

**ICANN  
Transcription  
GNSO Council teleconference  
Thursday 30 November 2017 at 21:00 UTC**

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Adobe recording: <https://participate.icann.org/p2g9hn5mzjn/>

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Date: 30 November 2017

Coordinated Universal Time: 21:00 UTC:

<http://tinyurl.com/ybcm2ev>

13:00 Los Angeles; 16:00 Washington; 21:00 London; (Friday) 02:00 Islamabad; 08:00 Hobart

**List of attendees:**

**NCA – Non Voting** – Erika Mann

**Contracted Parties House**

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

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl (absent – apology sent – proxy to Keith Drazek)

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

**Non-Contracted Parties House**

Commercial Stakeholder Group (CSG): Steve DelBianco (temporary alternate for Phil Corwin after his resignation), Susan Kawaguchi, Philippe Fouquart, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Stephanie Perrin (absent – apology sent – proxy to Rafik Dammak), 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

**ICANN Staff**

Matthew Shears - ICANN Board Member

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

Marika Konings – Vice President, Policy Development Support - GNSO

Mary Wong – Sr 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

Nathalie Peregrine: Thank you very much. Good morning, good afternoon and good evening everybody, welcome to the GNSO Council meeting on the 30th of November, 2017. Would you please acknowledge your name when I call it? Thank you.

Pam Little. Pam Little, are you able to speak?

Pam Little: Yes, here. Can you hear me?

Nathalie Peregrine: Perfect, thank you ever so much. Donna Austin.

Donna Austin: Here.

Nathalie Peregrine: Rubens Kuhl. I know Rubens was just finishing a call before joining this one. He also may have connectivity issues impacting his ability to vote in which case his proxy will go to Keith Drazek. 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, thank you.

Nathalie Peregrine: Phil Corwin has resigned from his position as BC councilor and Steve DelBianco is his temporary alternate. Steve DelBianco.

Steve DelBianco: Here.

Nathalie Peregrine: Susan Kawaguchi.

Susan Kawaguchi: Here.

Nathalie Peregrine: Paul McGrady.

Paul McGrady: Here.

Nathalie Peregrine: Philippe Fouquart.

Philippe Fouquart: Here.

Nathalie Peregrine: Rafik Dammak.

Rafik Dammak: Here.

Nathalie Peregrine: Stephanie Perrin sends her apologies and she's also given her proxy to Rafik Dammak. Arsene Tungali.

Arsene Tungali: Here. Hi, everyone.

Nathalie Peregrine: Heather Forrest.

Heather Forrest: Here, Nathalie. Thank you.

Nathalie Peregrine: Thank you. Tony Harris.

Tony Harris: Here.

Nathalie Peregrine: Tatiana Tropina.

Tatiana Tropina: Present.

Nathalie Peregrine: Martin Silva Valent.

Martin Silva Valent: Present.

Nathalie Peregrine: Ayden Férdeline.

Ayden Férdeline: Present.

Nathalie Peregrine: Syed Ismail Shah. I see Syed in the AC room, I can't hear him. We'll make sure he has audio for the vote. Cheryl Langdon-Orr.

Cheryl Langdon-Orr: Present. thank you, Nathalie.

Nathalie Peregrine: Thank you. Ben Fuller.

Ben Fuller: Here.

Nathalie Peregrine: Erika Mann.

((Crosstalk))

Nathalie Peregrine: Erika isn't able to speak at the moment but I see her in the AC room. And Julf Helsingius.

Julf Helsingius: Here. And there's a pretty bad background noise.

Nathalie Peregrine: Agreed, there is. Thank you for raising it. And we also have Matthew Shears, our GNSO appointed Board member. And from staff David Olive sends his apologies, we have Mary Wong, Marika Konings, Julie Hedlund, Steve Chan, Emily Barabas, Berry Cobb, Ariel Liang, Terri Agnew, Mike Brennan for technical support, and myself, Nathalie Peregrine.

I'd like to remind you all to please remember to mute your phones and microphones when not speaking as we are getting a lot of background noise. And also I'd like to remind everyone to please remember to state your names before speaking for recording purposes. Thank you ever so much and over to you, Heather.

Heather Forrest: Nathalie, thank you very much. And welcome to everyone to our GNSO Council meeting for the end of November. I will wish you all a very happy first day of the Australian summer as today is the first of December here. I understand that many of you are not experiencing summer weather but nevertheless I wish you a happy first day of Australian summer.

For noting for completion purposes that Erika has posted in the chat that she is present but can't speak because she's in a place with lots of noise, so thank you, Erika, for noting that.

The sound quality seems to have gotten much better, thank you. But we will – I'll just reiterate the reminder so we don't get caught up in that as we go and waste time, let's please make sure that we have everything on mute and that will prevent difficulties with the sound.

So turning to our agenda, which is before you in the AC room, and many thanks to staff for having that uploaded for us. We've been through Item 1.1, which is the roll call, and we're at Item 1.2 which is updates of statements of interest. Does anyone have any update to their of statements of interest that

they would like to raise now? Syed, please, if you're able to speak please go right ahead.

Syed Ismail Shah: Yes, can you hear me?

Heather Forrest: Yes, thank you.

Syed Ismail Shah: Okay. As I mentioned in the last meeting, my contract with the (PTA) (unintelligible) the communication authority, is over since November 11. And currently I'm not employed anywhere.

Heather Forrest: Excellent, thank you, Syed for noting that. And we'll note that for the record and make sure that you've updated the document as well. Thank you very much. Anyone else? I see no other hands, so we'll take Syed's as the only update and move onto the review of the agenda.

Are we comfortable with the agenda? Any changes that need to be made before we progress? No, I see no requests for changes to the agenda so we'll take the agenda as it is.

We have in 1.4 the links to the minutes of the previous meetings. We have minutes of the meeting of the 12 of October, which were posted on the 3rd, and minutes of both parts 1 and parts 2 of the Council meeting on the 1st of November which took place in Abu Dhabi. They were posted on the 23rd, so we are up to date in terms of our minutes, and sincere thanks to everyone for making that happen.

We now turn to our review of the projects list and action items list. And we have some updates there that I think would be helpful to highlight. If we could show either one that's fine, and we'll roll with the punches, whichever one comes up. Wonderful, starting with our projects list, thank you very much. So you can see here that the projects list shows our ongoing work efforts and something that I would like to point out here is we have two items on the

action items list that, on reflection, staff and Council leadership felt would be better to move to the projects list because they made more sense there.

One of them is the matter of Red Cross names and the other one I believe is IGO names. So we'll – we're in the process of transitioning those over to here. You'll see that there are some changes that have been made in relation to cross community working groups. The CWG UCTN, Use of Country and Territory Names has now concluded its work so it has come off of our projects list. And just to make sure that I capture anything very important, Marika, may I lean on you here briefly to say – have I missed anything in terms of major changes? And of course this went out to Council so this wouldn't be the first time people are seeing it.

Marika Konings: Yes, this is Marika. No, I don't think you've missed anything major. And just to note as well we always do circulate as well a redline version to make it easier for everyone to see what has changed between the previous version and this version, although the one you see up on the screen now is the clean one.

Heather Forrest: Thanks you very much, Marika. Any comments, questions, concerns about the projects list? Seeing none, could we turn to the action items list please? And I'll say as we do that, we have put a huge effort into clearing some of the items on the action items list between Abu Dhabi and now, we managed to put a number of things new onto the action items list so I thank everyone particularly staff and Council leadership for helping us get a number of those off.

So you'll see the list is rather long, I'll focus only on the outstanding items and that way we'll save time. So ICANN 61 meeting planning, we are waiting for confirmation that the draft block schedule, overall block schedule, that was distributed in Abu Dhabi is in fact the final schedule. There were a number of substantive comments made in that meeting of community leaders that happens on the Thursday of the AGM whereby the next meeting agenda is posted.

A number of us made comments about the placement of cross community topics and so on and so forth. So we're just waiting for confirmation to see if changes will have been made in light of those comments or if what was posted then is what we're working with.

In the meantime, the GNSO Secretariat and policy staff are working to produce if you like a very rough draft GNSO block schedule that will, you know, just to try and get a jump on that process. So we'll follow up on that as soon as we have information and I believe that the first production call is in about a week's time for SG, C, SO/AC leaders, so we'll follow up on that and I suspect have more to say in our December meeting.

The response to the letter from the ccNSO, ALAC and GAC regarding Work Track 5, I understand the SubPro leadership is in the process of finalizing a letter. Donna and Rafik and I asked that task – the drafting of the letter be pushed over to the Subsequent Procedures folks because we thought that they were in the best position to do that. And indeed the letter from the ALAC and the GAC were directly to the Subsequent Procedures PDP Working Group.

