one. But I encourage you all to do it.

Heather Forrest: Thanks, Susan. Please forgive my flippant note in the chat. For the benefit of those listening on audio cast, it might be helpful just to say that we spent some time yesterday afternoon in our strategic planning discussion reviewing what is documented in relation to the Operating Procedures as to the role of the liaison and thinking more closely about how those might develop over time, what we would like those expectations to be and suffice it to say we're all now sufficiently alarmed as to how much there is in the liaison role. So Susan makes a very valuable point.

May I remind us that we have two matters really on the discussion here. One is the timing of the motion and the timing of the commencement of this effort; two is the substance of the charter. And in fact we have an outstanding question in the - in the draft charter. It's not, let's say, you know, the most important point but it is a point that needs to be filled in and that's the question of staff support. We asked the question on the list a number of times, does anyone have a preference for whether this effort, when it is finally commenced, whether it's supported by GDD staff or by policy staff.

Traditionally implementation items are supported by GDD staff whereas traditionally things like PDPs are supported by policy staff. Marika notes in the chat, "If there's no preference, staff can support it," and I think figure it

out, sort it out, that's right, figure it out amongst themselves. So thank you, Marika, we can open up an opportunity to say something about that.

So Michele and Stephanie are in the queue. Can I just ask, can you specify are your comments in relation to process or substance? The timing or the - what's actually in the charter?

Michele Neylon: What's actually in the charter, it was about the staff support.

Heather Forrest: Okay. Let's just see if we can't maybe get flesh out anymore comment in relation to timing and then we'll turn to substance, then we'll probably have to come back to timing. Stephanie, are you substance or timing?

Stephanie Perrin: Both but I can separate them.

Heather Forrest: That would be helpful. So let's take your comments on timing, Stephanie, and then we'll put Tony in the queue for also timing, and Michele, I'll come back to you when we get - you'll be first in the queue for substance. Stephanie, thank you.

Stephanie Perrin: On the timing, Stephanie Perrin for the record, I take Keith's point. I would just ask that there be a giant emergency brake on this empty committee because I don't want it chugging along without us being aware, working on something that is not compliant because my experience, which I'll discuss in the content piece from the last time, was not at all a good one. Thanks.

Heather Forrest: Thanks very much, Stephanie. Tony, please.

Tony Harris: Yes, my question is simple. Is there a way we can maybe approve the charter because at least we don't have any problem with that in our constituency. And perhaps change the wording in the motion about the fact that, I mean, the motion says that this goes into effect immediately and volunteers are called for immediately. Can't we change that wording and sort of leave it

pending but then we've got the charter approved and if things work out where this is seen as useful and productive to get started because of what goes on in the GDPR, at least we've got this already accomplished. Just a question.

Heather Forrest: Thanks, Tony. So having heard a number of comments in relation to timing, I might summarize those and make a proposal that's a halfway house between the various things that have been proposed. So we have heard that there are concerns in relation to commencing an effort that could then be, if you like, circumvented by or to some degree rendered redundant by conclusions very immediately pending conclusions in relation to GDPR.

A proposal has been put on the table to perhaps delay this by 30 days or 60 days. Rubens offered May as a possibility. Can I suggest - I'm reluctant as I put in the chat, I'm reluctant to bind Council to a timeline that is completely external and over which we have no control. We'd be in an immediate position here if we pick 30 days and they take 32, we immediately have a problem that then requires something else to fix within Council. So I would like to administratively prevent us from having that problem.

Can we articulate a trigger by which we're happy for this thing to commence? And I wonder if that trigger would be finalization or publication of the chosen model in relation to GDPR. I was initially thinking GDPR coming into force and that's actually channeling maybe Rubens and May. What's the trigger that we need to happen - at what point will we feel comfortable for this to go ahead? And let's try and make it not a date but a thing.

Michele.

Michele Neylon: Madame Chair, Michele for the record. While I appreciate that you're trying to frame this in such a way that we don't end up becoming victims to our own processes, I would have to strongly oppose the choice of a model as a trigger for the simple reason that as a contracted party we view the choice for the

model concept to be abhorrent and since, well, we could - I could bore you to tears as to the reasons why, but I won't.

I would therefore ask that councilors potentially suggest other triggers in the same kind of vein, in other words, that it's not something that is time restricted but a specific one about the quote unquote chosen model. We - I think I feel fairly confident that I'm speaking for my fellow registrar councilors that we would not be able to support that.

Heather Forrest: Understood, Michele. Point very well taken. And so the straw man as to what - and I realize I'm using the word "trigger" too, you know, the straw man is meant to elicit discussion, so entirely understand the point. Michele and Stephanie are in the queue. Stephanie, is your intervention on this particular point?

Stephanie Perrin: Yes indeed. Stephanie Perrin for the record. It seems to me that our colleagues in the contracted party house may urgently need this. Having read most of the comments, I don't see a resolution coming any time soon. The results of this process may be something that puts them in legal jeopardy, again, and they may need a conflicts with law procedure that actually works so that they can instantly turn it on. So while I want the emergency brake so that something stupid doesn't start happening and I don't have enough bandwidth to stop it, I totally perceive that they should be able to raise their hands, contact Council and say we need that group and we need it now.

Now, we're - can we get to substance soon? There are reasons for this.

Heather Forrest: Thanks, Stephanie. And I'm mindful of the time. We want to finish this by the top of the hour if we can do. Could we - could we make this happen by commencing the efforts as soon as - I'm very - I'm really cautious about saying as soon as possible. I'm also wondering can we constitute the group, have a call for volunteers, and allow the group - because it will take us some time to do the call for volunteers - have the group then once it's constituted

determine when best to commence its efforts. Paul, do you have a solution for us?

Paul McGrady: So I'm looking at - Paul McGrady for the record. I'm looking at the text of the charter. My concern about - and I've already stated this - my concern about adopting the charter and setting them - I don't know how to unadopt it if it doesn't become necessary. Maybe we just put in a sentence saying that on receipt of the preliminary report if it's no longer necessary that the Council may wind this one down. I know that's unusual.

But we need some way to claw it back if we're going to launch it (unintelligible) otherwise we're just stuck with yet another thing - this is what, Whois Number 5 group that's out there right now? I mean, that's a lot of Whois. So maybe what we need is a mechanism to shut it down.

Heather Forrest: Thanks, Paul. Stephanie, your hand is up. I'm actually tempted to say let's turn to substance and come back to this, maybe we'll elicit some further points on timing in the discussion of substance. And with that, we have a queue, Michele, Stephanie, Darcy. So Michele.