So they're in the process of finalizing that letter and as soon as we have that we will send that out and we will send out the ccNSO letter with a covering note from the GNSO Council given that the ccNSO letter came to Council. And I see that Cheryl has her hand up so please, Cheryl, go ahead.

Cheryl Langdon-Orr: Thank you very much, Heather. Cheryl for the record. Just wanted to let you know that Jeff and I have definitely finished all our edits and I believe staff were just putting letterhead on it so it should be poised for sending, so as soon as your cover note is ready we should be good to go with all of it. Thank you very much.

Heather Forrest: Excellent. Thank you very much for that update, Cheryl. And the cover note is sitting in the background; staff have that ready to run so I anticipate we can get that one off of our list week too, which is fabulous. And good that we respond to those concerns, I think the letter was extremely well drafted so I hope that that will assuage any concerns of other parts of the community as to Work Track 5 and how it's going to work.

If we shift down to the next open item in our action items list that would be the review of the GAC communiqué which is of course on our agenda for today so we won't say anything further on that.

The GNSO strategic planning session, likewise on our agenda for today; review of ICANN procedure for Whois conflicts, also on our agenda for today; the ICANN Org paper on incremental changes to the meeting strategy, we're still waiting for that paper so we're responsive on that action item and we are waiting to receive that. So as soon as we do we will commence work in that item.

We have now next item is the Standing Committee on Budget and Operations, the reserve fund comments which is on our agenda for today. SSR2 also on our agenda in the form of AOB. I will be happy to update as to where we are in terms of SO/AC leaders, we've been meeting weekly which is a bit unusual, I understand, but I'll provide an update on that.

Appointment of the GAC liaison, so we had a very constructive and helpful handover call, much thanks to Carlos and to Julf. And we have scheduled for I believe it's the 8th of January a call with GAC leadership. We weren't able to schedule one sooner because Manal has certain time constraints on her time with IGF this month, so as soon as that call is done we will, if you like, have completed the handover, although I'll note that one thing that is outstanding from that discussion is that I need to follow up with the GAC to identify on their side who Julf's primary point of contact is so that he knows who he

needs to discuss – or who he needs to raise matters with. So I'll note that on my to do list.

The RPM data request, that is in progress. Is there anything from the staff side that we need to update there, because those are largely staff items. Is there anything further we need to say on those? Oh, we've got Mary. Beginning to compile the responses to review them, report to the Board and senior executives. Anything further we need to say on that? Any questions on the RPM data request? I know we had a very productive meeting in Asia Pacific time yesterday. Mary, please.

Mary Wong: Yes, Heather, this is Mary from staff. And as you said, there's a lot that is happening that's mostly on the staff side. And essentially the report back to you folks is that we are in the midst of the RFP process and we're briefing the chairs of the group tomorrow on likely timelines and the various steps as well as when the RFP is going to be issued. So staff is carrying on and the group is also carrying on with the GNSO Council's instructions to try to refine that request to maximize its value.

Heather Forrest: Excellent, Mary. Thank you very much. I think that's important the maximizing value and make that exercise as effective as possible, so thank you very much for that update and for your continued efforts there. ATRT 3, so the GNSO has candidates that it has endorsed and the GNSO and the ccNSO I believe are the – I think that's correct – are the only bodies to have done so, maybe it's the ccNSO that haven't.

In any event, what I did, you know, this is really an item that is – needs to be addressed at SO/AC level. I raised this question with the SO/AC chairs this week to say what are we doing with ATRT 3 and particularly in light of SSR2, what do we need to reflect on in light of the Board's intervention into SSR2 Review Team and what can we do to prevent that in relation to ATRT 3? What do we need to learn from in relation to the current experience? And that has kicked off a broader discussion on the SO/AC chairs' list.

So can report – thank you, Marika, very much, it's RSAC and the GNSO who have endorsed candidates. So I have reminded the other SOs and ACs that they have not endorsed candidates, but I think we all also are reflecting on what to do to prevent another SSR2 situation. So I will continue to follow that discussion and take part in that discussion and update you accordingly.

Next item in our list is the GNSO Operating Procedures and ICANN – oh sorry, Donna, please go ahead.

Donna Austin: Yes thanks, Heather. Donna Austin. It just strikes me with ATRT 3 while it makes sense to maybe, you know, pause this effort, if I can use that terminology, I just wonder within whose remit is it to do that? Is it the empowered community or does it lie somewhere else? So not for discussion now but it just kind of – I'm just interested to know how that can actually be done and who is responsible for doing that. Thanks.

Heather Forrest: Thanks, Donna. It's a very good question. And one that I think needs to be followed up in the context of the discussion that I'm involved in. Steve, please.

Steve DelBianco: Thank you. It's Steve DelBianco. Regarding the pause of any of these specific reviews, the SO/AC leaders would be the appropriate body. The empowered community is more narrowly defined to those groups who stepped in to join the empowered community after the transition. But the bylaws indicate that all of the specific reviews are controlled by all of the ACs and SOs, not just those in the empowered community.

Heather Forrest: Thanks, Steve, very much. And I think it's the case – I'm just having a look quickly in the discussions that we've had in the Council or in the SO/AC leaders list. And I think – so my initial note said, you know, it slipped through the cracks. The GNSO has done what it needs to do. I think the ccNSO has identified someone. But on the specific topic of pause, and like Donna, I

hesitate to use that term, I think what the initial response has been, and to Steve's point just made now, is that there is time, let's say, we're not facing a deadline of having to kick the thing off right now.

We have a certain degree of leeway in terms of when it's kicked off. And I think that that then – that then gives us some time to reflect on how we – it's not so much a pause but start properly – start as we mean to continue, if you like. So I think that's the environment that we're working in right now. I appreciate the confirmation of Steve and Keith as to the responsibility for that, if you like, for that reflection.

So if you're happy for me to do so, I will continue – I confess, SSR2 is occupying most of the energy and time of the SO/AC chairs at the moment, but I will ensure that that stays on the radar and doesn't get dropped. Steve, please.

Steve DelBianco: Yes, Keith and I have put something in the chat that a lesson learned from SSR2 is that when we have 21 available slots on a review team, and we have 21 qualified candidates from the community, please nominate them all. We failed to nominate enough candidates for SSR2 and it's one of the reasons that there may not be enough hands to do the work and enough of the right skill sets to get it done. So I think that's a lesson learned and you SO/AC leaders should try to fill the ranks of the review team, we need all the help we can get.

Heather Forrest: Thanks, Steve. Point well taken. And I'll say more to that when we get to that update on SSR2 in the agenda, but for now I'll simply say that that's very much taken into consideration.

Let's move on then on our action items and not get too bogged down here, GNSO Operating Procedures and ICANN Bylaws, that's for discussion in our strategic session in January. So we're parking that item for the time being.

We have the Red Cross names so the update that we have as of today is that the meeting – the next meeting of that reconvened PDP working group will take place on the 14th of December and in the meantime we are working on that limited set of identifiers that will receive protection. So we should have something to update for our next Council meeting as to where that stands. But significant progress made there, I'm sure that will hearten those who are following that issue.

Let's see, now I've lost my place in the action items. And we'll re-find it. PDP – oh and to note, please, that we figure that this is a better – this is really Council monitoring, if you like, this is something that's better suited to the projects list so after this meeting we will move this Red Cross item to the projects list and likewise IGO INGO acronyms or IGO acronyms. That is really something that Council would need to respond to; it's not something, let's say, we would be reactive rather than proactive on, just as we were in relation to Red Cross as it is our recommendations spanned so we're waiting for – we're waiting for some further update on that. So that will get moved to our projects list.

And PDP improvements, what I understand this to be is various items that may now be out of date in a sense of – or whether they're ongoing but they're not as timely necessarily as they need to be. The inclusion of the proposed PDP charter as part of the preliminary issue report, that's – so Marika is typing into the chat here – that's something that is indeed an ongoing effort, and the draft guidelines is something that we haven't really had a need for yet for, if you like, a standalone meeting of a PDP.

So and as Marika notes, the first item is tied to the Operating Procedures which we intend to review in January. So what I propose we do we is we come back, we consider these items, get our heads around them after we've gone through our Bylaws, Operating Procedures exercise in January. So we'll park those two for now. I don't believe that either one of them is burning

between now and then and we'll just have to live with action items sitting on the list for a fair while.

So that takes us through our action items list. Would anyone like to raise any comments, questions, concerns before we move on? Seeing none, fabulous and again, sincere thanks to everyone who's contributed to moving a number of these items off the list.

So back to our agenda now, and I believe the next item would be our consent agenda if I guess correctly, while we wait for the agenda to come back. There it is. And we have no items on our consent agenda for this month.

Which takes us to the first of our four voting items on the agenda, the first one is the adoption of the GNSO Council response to the GAC communiqué. We have had a last minute proposed amendment to that that came from the BC. I will turn to Donna to introduce the motion, please.

Donna Austin: Thanks, Heather. Donna Austin. Just to clarify, so I will go through and read the motion and then we'll discuss the review of the communiqué afterward?

Heather Forrest: Sorry, Donna. Yes, please. Thank you.

Donna Austin: Thanks, Heather, sorry. And I'll just read the resolve clause. So the motion is the adoption of the GNSO review of GAC communiqué for submission to the ICANN Board. And this is the GAC communiqué from Abu Dhabi. And I thank those that contributed to the development of the review and the final text.

So Resolved, the GNSO Council adopts the GNSO Review of the Abu Dhabi GAC communiqué – see the link – and requests that the GNSO Council Chair communicate the GNSO Review of the Abu Dhabi GAC communiqué to the ICANN Board. Two, the GNSO Council requests that the GNSO Chair also informs the GAC Chair of the communication between the GNSO Council and the ICANN Board.

Thanks, Heather.

Heather Forrest: Thanks very much, Donna. Now we have some substantive issues to discuss here in terms of the actual text. And starting with – thank you to all those who participated in the drafting group. This has been a very efficient effort with this one and I thank those who've contributed.

So we now have – if we can turn to – I think what I would like is we have some additional language that's been suggested by the BC. And if we could turn to our representative from the BC, unless Michele would like to go first because Michele has his hand up and then put it back down. So, Michele, I'm watching to see if you put your hand up here or if you want to hold for another moment? Michele is typing. You'll wait, all right, very good, Michele. You're keeping us in suspense.

So if I might turn to Susan or Steve, our colleagues from the Business Constituency for their proposed additional language. Thanks.

Susan Kawaguchi: Thanks, Heather. This is Susan Kawaguchi for the record. Yes, we discussed this this morning in the BC and you know, apologize this came a little late but that was when we had our meeting. And we just wanted to add language that – which we agreed to the importance of the GAC's advice and I'm just looking for that language. I don't know if you can bring it up but the GNSO Council agrees with the GAC that the continued and lawful availability of Whois RDS data for consumer protection, the rest of that is – until the last sentence is GAC language – especially when the Whois RDS data is associated with a domain name used for commercial activity.

And so we think it's important to emphasize that we're aligned with the GAC and that the Board understands that alignment and that this is an extremely important issue to all.

Heather Forrest: Thank you, Susan. Just for clarity, where are we – where are you proposing that we insert this?

Susan Kawaguchi: In the GNSO response, I would think it should probably be in the last paragraph, adding it to the end – to the GDPR.

Heather Forrest: Understood. Understood. All right thank you. Now, let's turn it to discussion. And Michele, please.

Michele Neylon: Thanks. Michele for the record. I cannot agree to this addition. The – for a number of reasons. First off, the language was presented by my – looking at the clock on my computer about seven minutes prior to this meeting which with all due respect to the BC, I consider to be far too late. For us, for the Registrar Stakeholder Group to take a position – well to back that position would have required substantive discussion within our stakeholder group and seven minutes before this call is – well it's impossible, I mean, absolutely impossible.

And secondly personally, I couldn't agree to that – to the addition of that language. I think the GAC's position might be one that is shared by the BC, but it's not one that I personally could support. And I'm not 100% sure how my stakeholder group would feel about that as a whole, but I don't think that they would share such a strongly favorable position. Thank you.

Heather Forrest: Thanks, Michele. Ayden, please.

Ayden Férdeline: Thank you. Ayden Férdeline for the record. I just want to echo Michele's comment, speaking on behalf of the NCSG, we have not been able to deliberate internally either to ascertain our comfort level with the amendment. However, I would note that the proposed text is (unintelligible) the positions that the NCSG has advocated for on Council and in working groups. And we do not agree with the statement that the (unintelligible) of is that RDS data is a matter of vital public concern. What is a matter of vital public concern is that

ICANN comply with global best practices and the law in relation to privacy and data protection. Thanks.

Heather Forrest: Thank you, Ayden. Steve, please.

Steve DelBianco: Steve DelBianco. Apologies to all of you that the BC only this morning on our call determined that the Council's proposed response to that part of the GAC advice seemed to completely ignore everything the GAC had said about combating infringement and assisting businesses and user confidence. And so as far as it went, the Council's proposed response to the item was adequate but it completely ignored what the GAC's advice was. So I would ask those of you who helped to draft the responses, what signal to do we send by failing to either acknowledge, agree or disagree with the most substantive piece of GAC's advice on GDPR?

You know, if the signal is that we agree, we probably ought to say so and that was the BC's attempt to say in a very general top line way, what the – what we felt about the GAC's advice on GDPR. But the response as it stands is really nonresponsive with respect to all of that. Thank you.

Heather Forrest: Okay thanks, Steve. So before I turn to the queue I have Michele and Donna. I want to say this, I consider it, you know, given that this language would fundamentally, let's say, add to this particular item in the document, I think we want to treat this as, in essence, an amendment, whether or not it's friendly, and I want to be very mindful of the time here. I don't want us to be tempted to defer this as the Board is looking at the 15th of December or that week for its meeting. And it's very important that our – that our response, if it's going to be considered at that meeting, it has to get us through today in today's meeting.

So to the extent that we can agree on this language, perhaps we can agree on modified language. But I want us all to bear in mind that the need for this to be effective and the impact on timing. With that, Michele, please.

Michele Neylon: Thanks. Michele for the record. I mean, Steve, sure, the response that we had drafted may have been for lack of a better word, a little wishy-washy. However, with respect to the GAC's language around this, I wouldn't see it as being a particularly helpful response in relation to GDPR. The contracted parties, and I think the entire ICANN community, is still grappling with GDPR, and Whois and as cochair of the RDS PDP, you know, I see that process as being something that isn't going to resolve itself overnight.

Now, if a particular stakeholder group is supportive of the GAC's position on that, on this topic or any other topic, that's fine. But I don't see how we as Council can be that supportive of the GAC's position at this juncture. Thank you.

Heather Forrest: Thanks, Michele. Donna, please.

Donna Austin: Thanks, Heather. Donna Austin. Just to support Michele, and Steve, if I can give a little bit of flavor as to, you know, why the language is as it is, we need to keep in mind what the intent of this review of the GAC communiqué and what we provide to the Board is about. And I understand that in some cases we've kind of broadened how we've interpreted or what we've responded to in more recent times.

But, you know, the intent is to focus on any policy development that's happening within the GNSO that might be relevant to the GAC language. And that's why we I guess chose to focus on what the RDS PDP was doing rather than go any further than that.

Given that, you know, in relation to GDPR in particular, I don't think we do have an agreed position across the GNSO. So to include any language similar to what you've done here and just from a Registry Stakeholder Group perspective, obviously we haven't had a chance to review the language as well. But to agree to it I would need to take that back to the stakeholder group

to be able to do that because I suspect that there's some sensitivities in it for the stakeholder group. Thanks.

Heather Forrest: Thank you, Marika. And Paul, please.

Paul McGrady: Thanks. Paul McGrady for the record. So I understand Steve's point about saying nothing and the message that that sends; it perhaps could be misread that the entire GNSO Council, you know, disagrees with the GAC that Whois is important. I think that's inaccurate. I also hear the people who are concerned that they've not been given enough time to socialize this language back with their constituencies and perhaps even if they did they wouldn't get agreement on this language.

Can we just change, instead of "the GNSO Council agrees with the GAC," can we just say "some members of the GNSO Council agree with the GAC" and the rest of this stand? That way we're not sending the message that the entire Council disagrees or the entire Council agrees but we are addressing the issue. Thanks.

Heather Forrest: Thanks, Paul. So exactly where my mind was thinking is how do we constructively move this forward, and thanks for your suggestion. Michele, would you like to respond to that? Thanks.

Michele Neylon: Thanks, Heather. Yes, Michele for the record. I mean, look, I think we can send a response noting that we are – we are concerned that, I mean, something along the lines of – this is literally me kind of making this up as – on the fly so one of you who's better at word smithing might do a better job. But, you know, the GNSO Council shares the GAC's concerns with the future of Whois in light of GDPR etcetera, etcetera.