Michele Neylon: Thanks, Heather. Michele for the record. I was just on the entire thing around the staff support thing. I mean, the way just my own personal view, and this is - it needs to be supported, it needs to - the people supporting it need to be the best people to support it who have the best knowledge, can help each other to get the thing done. Dividing it by some kind of weird departmental internal thing just seems strange.

So I'm fully supportive of what Marika was saying, which is kind of, you know, we'll sort it out ourselves kind of thing, I don't know if that's anyway helpful to you, Marika. But it's just I don't know, choosing, you know, GDD versus policy seems like a kind of why am I even having this conversation question.

Heather Forrest: Thanks, Michele. And as a member of the drafting team what I can say is that's indeed why it's an open item. There weren't strong views. Where we spent our time was on the scope of the group and the composition of the group. So I invite everyone as well to comment substantively on those things.

Stephanie, please.

Stephanie Perrin: Stephanie Perrin for the record. I have strong views that this should be staffed by the policy team who I have a great deal of respect for, who are knowledgeable on the issues and who are watching all the other Whois issues because this thing is going to change depending on how the GDPR things are resolved. My experience last time with the GDD folks staffing it, they did not listen to facts, and we wasted our time crafting something that was inoperable, that did nothing but create disrespect in the data protection community, like when they saw it they're going what on earth are they smoking, you know.

We tried and tried, and when I say "we" I mean, the two dissenters, that would be me and Christopher Wilkinson to point out that this wouldn't work. And it didn't matter. Now I find that a waste of community time and disrespectful to knowledgeable people who care to participate and I don't want to go through it again. Period. So I'm being blunt, frank, but, you know, part of the reason we're in the mess we're in right now is that nobody listened and I don't want to repeat that experience. Thank you.

Heather Forrest: Thanks, Stephanie. Michele.

Michele Neylon: Thanks, Heather. Michele for the record. I understand and respect Stephanie's views on this but I would remind her that the composition of the new group is completely different because it will be an appointment-based group so it would be impossible for one particular interest group or stakeholder group to effectively Astroturf it or control it or drive a particular

agenda. So with that - with the kind of composition that's framed in the new charter, a lot of the issues that Stephanie has I think go away.

The issue that we're struggling with, which is something that several of us have articulated, is that since there's 24 hours in a day and we all have bodily functions like sleep and everything else plus most of us have #dayjob, how on earth we find the people right now who actually staff the effort is the bigger challenge and of course moving targets, etcetera, etcetera, etcetera. But in terms of assuring a balance and all that, I think that is addressed very effectively in the new charter.

Heather Forrest: Thanks, Michele. So Stephanie and Michele, your hands are still up. Michele's just taken his down. Stephanie new hand? Excellent, all right. So here's what I've heard. We're concerned about kicking the football further down the road, we're concerned about kicking the football to an unspecified point in time. We're concerned about kicking this off and having the effort be useful. We're concerned about whether or not we as a community have sufficient resources to people this effort.

I've heard nothing in relation to concerns about scope of the group as determined in the charter, as drafted. I've heard nothing in relation to the composition of the group, which was the other major substantive item in the charter so I'm going to take it that everyone's comfortable with those two things.

Michele Neylon: Point of order, Madame Chair, I actually spoke to the composition.

Heather Forrest: Sorry, objections, I've heard no objections, sorry. I should have been more clear. It's great everybody is now making points of order. That is so cool.

Michele Neylon: Madame Chair, also with respect to points of order and other matters, it would be helpful for us to understand what shape football you were referring to as we are currently in North America where the balls are not spherical. And

for those of us from Europe they would be, and this would have an impact on their ability to be kicked down any road hypothetical or otherwise.

Heather Forrest: Thank you, Michele. I was convinced that it was going to be a point of order that the chair was not allowed to say "cool" so that is indeed cool that it's not the case.

Right, here we are. So substantively we're in a good place on this charter which allays the concerns that I've had all along at we need to be substantively in a good place. Timing wise, you know, I'm inclined to say that Stephanie has made an extremely timely intervention in light of the discussions we've had. I also note that we haven't actually had our discussion yet about strategic planning 2018. We know that we have a list behind us on the wall of some bazillion things that have to be, you know, touched in some fashion whether done completed is another story but it has to be dealt with in 2018.

So I think that's an interesting point. Stephanie, your hand is up. Are you going to save us?

Stephanie Perrin: No, Stephanie Perrin for the record. I'm going to add the item that I forgot. As I remembered the previous IAG I got, you know, emotional about my feelings on that and forgot a pretty key point. If we move forward and do a call for volunteers at this precise point in time there's a distinct risk that the piece that is the RDS group will move over and join this one. Well, I would just like to object to that possibility and we need to fence that in so it doesn't happen. Thank you.

Heather Forrest: Thanks, Stephanie. Michele.

Michele Neylon: Michele for the record again. The members of the group will be appointed by the SGs so I don't see this as a problem. I respect and recognize the concern but I see it as a non-issue and that's speaking as both the representative of

the Registrars and as a cochair of the PDP from hell, aka the RDS PDP and, yes you can quote me on that.

Heather Forrest: So can I suggest a way forward here? We've got some hands up but I'm very mindful of the time. Hear me out and see if I can solve our challenges. We have four resolve clauses. One, the Council adopts the proposed charter. I haven't heard any substantive objections to the charter so it seems to me we can live with Resolve 1.

Resolve 2, the GNSO Council appoints Keith Drazek as the GNSO Council liaison. I can't imagine anyone wants to dispute a volunteer for the liaison role. So we're going to live - at a minimum we're passing Resolve 2 right now.

The GNSO Council - Resolve 3 - the GNSO Council requests staff to circulate the call for volunteers to the GNSO stakeholder groups with a request for each SG to appoint up to three members as soon as possible. It seems to me that's the time language that we have to deal with here. Can we say there, can we live with something like as soon as practicable in view of the dynamic situation facing GDPR or something like this? Will that give us enough comfort? There's hands up there.

So as anybody want to wordsmith tell me that that's not a good one off the top of my head. As soon as is practicable taking into consideration progress made in relation to GDPR. And we'll spell out the acronym for absolute clarity. So I'm proposing that, I'm the seconder of the motion. It takes - we can discuss it but it also takes the maker of the motion to support that language. And I've got some hands up.

So Donna's hand is up and then Michele.