That I think is a true statement but, I mean, as Donna and others have said, I don't think we agree with what they're saying exactly or the way that it's worded in the language provided by the BC. I mean, I think Heather, you

know, you've put something in the chat that the, you know, we could put something about the GNSO notes the GAC's advice or acknowledges it, I mean, noting the fact that we within the GNSO are concerned about all of this, is a statement of fact and I don't think we can disagree on that.

But I wouldn't be comfortable going so far as to use language like that unless you start breaking it out into something like, you know, stakeholder group X or constituency Y feels in a particular fashion because I think to do so would render the GNSO Council response to the GAC communiqué to be – well a bit of a kind of a patchwork quilt or something in-cohesive, which I don't think is particularly helpful to the Board who are taking that – this response that we're sending and potentially using that in their response to the GAC further down the line. Thank you.

Heather Forrest: Thanks, Michele. I'd like to let Susan respond and have, you know, draw a line under this after that and figure out how we move forward to still make the deadline for the Board meeting, so, Susan, please.

Susan Kawaguchi: Thank you. Susan Kawaguchi for the record. Michele, could you restate – I got a little bit of it, was it your wording shares the concern on the impact of the Whois record?

Michele Neylon: The way I was trying to frame it, Susan, was something along the lines that the GNSO Council is concerned about the future of Whois or something along those lines. I mean, that's not – which is a statement, I think is a statement of fact, I mean, I think we can agree on that. Now, different constituencies and stakeholder groups have different concerns obviously, but to say that we're all concerned about it is true, about the future of Whois. I mean, the exact way you would kind of word that, I'm not sure. Sorry, I mean...

Susan Kawaguchi: No, that's fine. Would you agree to sort of add the impact of the GDPR on the future of the Whois record? And I'm just doing this, you know, concerned with the impact of...

((Crosstalk))

Michele Neylon: Yes, I have no issue with saying "the impact" I mean, that's perfectly valid.

((Crosstalk))

Michele Neylon: Where I think I start having problems is when you start then putting in things about, you know, particular uses of Whois, etcetera, etcetera, etcetera, that becomes much more a case of I really, really can't support that because I would have to have the backing of my stakeholder group to support that. But saying "the future of the Whois" etcetera, etcetera, you know, is in kind of general raw terms is definitely something that we share concerns about.

Susan Kawaguchi: Right, exactly. So Paul has put some language in there in the chat, I sort of – I also did but actually Paul did it better. So do you agree to that?

Michele Neylon: I like Paul's language. I can agree to Paul's language.

((Crosstalk))

Heather Forrest: Sorry, this is Heather. So what I would like to do is treat this a bit firmly and say Donna, as maker of the motion are you comfortable with Paul's language and/or the shorter alternative in the AC screen?

Donna Austin: Thanks, Heather. Donna Austin. So I agree with the – I can support the language provided by Paul, which is, "The GNSO Council is concerned about the future of Whois in light of the impact of GDPR. And this topic continues to be under significant discussion in our community."

Heather Forrest: Thanks, Donna. This is Heather. So just confirming, you can support that language. Is there anyone that feels they cannot support that language? GDPR is you know, it's important to everyone in the community and I would prefer that we get to an agreement on language here that we can live with rather than duke it out in voting if that's all possible. So I don't see any hands up, which tells me – and there's a number of comments in the chat to say that this is comfortable for most people.

Rafik, a seconder of the motion, are you comfortable with the additional language that Donna has just read out as suggested by Paul?

Rafik Dammak: Yes, this is Rafik speaking. Yes, I think it's acceptable but also I'm saying that Ayden was suggesting other language but I'm not sure it was considered or not. But anyway, and anyway I'm happy with Paul's suggestion.

Heather Forrest: Thanks, Rafik. Donna, your hand is up and then let's move to a vote. Donna, you might be talking to yourself; we can't hear you.

Donna Austin: Yes, I am talking to myself. My phone's about to die. We need a word in between GDPR and this topic. I think if we can go with "the impact of GDPR and acknowledge that this topic continues to be under significant discussion." Sorry for that.

Heather Forrest: All right, and I think for grammatical purposes we need to say "acknowledges this topic," so we need an S on acknowledge. And that – Susan says, "Sounds good," which address the BC's concerns. Donna as maker of the motion said she's comfortable with it. Rafik as seconder of the motion has said he's comfortable with it. So I think with that in mind brilliant, we've gotten to a happy place. And I think that's – I think that's an excellent outcome.

Now, the question here is, does anyone have any concerns, comments, questions about the remainder of the text in this document? We focused right away and largely because I steered us that way, on this additional – on the

additional text. Anyone have any issues with the remainder of the document? I personally think it was very well drafted and think the drafting team has done a fabulous job here.

So I see no hands on discussing the remainder of the document. In light of the fact that we've had a very substantial opportunity to discuss this although we do have some substantive changes, I'd like to ask are we all comfortable with a voice vote at this stage? I think we've had an opportunity to air concerns and it sounds to me like most – if not all are on board. Would anyone like to request a roll call vote? All right so it seems that voice vote is good for – wonderful, excellent.

So may I ask staff to take us through a voice vote then? We've read the – we've read the motion in, we have slightly amended the text, if we can update the document in accordance with those updates let's do that. And let's put this to a vote please.

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

(Group): Aye.

Nathalie Peregrine: Rafik Dammak, proxy for Stephanie Perrin, please express your vote.

Rafik Dammak: Aye.

Nathalie Peregrine: Keith Drazek, proxy for Rubens Kuhl, please express your vote.

Keith Drazek: Aye.

Nathalie Peregrine: Thank you. With no abstention, no objection, the motion passes. Over to you, Heather.

Heather Forrest: Fabulous, Nathalie. Thank you very much. And I think that's a brilliant effort and a brilliant sign of things to come that we can work together on the fly like that and get this out in a timely manner. I'd like to make it an objective for us that we do that, that we, you know, this year in 2018, let's respond to the GAC communiqué in the Council meeting immediately following so we make sure that our vote is – our voice is timely. So thank you very much.

Let's turn it back to now Item 5. Ironically we – I didn't anticipate, let's say that that item was going to be the one that got so much discussion. We have two very substantive items left to go on our vote. And we're about half an hour over time so I just mind the time. I'm not attempting to squash any discussion but we need to – we need to bear in mind that we are a bit behind.

So our next motion is to refer IRTP Part C Privacy Proxy Registration Implementation issues to the PPSAI IRT. I understand that there's an incredible amount of work that's been done in the background to get this to the table so that the folks who are active in this area are comfortable with this motion and happy where it's landed. I think that's, again, an excellent intercessional effort on the part of those who worked on it.

The motion is submitted by Darcy, we need a seconder please? And may I ask Darcy, would you introduce the motion for us please?

Darcy Southwell: Absolutely.

((Crosstalk))

Heather Forrest: I think given the length of it, Darcy, I'm sorry, we might just work on the resolve clauses. Thanks.

Darcy Southwell: Great. Thank you, Heather. Darcy Southwell. Resolved, 1, The GNSO Council directs the PPSAI IRT to consider the issue of privacy/proxy registrations and IRTP Part C as outlined in the annex to the GNSO Council letter and to put forward recommendations for implementation that are consistent with the IRTP Part C policy recommendations as well as the PPSAI policy recommendations.

Two. The GNSO Council requests that this work be undertaken only after the upcoming PPSAI IRT comment period, and that if it appears as though it will cause any significant or unreasonable delay in implementation of privacy/proxy service accreditation implementation, that the GNSO Council Liaison must alert the Council.

Three. The GNSO Council encourages registrars and other impacted parties to join the PPSAI IRT to collaborate in these discussions.

Four. The GNSO Council requests the GNSO Council Liaison to the PPSAI IRT, in consultation with ICANN org and the IRT, provides regular updates on the timeline for incorporating – excuse me – on the timeline for incorporating the issue of privacy/proxy registrations and the Transfer Policy into the work of the PPSAI implementation plan. Where issues emerge during implementation that may require possible policy discussion, the Council requests GNSO Council Liaison to the PPSAI IRT to escalate these issues using the designated procedure outlined in the Final Recommendations Report on Policy & Implementation.

Five. The GNSO Council requests the GNSO Council Liaison to the PPSAI IRT communicate this decision to the PPSAI IRT as soon as possible.

Heather Forrest: Excellent. Thank you very much Darcy. And I'll turn it open to discussion now. I note that Donna has seconded the motion. And would anyone like to make any comments on the motion? So I see no hands. Are we – we're all – I assume from that that we're all very comfortable with the language here. I

note that Steve has offered his thanks to Graeme Bunton and notes that the BC is comfortable with the motion.