Donna Austin: So this is potentially subjective by making it (unintelligible) whether we've made progress or not. So I have a concern that is subjective rather than (unintelligible).

Heather Forrest: So Donna's point is that the word "progress" is subjective and I agree, so can we come up with a word that we can live with that's not - that's more objective, let's say. So I have Michele and then I have Tatiana. Michele.

Michele Neylon: I'll pass.

Heather Forrest: Tatiana.

Tatiana Tropina: Tatiana Tropina for the record. I have the same concern as Donna so I think that if we go for this language we have to insert who decides. The Council decides in the discussion so how do we handle this? And if it's some way in between the Council meetings how will we decide? Thank you.

Heather Forrest: Marika, please.

Marika Konings: Yes, this is Marika. Joining the same concern here is I don't think staff would be in a position to make that determination. But could potentially do is come back to this date during the next Council meeting and make a determination on whether there is sufficient clarity to move ahead at that point and if not you can still move it as well forward to the next meeting so at least it gives you the ability then to give the go ahead. In the meantime, staff can already work on the call for volunteers for example so as soon as the thumbs up is given, you know, we're ready to move forward. But that may be a way of not forgetting about it but have a specific check in point with the Council where you can okay, we've adopted the charter, we feel it's now the right moment to (unintelligible).

Heather Forrest: Thanks, Marika. Keith.

Keith Drazek: Thank you, Heather. And thanks, Marika. I was going to suggest essentially that. But if I am to be Council liaison that means I am the (unintelligible) and I would certainly take the responsibility for (cracking) this issue (unintelligible)

question about the status of the (unintelligible) discussions. Keeping the Council updated on the mailing list and, you know, if it (unintelligible) something that it was time to initiate that that could be discussed on the list. If there's a question about that it could certainly be pushed off to the next Council meeting.

Heather Forrest: Paul.

Paul McGrady: Paul McGrady for the record. I just wanted to answer my own question earlier which was about how PDPs are terminated. So this is not a PDP so I don't know how to terminate this. Would the same rules apply? There's a Section 15 that is for PDPs at least (unintelligible) terminated and it has to be for good cause and one of the good causes is that it's (unintelligible). So I was just curious if it's the same process.

Marika Konings: This is Marika. I can answer the question. No, that would not apply; this is basically a decision that fall in that category of a simple majority vote actions, not a PDP working group so it doesn't need to meet that threshold, it's a normal action.

Paul McGrady: Paul McGrady again. So in other words if the same standard to claw it back as it is to put it out there? Great.

Heather Forrest: Darcy.

Darcy Southwell: Darcy Southwell for the record. Thanks, Heather. So I guess I don't know that the Registrar Stakeholder Group would love clauses, well, Clause 1, but I think Clause 3 in particular I think we need to have something more objective. I think the concern with the language that's being proposed is first of all who defines it? But second of all I think for a call for volunteers to go out earlier or, you know, with this pending I don't know that all stakeholder groups or constituencies are going to be prepared to select the right people. We don't

know what's going to happen with GDPR, we don't know what direction some of this is going.

And I think that would influence our decisions of who we put forth because these are appointed positions. So I'm a little worried with going in this direction.

Heather Forrest: Thanks, Darcy. Donna, you're the last in the queue and then we need to wrap this item up.

Donna Austin: Thanks, Heather. Donna Austin. I was just going to respond to Paul. And I wondered whether it was appropriate that with the language that Heather offered up in terms of, you know, determining a commencement date as appropriate whether we should also have a consideration there that we kill it for want of a better word if we don't think (unintelligible).

Heather Forrest: Thanks, Donna. So Darcy has made an intervention about some concerns around Resolve 1. We've got concerns around Resolve 3. I'm tempted to exercise the discretion to defer the motion to February which is really the way that we're heading substantively anyway. We were thinking about the next meeting as a time when we could kick this off, if we are in a position to do so at that point. We've eaten half of our agenda on this one agenda item.

It's important, as I said, right from the outset that we get this right in a place that we can all live with it. We were proposing kicking this off at the next Council meeting anyway, or 30 days, we've been dealing with that timeline. Does anyone strongly object to taking this back, working on it and bringing it to the February Council meeting? I see some disappointed faces in the room but I don't see any objections. Realistically I think that's our best path forward.

Stephanie, may I ask specifically, does that address your concerns? Keith, does it address your concerns because you were really the one to set us on this path in the beginning.

Stephanie Perrin: Can - Stephanie Perrin for the record. Can you remind us when the stay of execution from GDD expires? So failure to abide by the ICANN RAA and Registry Agreements, there will be no enforcement action from GDD until a given date. I can't remember what that date was that they gave you. No? No?

Michele Neylon: Sorry, it's Michele for the record. Just very briefly, Stephanie, I think you might be conflating the date for GDPR coming into enforcement with the ICANN statement on compliance. The ICANN statement of compliance doesn't have an end date or anything associated with it, but GDPR does. So GDPR 25 of May, 2018, 113 days or whatever it is and whereas the compliance statement doesn't really have an end date at all. So...

Stephanie Perrin: My apologies, I thought it had an end date. Thanks.

Heather Forrest: All right, everyone, Paul, your hand is up. No, my Adobe is now very slow. No, all right. Let me then say - I'll put two options on the table. One is moving this to February 2. If we can identify in short order here resolve clauses that we can live with we can pass subject to the approval of the maker of the motion, we could pass those resolve clauses and come back to the one that we're not comfortable with or ones that we're not comfortable with.

Are we comfortable with Resolve 1? Or shall I say this, is there anyone who is uncomfortable with Resolved 1?

Paul McGrady: I'm not uncomfortable with Resolve 1. But I - just something procedurally that make it possible for us to act in the Council meeting. So for example, if we're okay with 1 and we're okay with 2, sorry Keith, and we're okay with 4, why not ask 1, 2 and 4 today then make Clause 3 passable by (unintelligible) email vote so that whenever this vote clears enough we think as a Council

could pass it by email if we don't think we can do it by email then it just goes on the agenda for the next meeting. Is that something that can be done or is that too surgical?

Heather Forrest: Marika, please.

Marika Konings: Yes, this is Marika. That is possible but if you're now talking about 30 days, an email vote normally is in between meetings. So you do have the option to pass it later by email vote, but may be more appropriate than just to consider at the next meeting. You know, one thing you may want to make clear and again, because I think it comes back to the same point because you're adopting a charter but there are no instructions on how to move forward.