I think the IPC's only comment on this is that the IPC supports the motion and is very grateful to the Registrar Stakeholder Group in particular and indeed to Graeme and Darcy for the fine-tuning of the language. I think the IPC is still not entirely convinced this needs to be raised now, but does support the motion and appreciates the effort that's gone into drafting it.

So with that, Paul has agreed in the chat with the comment that I've just made. And it seems that we have nothing to discuss here, which is fabulous, it means we've done all of our hard work before we got to the meeting. So with that, may I ask final call, anyone wish to discuss? Otherwise we'll turn to a vote, and given that there haven't been any substantive comments on this, I'm going to take that as a signal that we can do a voice vote.

Nothing further. Nathalie, would you take us through a voice vote please?

Nathalie Peregrine: Thank you very much, Heather. Would anyone like to abstain from this motion, please say your name. Hearing no one, would anyone like to vote against this motion? Would all those in favor of the motion please say aye?

(Group): Aye.

Nathalie Peregrine: Rafik Dammak, proxy for Stephanie Perrin, please say aye.

Rafik Dammak: Aye.

Nathalie Peregrine: And Keith Drazek, proxy for Rubens Kuhl, please say aye.

Keith Drazek: Aye.

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

Heather Forrest: Thank you, Nathalie. And again, sincere thanks to Darcy and the Registrar Stakeholder Group for working collaboratively on this motion text.

Let's then turn to the next item in our agenda, which is Item 6, it's the – oh and I note just for the record that Erika, who's again, in a place where it's difficult for her to speak, has noted her support in the chat so that's just for completeness sake.

Our next item is Item 6, which is the vote on the confirmation of the GNSO representative to the empowered community administration, so you may recall that in our meeting in Abu Dhabi, in part 2, we voted to appoint me as the chair as the interim representative until such time as Council leadership could meet and discuss the matter and determine a, if you like, permanent or permanent for the term of the chair, permanent appointment. And we have done that and Donna and Rafik and I have discussed and we are in agreement, let's say, Donna and Rafik believe it's best place that the chair – continue to serve in that role as James had and I'm very happy to do so.

So I'll leave Donna to introduce the motion please.

Donna Austin: Thanks, Heather. I think you've just done the introduction yourself so you've saved me the time. Rafik and I, as the vice chairs of the Council, are very happy to support Heather to continue in the role on a more permanent basis. So the Council resolves - The GNSO Council hereby confirms Heather Forrest will represent the GNSO as the Decisional Participant on the Empowered Community Administration until the end of the ICANN Annual General Meeting, ICANN63.

Two. The GNSO representative shall act solely as directed by the GNSO Council in accordance with the ICANN Bylaws and other related GNSO Operating Procedures.

Three. The GNSO Council requests the GNSO Secretariat to communicate this decision to the ICANN Secretary which will serve as the required written certification from the GNSO Chair designating the individual who shall represent the Decisional Participant on the EC Administration.

Thanks, Heather.

Heather Forrest: Thank you, Donna. And I wonder if Donna has hung up rather than on mute, which is something I do occasionally. We'll make sure that whoever that was that fell off we get you back. Thanks very much, Donna. Any comments, concerns, questions in relation to this motion, please. I see no hands but lots of typing. Excellent. And we have a seconder in the form of Rafik.

I, you know, just left to say I appreciate the confidence that you've put in me and will carry out the role to the best of abilities if that's – if that's what you would like me to do. With that in mind, and there's no comments, no questions, no concerns, I think we can put this one to a vote and given that we haven't had any comments, questions or concerns, Nathalie, may I ask you to take us through a voice vote on this one as well, please?

Nathalie Peregrine: Thank you very much, Heather. Would anyone like to abstain from this motion, please say your name. Hearing no one, would anyone like to vote against this motion? Would all those in favor of this motion please say aye?

(Group): Aye.

Nathalie Peregrine: Rafik Dammak proxy for Stephanie Perrin, please express your vote, say aye.

Rafik Dammak: Aye.

Nathalie Peregrine: And Keith Drazek, proxy for Rubens Kuhl, please say aye.

Keith Drazek: Aye.

Nathalie Peregrine: With no abstention, no objection, the motion passes. Over to you, Heather.

Heather Forrest: Thank you, Nathalie. And I note again that Erika has expressed support in the chat so thank you, Erika, for doing that. Fabulous, everyone, I will do my very best for you in that role.

Let's move now to Item 7, which in the chat Keith has requested be transitioned from a vote to a discussion. And I thank Keith for doing that. I've expressed my concern on the list that we get this to a point. This is the one that's been with us on our agenda now for more than a year. Somewhere in a distant place James is watching us and seeing how we handle this.

We – I think given the importance of this matter to the GNSO community as a whole, we want to be in a position where we can put this down as a motion and support it. So I think – I appreciate the opportunity to discuss this further to get us in a place where we can all agree on it.

And with that, Keith, I'll turn it to you to lead us in the discussion on this item. Thank you.

Keith Drazek: Okay, thank you, Heather. Can you hear me?

Heather Forrest: Yes, Keith, please go ahead.

Keith Drazek: All right. All right, very good. Thanks. So I'm also going to certainly rely on Marika and staff to help us sort of navigate the waters here. But I think most everybody saw on the list and the email exchange that went back and forth regarding the Whois conflicts procedure with national law. And we – so I wanted to acknowledge that there probably requires further discussion on this topic. The IPC had put forward some language that – because I said on the

list that unfortunately we couldn't accept as friendly. But I wanted to at least have the opportunity for us to discuss a possible path forward here.

Heather in her response to the proposed text indicated that, you know, that there was some concern that adding a new trigger, the legal opinion trigger, would run counter to – and Heather, correct me if I'm misstating anything but would run counter to the decisions that came out of the implementation group. And so I think one path forward here, because the current procedures are not workable and not working, is the need to reseal or to seat a new implementation group to, you know, to basically look at the current implementation and to assess it to find out whether it's working, which are confident it is not, and to identify additional triggers to additional paths forward.

It was my hope that we could look at this as an implementation question and be able to sort of, you know, provide this additional flexibility as a legal opinion trigger without having to go through the formal process necessarily of reseating a group, but if that's what we need to do then I think the time is probably past due to be able to do that.

So let me pause there and see if anybody has any, you know, further thoughts on this. I welcome anybody who would like to weigh in on this question. And I know that there's some discussion going on in the chat as well that I'll catch up on right now. Paul, I see your hand, go ahead.

Paul McGrady: Thanks, Keith. Paul McGrady for the record. So I guess I'm going to ask an historic question because I thought when we had discussed this in previous Council calls that the legal trigger was looked at earlier by the IAG, but it was not ultimately adopted. And so would this motion essentially do an end run around that? And we would therefore be suggesting that we adopt it anyways? I guess I'm just trying to understand how we would, you know, how we would do that as a Council if we didn't – if it wasn't recommended to us by the group that looked at it, how would we do that on our own? Thanks.

Keith Drazek: Yes, yes thanks, Paul. That's a good question. And I think that was the concern that Heather raised on the email list in the exchange. You know, my understanding, and I wasn't there on this group; I wasn't around following the issue at the time so I'm a little bit historically challenged myself. But my understanding is that there was no consensus reached by the group in either direction on the question of including an additional trigger, a legal opinion trigger.

There was no consensus to include it, there was not consensus to leave it out so it was sort of maybe a bit of a gray or fuzzy area but certainly it did not come out as one of the recommendations from the group. So – and I think that's why I suggested that, you know, I'm trying to identify a path forward because the current language in the proposed motion would basically introduce it without having a new implementation team seated.

But if the feeling of the group is that we need to go through the process of seating a new implementation team, then, you know, that's sort of what I'm trying to get in the discussion today to try to figure out a path forward. So I've got a queue building, Michele, Donna and then I do want to ask Marika for – if she's got any suggestions or guidance for us on this. But, Michele, go ahead.

Michele Neylon: Thanks, Keith. I mean, if Marika wants to speak up now I'd be happy to cede to her.

Keith Drazek: So, Michele, why don't you go ahead and then Donna's in the queue next and then we'll get to Marika.

Michele Neylon: Okay, no problem. Thanks. Michele for the record and all that. I can understand the concerns that some have around this because it's – there's always a little bit of nervousness around – when we're looking at, you know, is – are we overstepping lines and everything else. But the fundamental

policy itself is not changing; there's no ask, request or otherwise to actually change the policy. The policy will remain the same.