So it still makes sense on that third point just to say that will be confirmed at the next meeting. And at the next meeting you can still say we're still not ready let's look at it the next meeting, but feels a bit weird to adopt the three that you agree with and leave the other one kind of without any kind of guidance. Just an observation from.

Heather Forrest: Keith, please.

Keith Drazek: Thank you, Heather and Marika and everybody. Look, I think my views and position on this are clear but I sense in the room that there's not support at this time for approving this motion in its entirety, that there are some questions largely related to things outside of our control, in other words sort of the external inputs that we expect to get over the next weeks or months. I think we've all read that there will be further (unintelligible) external or third parties on GDPR and the models that have been discussed. I think there's an expectation that by the middle of February or the end of February that there will be more clarity around sort of the ICANN Org proposed approach.

I do just want to call out and say though that there will be contracted parties for whom ICANN proposed model does not work. Right, and those entities

must have a mechanism for being able to figure out how to be compliant with contracts and laws. That's why this is important.

I recognize that we are likely not going to get this pulled off and approved but I will put down a marker and say I think we need to be prepared to act very quickly and decisively at our next meeting which includes being prepared to go out with the call for volunteers if needed. It may be that it turns out whoa, you know, maybe this is unnecessary, but I suspect and expect that this is something that we're going to have get behind and so Heather, I'm basically - that's my comment but if under the chair's prerogative you decide that this is something to push off to our next meeting I'm fine with that.

Heather Forrest: Thanks, Keith. So here's the thing, the timing is this, our next meeting as I put in the chat, is on the 22nd of February, which makes document deadline the 12th which is two and a half weeks from now. We're not dealing with 30 days. In view of that I'm inclined to say let's do this properly and do it in February rather than do a piecemeal approach now because if we did a piecemeal approach now we'd have to come back to it in February anyway.

I see nodding in the room. Does anyone object? Comments, I confess my Adobe is slow. And Syed, this is your opportunity if you do object please let us know in chat. Stephanie, your hand is up, is that an old hand?

So then what I propose to do then is defer the motion to February. The drafting team will need to reconvene immediately to think about some of these things and Rafik, as maker of the motion you'll need to coordinate with that group to make sure that the motion is submitted. Oh sorry, Donna, I'm sorry, wrong vice chair. Apologies, Donna. Are you willing to work with the drafting team to get the motion in shape? Yes, thank you.

Excellent. Thank you very much everyone. I think there's a number of very important points that were raised there that we can then also keep in mind in our discussion of strategic planning tomorrow. Let's then leave agenda Item 5

and turn our attention to agenda Item 6 which is an update, it's a discussion item, an update on a potential FY'19 GNSO additional budget requests.

And you will note here in the agenda that what is on the table is a repeat essentially or a proposed re-request of two additional budget requests that were raised previously. The one, the first one is understandably premature. We are only halfway through the current pilot of our strategic planning session, albeit I would say that there are a number of points that have already come out in this Council meeting that suggests to me that we're reaping the benefits of it right away.

What are your thoughts on the utility of this session, so given let's say the timeline which is very tight, the deadline for requests is tomorrow. So we have some further time to think about this albeit we need to decide at a Council, it's not a motion, it's not a vote, but we need to decide at Council if we think at least in principle we'd like to support putting in an application to repeat what we're doing here in LA in the future. Thoughts, objections to that, commence, concerns, questions?

Apologies for the slowness of my Adobe. Michele and Donna. Michele please.

Michele Neylon: Thanks. Michele for the record. Thanks, Heather. I already posted this on the Council but just reiterating it and you know, want to see what other people think. So the first one being of course this thing about holding a kind of strategic - strategy meeting of some kind. Obviously in light of the changes with the bylaws and everything what we're doing this time around in some respects I think is a little bit unique in that we're kind of getting into the weeds trying to actually understand how the role of the Council has morphed as a result of the changes.

But be that as it may, you know, the issue that the Council faces as a group is that you know, you go to a normal ICANN meeting and we end up spending

our entire time getting updates from the various PDPs, from ICANN senior staff, from other parts of the community, then trying to interact with our own stakeholder groups etcetera, etcetera, etcetera.

So we rarely get a chance to even kind of sit back and go right, well, you know, what's happening with, you know, the 25 PDPs that are going nowhere, I mean, some of the conversations we've had here over the last day and a half or so I think are really important. I mean, how do we deal with a PDP where it's blatantly obvious that the members of the group don't actually want to find a solution. Is the chair or the liaison able to deal with that or is this a question for the ombudsman, etcetera, etcetera, I mean, so load of those kind of questions.

Unless we actually have this kind of meeting to thresh that out and discuss that and also look at bigger picture kind of things that we don't get to do, then, you know, then we're not actually effective in what we're meant to be doing. And I think, you know, there's a reason why, you know, companies have that kind of quote unquote kind of management retreats, you know, my own company we hold a management meeting once a month, we don't hold in the office, I mean, we actually go outside the office. Not that we haven't got the space we just don't want the interruptions.

So I think from my perspective it makes perfect sense. I wouldn't suspect that the meeting being held in 12 months' time would be the same meeting we're holding now. But I still think it's important that we hold it.

The other budget items there was one about the sign up one which I think realistically speaking it's not that we're actually asking for funding, it's more a case of reinforcing what we believe is something that's already in the ICANN plan somewhere and so that by actually putting it down it's documenting that we're supportive of it. Again, I mean, it's things like, say, with tracking your own SOI, there's one section there about, you know, which PDPs you're involved with. I mean, that happens backwards and forth with the staff for

today. I have no idea because I look at the list from like you know, half those are dead, like I actually know which ones are active. I mean, it's a mess.

Kind of work out the onboarding and off-boarding and all that kind of thing at the moment, it's intensive for everybody in terms of timing. Yet a lot of us who are in companies who aren't - have business models predicated on stuff being automated, so it just seems a little bit silly that we don't have that. So I'm supportive of that. If it wasn't for - I can't remember what it was.

Heather Forrest: Donna.

Donna Austin: Thanks, Heather. Donna Austin. So being very sensitive to Marika's comment in chat that maybe (unintelligible) I know that Heather and myself are stepping down (unintelligible) but I think that's an important consideration to think about what kind of session be required next year.

So if there's, you know, Heather and I stepping down I don't think a repeat of this would be as valuable so to that extent but notwithstanding that I think coming together in a - as a group and having the ability to have these conversations is really valuable, but I just wonder whether, you know, (unintelligible) it may be two days is a good idea and perhaps given the policy forum is a two-day meeting, you know, would be willing to stay on for two additional days rather than have a separated you know, meeting like we're having here because that's an additional cost (unintelligible) that way. So I just, you know, I have found this, you know, really valuable (unintelligible) on the Council, I mean, had it two years ago.

But I think, you know, if we can be a little bit responsible with ICANN's budget and think about how we could potentially reframe our request to maybe two days put it at the end of the policy forum might make - understanding that timing might be great for the newcomers coming in but if there's no too many or (unintelligible).

Heather Forrest: Michele and we'll move on after Michele.

Michele Neylon: Yes, thanks. I think, you know, Donna raises some very valid points. I suppose the key thing from my perspective isn't so much when it's held but that it is held. And I think one of the things that we, within the broader ICANN community need to do is to be respectful of that concept of, you know, fiscal prudence. If it makes sense economically to tag it on before or after another event, that then do that.

If - but, you know, there's - it's more - from my perspective it's I don't personally care how that's managed and if it's, you know, if we're all in say the X and Country Y, great. That makes perfect sense to me.

Heather Forrest: Thanks, Michele. Tatiana, I want to - I'll give you a very brief intervention but we have to move on. Yes? Here's what I think and you can say, Tatiana, you can be the first to object if you disagree. I have heard some support for having this again. I think we're talking about the details as to how it happens again. I think at this point all we need to do - and we're in no means going to wordsmith the additional budget request here in the Council meeting. Let's then anyone have an objection to at least drafting the additional budget request, we'll frame it in light of the discussions we have tomorrow. We can think about the length of time and where we have it and all of that kind of thing.

But I think I'm suggesting that I hear lots of good feedback that this is useful, it's just a matter of in what form and the timing. Yes? All right, so then well make that as a note for staff that leadership will work together with staff and we'll pick this up tomorrow, I think, as an action item.

The other one on our list in ABR is we're not quite done with this agenda item yet is the support that we provide to PDP working group chairs who might not otherwise receive support. And given the fact that PDPs are core business for us and we consider that the role of chair is rather important, I wouldn't

anticipate that any of us would have an objection to continuing the support program that we've offered in the past. If I am making a faulty assumption there now is the time to articulate that. So are we all comfortable with seeking additional budget support to enable our PDP working group chairs who don't otherwise have funding to receive funding? Michele.

Michele Neylon: Thanks, Heather. Michele for the record. I think this is valid but I think also we just need to make sure that it is run in that spirit, in other words, that it's not a case of people going oh, I'm going to get myself funding to go to an ICANN meeting by chairing a completely useless PDP that nobody gives a damn about. I'm sorry, it's just because, you know, no, but, no, it's - that may seem ridiculous but at the same time I think it's something that we need to be clear. I mean, ultimately, you know, there is a balance around it.

So there are certain people who actively contribute to the policy development process in between meetings and there are other people who many of us feel we see them at ICANN meetings if they get funding; we don't see them in between. And I think it's pretty clear where most of us would like to see any support go. Thanks.

Heather Forrest: Thanks, Michele. Susan. And then we'll wind up on this one.

Susan Kawaguchi: Just a clarification, so it says "chairs" does that include vice chairs?

Heather Forrest: Sorry, for the record yes it does. So here again I don't hear opposition to the concept. It's a refinement of how we deal with the money to the extent that the ABR is even granted in light of the fact that we have a 50% reduction, so none of these requests are we guaranteed to get the nod on. Indeed we weren't guaranteed to get the nod on the funding for this session. So I think that then behooves us to put in the request. We'll see how we go, we'll work on refining the language. Yes, are we comfortable with that? Yes? I see active nods around the table. Excellent. Good, marvelous. Thank you very

much. So that's on the action items for staff that we will continue to work those out.

So I note that we're well behind in our agenda but we've had a number of very useful discussions here. Let's then turn to Item Number 7 which is the GNSO Council public comment to the proposed incremental changes to the ICANN meeting strategy. This effort was shepherded by Donna, so may I turn to you, Donna?

Donna Austin: Thanks, Heather. So this was an effort that Carlos and Michele also contributed to. This was the document that ICANN all put out just as a result of discussions we had in - within the planning committee about, you know, whether it was time to make some incremental changes to the - to some of the ICANN meetings or, you know, maybe some substantive changes. There was an agreement that it's probably reasonable to seek some community input to the incremental changes but at this point in time perhaps not substantive.

The way that I've prepared the comments I have - we've developed some high level comments that actually goes to more broadly to the three meeting structure so the comments do actually go outside what was requested. I know I think it was Ayden had some concerns about that. And requested that the comments be kept to the narrow scope that was the public comment request.

Nobody else has come forward to say whether they support that or do not support it. So we'd like to have some discussion about that now. Basically the comments that are on the screen now are the full comments including the high level comments. Nathalie, can you scroll down to where the incremental recommendations are? So people understand.

So that first point which is - so A in relation to the community forum, that is out of scope for these comments strictly speaking. It's only the comments related to B, the policy forum, and C, the AGM which follow under B.

Heather Forrest: I'm more than happy to manage the queue, Donna, but I need - there we go - Adobe just woke up so the queue is Tatiana and Rafik. Tatiana.

Tatiana Tropina: Thank you very much. Tatiana Tropina for the record. Thanks to the drafting team for these comments. Thanks to you, Donna, but it would like to second what Ayden said about keeping the comments the high level. I think we had this discussion on the GNSO concerning some other comments, for example, response to travel community requests. And I think that we agreed on the line there that we will try to keep comments like as requested so I would like to support this and thank you if you're going to accept this.

Heather Forrest: Thanks, Tatiana. Rafik.

Rafik Dammak: Thanks. Rafik speaking. Yes, I think about high level comments, it's a good idea to discuss them. We didn't really have that enough time to go more in details. There are several interesting suggestion there. They are legitimate. Maybe this more for a long kind of long discussion and we should elaborate more.

So I support that we take them off from our comment because the scope but maybe thinking how we can follow up on that in the long term because should not just keep doing things because we did that before; we need to review at some level and kind of maybe help us. So maybe in the way that we can put them - I'm not going to say action item but in the way to track and put that in something to discuss at the Council level.

Heather Forrest: Tatiana.

Tatiana Tropina: A very brief response to what Rafik said. I also think that maybe for some of the comments we will not have a common position on GNSO but I also fully support that we can remove them for now but discuss them certainly. Thank you.