What is being looked at here is simply making the policy workable which from my kind of quite naïve view, I suppose in many respects, is a lot of what we as the GNSO Council are tasked with doing. I mean, as we are meant to shepherd or manage or whichever term you're comfortable with, policy development within the GNSO if in so doing we allow for policies and their implementation, which of course is the other half of a policy development process, if we allow for implementations that are simply not workable, then I feel in many respects we have failed.

The letter from Akram and GDD, you know, outlines the shortcomings and the – and provides possible ways forward to make this policy workable. And again, it's not a – I mean, the thing about the way the policy is worded it's not an actual de facto decision to allow a contracted party to make any changes, it is simply a path to have an engagement between the registrar, registry and ICANN's legal team in order to thrash something out. And maybe the answer at the end of that is not exactly what was asked for, who knows?

But without that mechanism there's no way for that dialogue to start. So the legal opinion trigger in my view, would be very helpful. And I would have felt that way prior to any discussions around GDPR, but with GDPR looming on the horizon as it is now, having to reform an IAG in order to deal with this we simply would not have time. And I think in many respects we would have failed. Thank you.

Keith Drazek: Thanks, Michele. Donna, over to you.

Donna Austin: Yes, thanks Keith. Donna Austin. So I support a lot of what Michele has said. And I think we've always struggled with this in terms of the substance of a process and what it is we're trying to do. And I think it would be helpful maybe if we can take a step back and just understand where the problems are and

how we can fix that within the process that we are trying to, you know, abide by, I suppose to some extent.

The bottom line and the frustration for the contracted parties here is that what was the proposal that received the consensus support from the IAG is likely unworkable for us and we've – we actually have situations where a, you know, a registry operator has come to ICANN, tried to use that trigger and, you know, to get through the rest of the remaining process and it just wasn't, the trigger that was provided didn't enable that to happen.

So I wonder if, you know, in considering all of this we take a little bit of a step back and try to find a path forward that keeps us consistent with the process, doesn't necessarily disagree with what's been agreed previously, but acknowledge that in order for a contracted party to, you know, be able to effectively go through the process with ICANN of, you know, where there is a conflict with the exiting – the privacy law, the process is actually workable. And at the moment it's not.

So I think that's what we have. We have process that, you know, we're trying to be consistent with the process but unfortunately we're in a situation where the process has developed a solution that's no workable, so how do we provide a mechanism to get around that? Thanks, Keith.

Keith Drazek: Yes, thanks Donna. And I think to reiterate what Michele said, and I think what you were saying as well is, you know, what is being proposed here with the legal opinion trigger is consistent with the policy and the process or at least the challenge is to find the way to incorporate something that is workable because what came out of the GNSO policy and the GNSO implementation phase is not. And to Michele's point, in a sense if we allow this to continue and to stand, then we have failed in coming up with something that is workable.

So Paul, I see your hand, and then I'm going to go to Marika, thanks.

Paul McGrady: Thanks, Keith. Paul McGrady again. So I guess there are all kinds of things that come out of the ICANN process that from the point of view of one or more constituencies are not terribly workable. And I don't need to go into our standard list of complaints and the, you know, the things that we don't like in terms of what's come out of various processes. So just because something doesn't feel workable by, you know, one or two constituencies I don't think that is sufficient ground for the GNSO Council to, you know, just sort of do it themselves.

However, at the same time, I am hearing what the contracted parties are saying, and so what I'd like to propose is some sort of solution that is true to the process but also gets this resolved. And so and I may take some heat from my own constituency for this. But what about reforming the old IAG or forming a new one, not sure, and giving them a very short timeframe to come back on – and only giving them this question to answer about the legal opinion trigger.

And asking them to come back – I would say 30 days but because of the holidays that's not practical, but maybe come back in 45 days addressing only this one issue and giving them essentially a second bite at the apple. That way we're not doing an end run around the work of our volunteer community, and if people who were on the former IAG want to have their voices heard and if there's new people that want to have their voices heard on this, you know, I think this provides an opportunity and nobody will feel like we simply ignored their prior work and the Council did whatever it wanted to do anyway. Thanks.

Keith Drazek: Thanks, Paul. Thanks for the constructive suggestion. Marika, do you have any input or guidance for us? As I think several of us have noted, a lot of us were not around or involved in this when the policy was developed or when the implementation group met. I know that as you've noted in chat, there have been, you know, there was a public comment request issued for this

that we should be considering. Just so any input that you can provide to us would be helpful.

Marika Konings: Yes, thank you, Keith. And this is Marika. Indeed from a process perspective, the IAG was formed after, you know, staff – an initial round of public comments asking for input on the procedure as it stood and based on that public comment it was determined that it seemed that there were issues with the implementation, not necessarily with the policy but with the implementation of the policy recommendations.

So the IAG was brought together to try to look at those issues and come up with potential recommendations on how those issues could be addressed. The IAG produced its report I believe it was back in May 2016, if the date is correct on the link, basically recommending the addition of an additional trigger noting in the annex as well that they considered two additional triggers but they did not receive – achieve consensus on it nor did they actually opine on whether those additional triggers were deemed consistent or inconsistent with the underlying policy recommendations.

Because of course, when you deal with implementation, if there are tweaks to be made the determining factor is do those changes, you know, achieve the policy recommendations as set out? And they're not deemed inconsistent with those.

So the Council considered that report and adopted the recommendation, so, you know, from that perspective, you know, the work of the IAG was considered, adopted and implemented. But at the same time, you know, some concerns were expressed that, you know, the trigger that was identified might not go far enough or would not address the issues identified. So basically as part of the adoption of the IAG report, the Council asked staff to, you know, go and assess the feasibility of that additional trigger and, you know, basically kick off a next round of review which staff did though the public comment period that was open.

So as part of that public comment period you know, specific questions were asked, you know, does the additional trigger address the issues that some have identified? And also, you know, there were two additional triggers that were put on the table, although they did not receive support at the time of the IAG, but what is the community's views on those, you know, with regards to consistency as well as, you know, do those address the issues that were identified.

So where we're currently at is basically the Council has received the information that it asked for so it is now for the Council to make a determination on, you know, what the next steps are. And I think, you know, Akram's letter basically outlined a couple of options. You know, one option and I think that's what's reflected in the motion that Keith submitted is, you know, the Council could decide based on the new information that has come through to the – through the public comment period that either one or two of the other triggers should be added as they're also not considered inconsistent with the policy and/or they may be addressing some of the issues identified.

You know, the Council could also decide that, you know, nothing needs to happen, you know, the trigger that has been added is doing what it needs to do and, you know, things are working as they should. The Council could also decide that, you know, a group in some form, you know, maybe the IAG, although, you know, as said, the IAG completed its work, the Council considered that report, and that work was finalized, you know, could reconstitute the IAG or some other type of group to look at that information again that has come through to the public comment period and make a recommendation to the Council on what should happen.

As noted before the question that is being focused on is on the implementation so ultimately the question for the Council is to consider consistency with the policy recommendations. At least from a staff perspective from the implementation side, there is no need for the Council to

say, you know, we prefer this or we like that; the determination that staff is looking for from the Council is to indicate what is considered consistent with the underlying policy recommendations and on the basis of that, you know, staff would get basically marching orders for if how to make changes.

So again, I hope that's helpful to show that where things come from. As said, you know, from a staff perspective, you know, the work of the IAG was completed so it's not undoing the work, it's new information that has been provided on the basis of which the Council is expected to make a determination on what if anything needs to happen. Which is, you know, the typical way of course how reviews are carried out on any issue.

You know, there were always original recommendations but you know, through new information and conversation there may be a need to make changes or adapt recommendations that were originally adopted and seemed workable and fine at the time.

But again, it's for the Council to make the determination whether or not any further changes are needed and whether that's something the Council can decide on or whether you believe additional work needs to be undertaken by the IAG or some other type of group although I do want to note there currently are no formal rules or structure for an IAG so you may want to consider as well, you know, if that is the route you want to take that some guidance is provided on how such a group would work, you know, who would be members of it, how are they expected to take decisions. Of course we have some models as GNSO working groups and IRT but I would recommend that is something that is decided up front so everyone's clear on how such a group would function and operate.

Keith Drazek: Yes, great. Thank you very much, Marika. That was very, very helpful. Appreciate the summary. I noticed Heather's hand is up and that's probably substantive input but also time check. So, Heather, why don't you go ahead

and jump in and maybe I'll come back with some suggestions for a path forward.