Donna Austin: Thanks, Tatiana and thanks, Rafik for those comments. I think I'll just ask Carlos and Michele if they have, you know, any, diametrically opposed to dropping the high level comments from this and whether we can just move forward with (unintelligible).

Heather Forrest: Thanks, Donna. So Rafik, your hand is up but maybe my Adobe is slow? No? But Carlos has raised his real hand rather than his virtual hand.

Carlos Raúl Gutiérrez: This is the real Carlos. Not meaning Twitter. Yes, I fully understand the position of the Non Commercial Stakeholder Group and I'm ready to accept. The reason we are discussing is because we have a pending discussion on the budget and it's unrealistic to wait for the next round of incremental adaptation of the budget to continue with an incremental adaption of the meetings and so on. We are suffering under burnout, we are convinced that the smaller meeting schedule, the policy, is the most advantageous for us so I think it's a pity that we lose this opportunity but fully agree with you that as Rafik said, we continue this discussion.

We cannot keep answering surveys and requests thinking that the budget is no issue. I mean, there is a budget, there are issue, we think we - we are convinced about the role of the GNSO and we see our budget is pretty small and also at risk and I think we should put all our efforts that we discussed this week about the importance of the role, about promoting the role of the GNSO, about the resources that the GNSO together and not in a piecemeal approach. But I fully respect your position and hope that we can continue the discussion as Rafik proposed. But that was the intention of the overall comments, not to forget that we are fighting for a bigger picture. Thank you.

Heather Forrest: Thanks, Carlos. Donna, any final words from you? Comfortable with the path forward?

Donna Austin: Very comfortable with the path forward. I will provide a revised copy of the comments on the list as soon as I can. I think we submit these the 1st of February I think is the date so Thursday.

Heather Forrest: Thanks, Donna, very much. So we can turn back to our agenda. I will note and with apologies, the - there was a third additional budget request that was set out - proposed ABR that was set out in our agenda and we did not indeed discuss it. And I understand from the chat that it's one that folks would like to discuss. The deadline is tomorrow so it's not something that we can really put the list for a lengthy period of time.

But given that we are all together for the next 24 hours I'll put it to you as a group, are we comfortable with looking at that as we come together tomorrow morning perhaps or do we want to devote time to the Council agenda today? Everybody is looking at me mouthing "tomorrow." Okay, all right, very good. I just wanted to have it on the record because the outside world can't see our chat, so it's important that we articulate that. All right.

So turning back to the agenda then, we will note please staff help me that for the leadership team that that's something we want to pick up as we can in our discussions while we're here in Los Angeles. So that then takes us to Item 8 which is also a discussion item, the draft practical public comment to the operating standards for ICANN specific reviews. This is the item that I was referring to in giving an update on ATRT 3.

Here again, Donna volunteered to hold the pen, so Donna, if you're willing to take us through this one I'd be grateful.

Donna Austin: Thanks, Heather. Donna Austin. So this is in response to a public comment on the operating standards for specific reviews. So this relates to security and stability ATRT, which I can't remember what the acronym stands for anymore - RDS - thank you, accountability and transparency review. So those specific

reviews that are in ICANN's bylaws and transferred over from the Affirmation of Commitments.

This was an effort that was mostly Darcy and Susan and myself based on a conversation that we had with a broader team - I believe it was Heather and Keith if my memory serves me correctly. Hopefully everybody's had an opportunity to take a look at the comments. I think the - Ayden and Rafik were a little bit confused about why in one section of the comments we referred to the ombudsman and the ICANN Complaints Officer as possible mechanisms for resolving conflicts (unintelligible).

The point we were trying to stress there is that any member of a review team should not feel constrained to only, you know, raise concerns within the review team itself; that there are other mechanisms, you know, that ICANN provides that you know, they should make use of if that's what they want to do. So that's the point we were trying to make there.

Nathalie, could you scroll down to the part in yellow, I think it's 5, something. So we draw a bit of a blank in this section. So this is within the procedures itself I think the recommendation was that if there was any concerns within the working group about, you know, what was happening then the review team itself should just go to a vote and if it's - if 70% of the group agree that, you know, there's a problem then the chairs or whoever - the chairs step down or the members - member of the review team in question has to step aside.

We didn't think that was fair. We think there has to be process that happens. As it relates to a review team member we think you know, we felt that the chair is - the chair or the cochairs is the rightful place to resolve that kind of concern. But where I got - where we got stuck was what happens if there's a problem with the chair or the cochairs and you need to find a process to help them step aside. So that's still an open question. I'm really - we could just

leave it as an open question but that's when I posted these to the list for, you know, consideration and input I specifically called this one out.

So if anyone has any ideas and would like to discuss that now that would be great. But if not, I think the closing date for these comments is the 2nd of February so Friday so we may just need to leave this.

Heather Forrest: Thanks, Donna. We have a queue of Susan and Rafik, so Susan.

Susan Kawaguchi: Thank you. Susan Kawaguchi for the record. You know, I've read this several times (unintelligible) and but this section and actually as we - as you put there I was wondering what if it's the Board liaison (unintelligible) problem? No? There should be a process for everything. Because if we don't have a process we could have (unintelligible). Right? So we may want to add that.

I also was concerned (unintelligible) but in reading it again last night (unintelligible) so we are pretty assertive that we object to having a scope (unintelligible) but then we go onto general comments, well if we have to live with one sort of this is what we want. So I was wondering, I didn't know that all of the Council and if it's possible (unintelligible) that we oppose drafting out (unintelligible) have a third point but I can wait if you want to.

Heather Forrest: Darcy, response direct response to Susan's point? Okay, and then we'll come back to Rafik who's in the queue.

Darcy Southwell: Thanks, heather. Darcy Southwell. So to that very specific point, Susan, I was the one who asked for that to be included. I guess my concern is that if the public comment process goes through and the answer is no, we want a drafting team, we now potentially have a drafting team that isn't going to work very well, the timing is very, very tight. So but I mean, I'm not super married to the idea but I'm just concerned that if for some reason they ignore and

want to go through with the drafting team, we're going to have some challenges so.

Susan Kawaguchi: Yes, it is a double edged sword there and so I agree. I just - not sure, you know. And just in matter of time, I don't think this is...

Heather Forrest: Sorry, Susan, can I stop you very quickly? Can you - we're getting comments that we're not all of us close enough to the microphone and perhaps yourself in particular. So sorry to interrupt you.

Susan Kawaguchi: No problem. I'll stay here. And hopefully they can hear me now. So with the issue with ATRT we're facing right now and the fact that SOs and ACs have not come together I think we need to add some sort of timeline that if there's a call for volunteers, the volunteers, you know, that's closed within 60 days or something because you know, we could be maybe seating the ATRT in six months and I think then we're losing our opportunity for these independent reviews to be on a timely schedule unless we make a decision.

Heather Forrest: Thanks, Susan. Rafik.

Rafik Dammak: Thanks. This is Rafik speaking. Maybe just to clarify my comment on the mailing list, not really kind of confusion but there was maybe asking to clarify for us I think kind of installation path for just identifying possible recipients of that. My concern about one of the choices are - is regarding Complaint Officer. Let's say it was created as a position for some reason and my understanding that his or her role is regarding to cover complaints related to ICANN organization. So putting that person to handle complaints or concerns regarding a community member I think it's an issue here.

So I think we should not really to put that as a point of contact to right any concerns. We have the ombudsman (unintelligible) that - there are several maybe issues and that was discussed in the Work Stream 2 adopt of the subgroup, but not the matter here. So for that role I think we should not really

(unintelligible) that the complaint if we so want is one of the point of - the kind of concern I had.

Heather Forrest: Thanks, Rafik. So just as a reminder we've got in the chat Marika has helpfully noted I was hopeful that perhaps the deadline on this one is the 15th but in fact it's the 2nd, it's Friday. Donna, in view of what we've heard, so it's clear to me that we've got some concerns about the substance here that we're not ready to agree on this one today. Can we comfortably take this one forward this week and still meet the deadline in your view, bearing in mind that we've already asked for a delay so we can't ask for another delay practically.

Donna Austin: I think there's only minor tweaking; I don't think there's much involved here. I've got no problem with dropping reference Complaints Officer, you know, Susan, Darcy and I can - we'll review and hopefully get this square all in the same time zone, so we can, you know, maybe get this done by Thursday afternoon, get it to the list and hopefully (unintelligible).

Heather Forrest: I see no objections in the room and I'll keep an eye on the list here on the chat rather. I think we'll use that as a plan forward. So thank you, Donna, very much and to Darcy and Susan for your willingness to take that forward to completion.

That completes then our discussion of Item 8, which brings us to Item 9, which is the review of the SSR2 letter from the GNSO Council to SO/AC leadership. If we can show that letter on the screen that would be very helpful. So here again, this is an item in which we had a small drafting team working together. I was on the drafting team, (unintelligible) was on the drafting team, we had I think Arsene, I think on the drafting team, well done and who am I missing? It might have been - no, Pam, you were on the - no? All right, anyway. I've forgotten somebody. Susan, excellent, thank you.

So this letter was tweaked a number of times in view of the fact that the SO/AC chairs meet weekly by telephone and as we had an update on where those folks were going given that this letter is directed to them, I was able to feed back in some comments here. You know, you'll see from this draft that what we've done is essentially expressed some concerns, A, about the pause to start with, and, B, about the need for this to be recommenced as soon as possible.

You will see there in the third paragraph the purpose of this letter is to share with the leaders our considerations to date. We've noted the fact that we have the strategic - the SSC, sorry, the standing committee reviewing the skills matrix that was prepared by the SSR2 RT members. We understand that we have to work on restaffing given the fact that one of our own GNSO representatives has decided to step down. And we're really putting a marker down as to our concerns in relation to this.

I can say as a more general update that where we are in this process - and it's information that I was able to share with the drafting team but needs to be shared more broadly an idea that I proposed to the SO/AC chairs was that we bring in an external facilitator to help SSR2 identify what their problems are. So what we did right away was the SO/AC chairs asked the - drafted and then asked the review team members to fill out a confidential survey. And the survey questions, this happened right after Abu Dhabi, the survey questions really went to having the group self-identify what they think their own problems are.

And there was very little consistency in the answers to that survey. Some folks said there were lots of problems; some folks said there were no problems and they were very surprised by the whole thing. The one thing I will say that was consistent in the responses to those surveys was everyone said that communication is a problem, both communication from the review team members out to the rest of the world and from the rest of the world into

the review team so communication is certainly something we can take on board.

The reason - and we had a good discussion around my proposal to the leaders about the external facilitator - the reason for that discussion let's say, Donna in particular raised some concerns. Let me explain to you why I proposed what I did. It's increasingly clear to me in those discussions with the SO/AC chairs that some of the SO/AC chairs see that they have an ongoing role in this - in getting SSR2 RT back on track. And in my view we need to be empowering the review team to work out its own problems.

So this is a point that actually - I'm looking at Keith - Keith raised yesterday in our Day 1 discussions about how do we empower the review team to go back to its work and not micromanage them, and to Carlos's points about this being an independent review team. I don't personally believe that it's appropriate that the SO/AC chairs micromanage this. So hence that's the proposal that I made. I understand there are challenges with an external facilitator but I think in order to avoid any - in order to minimize the risk that review team members feel marginalized, in order to minimize the risk that review team members feel unempowered in order to put this back in their hands that's what I propose.

So the SO/AC chairs are in the process of drafting letters to ICANN Org and to the review team. That review team letter was meant to go out last week and I confess in the madness of this week I haven't checked up. So the letter to the review team to update them as to where our thinking is as SO/AC chairs, the letter to the organization to propose this idea of requesting support for an external facilitator. That gives you an update on where the SO/AC chairs are. That was fed into the draft of this letter so if there's anything here you think, oh, I wonder where that's coming from perhaps that's the logic.

With that as an update to all of you as to where we are, any concerns, comments, questions in relation to this draft that you see before you? Keith.

Keith Drazek: Thanks, Heather. Yes, so I think in some sense this letter as drafted have been overtaken by events a little bit just in terms of the timing and timeframes, references to our meeting this week so I think it needs to be redrafted. I think with the developments that you briefed us on and with the SO/AC leaders there are probably some (unintelligible).

I do think that the GNSO Council sending a letter on a couple of really important points (unintelligible) critical, but I think it needs to be redrafted and as one of the members of the drafting team (unintelligible) back and work with others in terms of context and timing and all of that.

But I think it's very important, like the language, very important for the SSR2 Review Team empowered to basically chart its own course and to get itself restarted. As I noted yesterday in my opinion it was inappropriate for the Board to pause the group and inappropriate for the Board in a sense to put the SO and AC leaders in the position of having to deal with this in a sense and you know, we're in uncharted waters, which is a term I've used before and others have as well. But I think it's critical to put down a marker that says that the SSR2 Review Team is empowered to restart itself.