Heather Forrest: Thanks, Keith. It's Heather. We're doing very well on time, thank you just for keeping that in mind. Look, I think, you know, I would like to put two things on our to do list here in terms of how we move forward. One, I think you know, there is a need to respond to Akram. We are clearly not making that response in the form of a motion in this meeting. And I think it was – in balance I think it was wise to make this a discussion item because there has been some useful input that's come through this.

And like Paul, I certainly can appreciate the interjections here of the contracted parties so I think we want to get to a place where everyone's happy with this. I want to suggest that perhaps what we do we send a holding response to Akram to say that we continue to consider this and as to what else we say I think is dependent on the next item on our to do list, which is Keith, I think I heard you initially say that it could be that we turn this over to another IAG and Paul furthered that by saying, you know, can we put some strict parameters around time.

I wonder if we could deal with this in a similar conceptual manner to the way we've done the Red Cross is reconvene that group but also say to that group, you know, if your representative doesn't want to participate, could you please nominate a proxy or someone else to sit in your stead. That way we're not completely locked into the group that was there the previous time as some of those folks may have moved on.

And what I think we ought to do to the extent that we're doing that is to pick up Paul's suggestion but also Marika's to the point that we don't really have rules for this is, let's as a Council, give that group very specific instructions in terms of timeline and in terms of what we need out of them, what we need them to consider. So that handles at least in the micro the fact that we don't have rules for IAGs generally.

And of course IAGs have something to do with – or don't strictly come from the GNSO so I'm thinking if we go on the path of first trying to develop rules for IAGs they're only going to be relevant for certain IAGs and that could get us into confusion. So I think we'll handle Marika's point on rules, or at least I propose we handle Marika's point on what we expect out of the IAG and how it ought to work in terms of this particular group.

And I think we make sure that we have balanced representation and we make sure that everyone has a voice in that group and we consider the timeline. I'll turn to Susan and then I think Keith, we'll go back to you for our input.

Susan Kawaguchi: Thank you. Susan Kawaguchi for the record. Just one brief comment, I was part of the sort of small group from the Council that met with the IAG, at whatever ICANN meeting we were all at, and when they had sort of come to this impasse, and, you know, it was pretty much the view of the group that it was – they had done what they could do and it looked like we would need to reform another group of some, you know, in some manner to look at this again.

But reconstituting that IAG might be a little difficult I mean, I have no opposition to trying that, but they didn't seem interested in taking the matter on again that group that was meeting with us. So I would be – I would sort of caution any optimism there and maybe we need a whole new group.

Keith Drazek: Yes, thanks Susan. Heather, do you want me to take it from there?

Heather Forrest: Keith, yes please. And let's focus on the practicalities of this and in other words, what does Council need to decide and what does Council need to do? Thanks.

Keith Drazek: Yes, yes, agreed. So I think to wrap this up as far as our discussion today, you know, going into this my preference was to, you know, that the Council – my hope in preference was that the Council would you know, use the latitude or the flexibility that it has in terms of having received new information as Marika has discussed, and to basically say is there an opportunity to augment the implementation with something that is already, you know, been under consideration and is still consistent with the policy based on, you know, further information.

But if the view of others is that we need to reconstitute a group then I think that's something I could live with but under I think as Paul suggested, very sort of strict timelines and with very clear and specific guidance as Heather has noted. This issue has been hanging out there for far too long. I think as a Council we owe the response to Akram, we owe, I think a workable solution to the contracted parties.

So I think for next steps my suggestion is that we defer this motion and I'm interested in what others have to – think about, you know, whether we defer or withdraw. This was something Marika suggested in the chat, that we have to decide, but to defer this motion to the December meeting and that in the intervening weeks that, you know, I'll work with Marika and with Heather and anybody else that's interested in contributing to come up with some updated language for the consideration.

You know, and if that means that we have to form a small group, a new group probably as Susan noted, with very clear marching orders, then let's get it done and let's make it happen. Heather, back to you.

Heather Forrest: Thanks very much, Keith. Brilliant effort at leading this difficult topic. Michele, your hand is up. I put my hand after you and I'll try and draw us to a close. Thanks.

Michele Neylon: Thanks, Heather. I think the question for me really is whether it's a deferral or a withdrawal. And if the – I think from what I'm seeing people saying and what's going on in the chat withdrawal might make more sense because deferral it's basically putting the same motion back on the table whereas what we're probably looking at doing is – is withdrawing this motion in its entirety and putting forward a completely new motion which would be to basically form some group to deal with this within a short timeframe. Am I correct in that or have I misunderstood something?

Heather Forrest: Michele, it's Heather. That's exactly how I see this and that's the comment that I've put in the chat. I think what we're looking at here and my suggestion would be small group to – we'll take volunteers after the meeting on the list, small group to put together the draft guidelines slash framework for this new IAG and that'll include things like timeline and membership and representation and so on. And we'll put that as a motion to our December Council meeting.

As soon as we have an agreement on that, then we can move forward in allowing that group to do its work. And given the, you know, given the very strict sort of parameters that we'll have those folks working in, we'll understand their timeline and we'll all be able to, you know, anticipate from that point at which Council meeting will be bringing their outcomes, and so we'll know, you know, we won't have this sort of question mark around when this thing comes back to the agenda and we'll have a good sense of when we'll deal with it.

Now that said, that's my summary of understanding things. And I'll just turn for a last – Keith is typing in the comments. Keith, make sure that I haven't destroyed the intentions of your...

Keith Drazek: Thanks, Heather. Yes, Keith Drazek. No, I think you got it right. And I think so what I'd like to do is formally withdraw the motion as presented today and

with the intent to resubmit a new version, a new motion, for consideration at our December meeting.

Heather Forrest: Keith, thank you very much. So we note your formal withdrawal and very much appreciate all the input that has been given here, and indeed the opportunity to have this discussion. We can all go back to our SGs and Cs now and remark, you know, get ready, let's say, for this group. Staff, can I ask that you put on our action items, please, a call for volunteers for the team, small drafting team to work on a draft framework slash rules slash guidelines for this new IAG. Any who are interested in participating in that, please make sure that you respond to that call for volunteers.

And we will make a note here that we want to have that ready to run to the extent that it's all possible for the December meeting and the December meeting I think falls rather late in the month, although it's probably only about three weeks from now with a document deadline a week – 10 days before, so that means we're working to a fairly tight timeline. If in light of the holidays and end of year closings and so on, we're not able to make it to December, just noting that that would push us to January which is our face to face meeting which is happening at the end of the month in the strategic session, so we're just bearing in mind the timeline.

So thank you, Nathalie, in fact it is 11 days from now the document deadline, and for the meeting on the 21st of December, so I have a feeling this group has a reasonable task ahead of it and I don't want to doom it before it even begins, so let's say to the extent that we're not – and here again withdrawal makes sense. To the extent that we're not ready to run in 10 days time, 11 days time, then let's do the job correctly and put this forward for our January meeting, which is face to face.

With that, I will close the item unless, Keith, you have any final comments you'd like to make?

Keith Drazek: No, thank you, Heather.

Heather Forrest: Perfect. So thank you very much, everyone, we have a brilliant plan forward for that. And I'll make sure that we get that call for volunteers out.

So let's turn now to our next discussion item on the agenda, which is an update on the Council's strategic planning session and we can put in the AC room the most current version of the agenda that Donna and Rafik and I have shared with Jonathan Robinson. This happened about 24 hours ago.

We – Council leadership got together and in view of the topics being covered and the desire that we use this session as effectively as possible to deal with some of the, you know, possible controversial issues and difficult questions and existential questions that we simply don't have time to talk about in the context of a normal Council meeting, we wanted someone with excellent diplomacy skills but also someone who understands from a personal perspective the role of the Council leadership and what it is to be a GNSO councilor and representation of an SG and C in that regard.

So we felt very comfortable and confident that Jonathan was well suited to serve in that role. We presented this draft, which is a slightly expanded version of the draft that we circulated in about. You'll now that what's new here is the materials to be prepared and the facilitator columns. We have added the materials to be prepared because of course staff has quite a bit to do help us to – in readiness for January and facilitator, following our discussions with Jonathan Robinson – now I will say this, that when we went through the draft agenda with Jonathan yesterday, Rafik, Donna and I, we had not had that facilitator column in, we simply talked about it at a high level.

The reason, let's say, for the question mark in some of the blocks is that there are some places around the role of the GNSO Council as it's articulated in the bylaws that I think it would be helpful to have Jonathan's substantive input

given his term as Council Chair immediately preceding James. And likewise, we will invite James to contribute to that discussion.