And I know Susan's in the queue next, probably will talk about the appointments of new members to the review team. I think that's a critical component of what we have to do here is to make sure that the review team is augmented and rounded out and ideally rounded up to a full complement of 21 potentials.

So I think the other question that we need to ask was my understanding is that the review team has been essentially told not to travel in the meeting that it had planned I think it was Brussels in January, it was canceled, they were told not to travel. I think there's some question about resources, resourcing, ICANN support for the group (unintelligible) able to get back to work. I mean, ICANN support for the travel of the members but also staff support. I mean, I

think all of these questions need to be addressed in the follow on letter. I'll stop there. Thanks.

Heather Forrest: Okay thanks, Keith. So we have Susan and Philippe in the queue. In view of the fact that Keith has already noted that we need to make some tweaks to this letter let's not wordsmith it here and we've got three minutes of scheduled time left. We won't make it bang on but let's bear that in mind. Thanks.

Susan Kawaguchi: Okay, just a little bit of wordsmithing but I'm just curious to why we are calling this a pause when in Steve Crocker's letter it says "suspend." We refer to that letter and I think that is a critical point. I will help draft also. And the Standing Selection Committee is working on (unintelligible) doing the two candidates we have left from the original seven.

Heather Forrest: Okay, thanks Susan. And last word on this is Philippe.

Philippe Fouquart: Thanks, Heather. Philippe Fouquart for the record. Yes certainly supportive of an initiative in general and support (unintelligible). Minor point but I was just wondering why the ASO was missing, I guess that's going to be (unintelligible) so that's not an issue but.

Heather Forrest: Thanks, Philippe. Very good catch, so that's another edit that we need to do. Arsene has asked the question, "When are all these drafts from SO/AC chairs going out?" And I will follow up on that and put some information forth on the list, yes? So clear we have a bit more tweaking to do here. I will say let's try and get it done this week because the sooner the SO/AC chairs get our input as it was they asked me should they be delaying sending out any communications, for example this letter to - in relation to staff support and whatnot and I said "no" GNSO does not want to be the one that holds up the process; just know that we will comment.

So Keith, if you're willing to champion that one for us I'm more than happy to work closely with you and feed in that SO/AC level stuff, yes? Excellent.

So that brings us to - oh, sorry, any other business, Item 10. Planning for ICANN 61, so we have had the second production call. It was actually rescheduled and it was the case that Donna and I attended on behalf of Council and a number of the SG and C chairs from within the GNSO attended as well. That created a certain amount of confusion, let's say, as to who gets a say, I suppose, in deciding topics like how many cross community topics we have and this sort of thing. It was put to a vote and we had some question as to did the GNSO get eight votes? Did the GNSO get how many votes, let's say, was it just Council? Was it just SG and C chairs?

Be that as it may, we're now committed to four cross community topics; three on the Wednesday, one on the - sorry, three on the Monday, one on the Wednesday. And you'll see here what was very helpfully displayed in our Adobe room is that that draft schedule, it's a GNSO draft schedule. Now the one thing that we need immediate input on is topics for the Board.

The deadline for those topics for the Board is rapidly looming. I believe it is the 12th of February. So with that in mind we need to put immediate thought to what it is that we wish to raise with the Board. A number of things may come out of our discussion over these three days that we want to do that.

How - do we have any immediate suggestions on topics for the Board or do we want to maybe capture that tomorrow in our wrap up, see what we get out of the three days? Okay, I'm seeing nods to the second option which is let's use this as part of our summary of the three days together, highlight our core concerns and that will still enable us to meet the 12 February deadline. So staff will just make a note and that's an action item for leadership please, that we make sure that that request gets out and we will, the three of us, champion that effort, yes?

All right, any comments, questions, concerns in relation to the GNSO block schedule or ICANN 61 planning? No jumping up and down. Splendid. We have the additional 10.2, any other business item, which I proposed adding and that - I think it's only fair, let's say, number one, to do an update and number two, to see it as a reminder.

So we are here in LA for three days. We were successful in the context of additional budget requests in a previous ABR submission, we were successful in securing funding to bring Council together for an induction and professionalization and strategic planning session. We are in the middle of that now. This is Day 2 of 3. Tomorrow is our Day 3. And we've discussed a number of topics. Day 1 really centered around the history of why we have a GNSO, what the role of the GNSO Council is and what the roles of councilors are including leadership and liaisons.

As you can tell from the discussion we've had, anyone listening to the audio case, anyone who's listened in today's meeting will understand that we've had some interesting discussions in particular around liaisons and obligations and responsibilities and soon. And that will impact how we move forward.

We had a discussion today about the IANA transition and how that specifically impacts the GNSO and the GNSO Council. And that put us in good stead to put forward on the agenda today the changes to Operating Procedures which we unanimously approved. So that's where we are now.

Tomorrow as a reminder, to anyone listening to the Council meeting, we are audio casted in our discussions tomorrow, you can log on. We start at 9:00 am LA time, California time. And we will be talking specifically about 2018 strategic planning, what do we have to do, what is currently on our projects list and how do we want to manage that in view of the FY'19 budget and in view of our priorities. So that is on for tomorrow.

Anyone who would like to join us, the audio cast is very much the same as what you've experienced here in the Council meeting which is to say you can listen in, you're not able to intervene in our discussions but we wanted to make sure that the community had an opportunity to hear our thoughts on how we plan to attack the next - the next 12 months.

Any comments in relation to that, anything we want to tell the world about strategic planning session? Michele, please.

Michele Neylon: Thanks, Heather. Michele for the record. No I think just - I already said in relation to the additional budget requests for the following financial year that having this kind of meeting is definitely beneficial and obviously the nature and the substance of it will change and evolve over time but I believe there is value and I think also as well, you know, being conscious of the physical improvements aspect of it, you know, pegging it onto some other kind of event which we're already in attendance for and have the rooms, etcetera, etcetera would be logical. Thanks.

Heather Forrest: Thanks very much Michele. Noted. And Philippe, your hand is up in the Adobe chat room, it's an old hand. Perfect. Excellent. Any further comments, questions, interventions? Otherwise I shall declare our January meeting of the GNSO Council concluded. Thank you all very, very much and we shall continue our deliberations together here in Los Angeles tomorrow morning. Thank you.

END