So in that sense, we need to think about a facilitator, but for all other purposes we think Jonathan would serve very, very well in that role. We've asked for his feedback on the agenda and he felt that we were doing a very good job of seizing an opportunity with this pilot funding that we received.

I chose not to circulate the agenda prior to the Council meeting because we only just got the clean version ready to go about half an hour before the Council meeting so please forgive me that you're seeing this for the first time; it's not meant to stifle discussion but I didn't think that it was helpful to submit only 30 minutes before the meeting.

So let's turn it over for discussion, anyone has any questions. I'll note that, again, we have these, you know, haven't made substantive changes in the three baskets that we're putting topics if you like, with day one around role and remit and day two around the GNSO and the empowered community and day three on strategic planning and workload. And I take the heart the comments that have been made about workload and how we strategically manage that and we'll tinker with day three to make sure that that's as effective as possible.

So with that, I'll turn it over to comments, questions, concerns, input. Would anyone like to make a comment? Michele, please.

Michele Neylon: Thanks, Heather. Michele for the record. Just, you know, thanks for your work on this. I think, you know, we're obviously going to flesh this out further between now and then and, you know, I think it, you know, having that time face to face it's – it is helpful and being able to do that without having lots of other distractions and other meetings and all that I think will be hopefully productive so thanks for your and the other cochairs, or vice chairs, work on this agenda to date.

Heather Forrest: Thanks, Michele. Donna.

Donna Austin: Thanks, Heather. Donna Austin. I guess I'd just like to make the point that the Council has been given the funding for this three day event, and we're lucky to have it. It's a pilot so we need to make the most of it. Our intention is that, you know, we'll provide some external-facing report at the end of the three days. I would also like to make a plea that day three go through to four o'clock and to the extent that folks can make travel arrangements after that, it will be greatly appreciated because day three will be pretty important in terms of working out, you know, what our workload and how we move through the next 12 months.

So I guess if I can just make that plea I would hate to think that we lose half the people on, you know, after 2.5 days. If people can commit to stay the full three days that would be terrific. Thanks very much.

Heather Forrest: Thanks, Donna. And that is a very good introduction for me just to remind everyone you should have received an email from Constituency Travel and indeed Jonathan asked us – asked Council leadership to confirm, would we go beyond 4:00 on day three or could we safely make travel arrangements in that regard, and indeed we will end at 4:00 but I share Donna's concern that we try and run to 4:00. And of course for those attending the Non Contracted Party House intercessional, that shouldn't be a concern as we'll be there for the rest of the week.

Donna, old hand or may I turn to Michele? Michele, please.

Michele Neylon: Thanks. Michele for the record. Just very, very briefly, the Registrar Stakeholder Group ExComm is also meeting in LA straight after the GNSO meeting so the three Registrar Stakeholder Group councilors aren't going anywhere either.

Heather Forrest: Fabulous, Michele, thank you. Any further comments, questions on this? Otherwise what I'll say is please do take the time to go back and have a look again, the substance of the first two columns, timing, topic, desired outcome and notes, hasn't changed much since you last saw it, it's a little bit tidier. What we have added is the materials to be prepared and the facilitator. We will continue to develop the day three to make sure that concerns around workload can be fully fleshed out in the course of that day and utilize that day most effectively.

So as I said in the chat, what will happen now is that Donna and Rafik and I will meet with staff next week to hammer out some of the logistics, and then after that we will meet with Jonathan again to further refine the agenda and put in some more detail. And so as we have that as a development, then we will circulate that to Council. But let's say, seeing no other hands raised at this point, I think we'll leave that for now, take it away, come back with comments. Please, by all means, feel free to do that. And we will take those on board as we continue the discussions. Excellent. Thank you very much.

So that moves us then to Item 9, which is an update on the GNSO Council Standing Committee on the ICANN Budget. Now there has been a number of – there have been a number of posts on the Council list in relation to the draft that was put together by the standing committee. And there are comments that have been filed or are in the process of being filed by a number of the SGs and Cs. And I think a concern is what do we do to the extent that this submission from the standing committee is inconsistent with those submissions or diverges from those submissions that have been put in by individual SGs and Cs.

And, yes, sorry, to answer Michele's question, absolutely. Immediately following the meeting I'll make sure that you have that draft of the January session, yes.

On the comments on the standing committee comments on reserve funds, would anyone like to raise those here? I know a number of comments have been raised on the list and this is a good opportunity to discuss those further. Donna, please.

Donna Austin: Thanks, Heather. Donna Austin. I'd like to take a step back in the conversation if we could a little bit and just understand that when we decided to establish this standing committee, the purpose really was more related to looking at the budget and operating plan because there is, from a Council perspective, and a policy management perspective, there are things that the Council should, you know, realistically look at and provide comments on as that budget and process impacts the Council.

The ICANN reserve fund and also the PTI budget might be a little bit different, but the ICANN reserve fund I think doesn't necessarily have to have a comment that comes from the Council. And we need to recognize that in this instance in particular I think we have a diversity of views so it's going to be difficult or challenging at least for the Council to come up with a comment that's actually, you know, just substantive in some way.

So I don't know that we should necessarily push to try to, you know, coalesce around a couple of lines from the Council that might be meaningless, understanding that the respective SGs, Cs, have individually prepared comments and that there's a diversity of views among those.

So I think I don't – I'd hate to see the Council think that we should push to provide comments on this because I, you know, we just – we know that we are not a homogenous group, and we acknowledge that on a regular basis. And I just think that the reserve fund is one of those topics where we won't reach agreement and it doesn't matter – matter's the wrong word – but it doesn't look bad for the Council if we don't submit comments. Thanks, Heather.

Heather Forrest: Thanks, Donna. I appreciate your interjection there. And indeed I've gone back to – so Donna's taken point by point some comments here and compared them to the Registry Stakeholder Group. I notice that Steve has posted in the chat that the BC believes the level should be – should be 17 months. I looked carefully at the IPC comments before this call and see a number of areas of divergence. And rather than pick this apart I think initially we were attempting to poke at each of the individual dot points here and I'm just not sure that that's constructive.

So I turn it to everyone, what do we want to do with this particular – with this particular submission? I don't think we're at all discounting the work of the standing committee. We appreciate their efforts to do that and I understand it wouldn't have been easy to come to agreement on even reaching this text within themselves, but how do we want to take this forward? Michele, please.

Michele Neylon: Thanks, Heather. Michele for the record. It is an awkward one because, I mean, ultimately with the exception of a few members of Council, most councilors are here as reps of particular stakeholder groups and constituencies. So it would be really bizarre for us as representatives of our respective stakeholder groups to then produce a comment that was completely at odds at what our stakeholder groups were pushing for.

However, there are probably areas – and I think that only came out really once we actually had drafted a comment, you know, from Council, so without having a straw man or woman or whatever you want to call it, bit of language to pick apart, we probably wouldn't actually have arrived at this conversation. So I suppose in some respects, that exercise was useful.

I think there are probably areas, however, where as a whole Council would agree so, you know, like I see Steve DeBianco mentioning in the chat some comments around, you know, the revenue levels that ICANN will have. And, you know, there's other comments as well from other groups that aren't

dissimilar to that. I mean, we diverge around minor – well not so much minor details, but we diverge around details.

So maybe the – maybe as Council we are able to put forward some modified language that isn't at odds with what our various stakeholder groups are – and constituencies are saying. And I think there is a general feeling – and please, somebody should correct me if I'm completely wrong here – but I think there is a concern for many of us around ICANN's overall expenditure and there are concerns that, you know, as an organization it needs to exercise fiscal prudence and, you know, because they have the revenues as I think Steve put it, what, is that they are – where was, looking at the text here, that ICANN funding is projected to be flat for the next several years, and there are other efforts going on around discussing auction funds and things like that.

But within the Registrar Stakeholder Group, our concern has been that if ICANN is looking to raise funds then it will look at doing that via increasing fees, and there's even been discussion about potentially dipping into auction funds, and that kind of movement we feel is not appropriate and it would have a very negative impact. So maybe there is some convergence around that, I don't know. Just throwing that out there. Thank you.

Heather Forrest: Thanks, Michele. I'd like to make a suggestion to move us forward on this. And I wonder what we could do is take this document to a higher level but also use it to note that the comments that have been submitted by the various SGs and Cs, so rather than say that these comments are intended to complement, perhaps we highlight, you know, the Council highlights that this is an area of interest for the GNSO community and reflecting that a number of SGs and Cs have submitted comments.

We refer Xavier and his team to those comments and note that, you know, given the diversity of those comments that Council would present a number of high level points for example, that, you know, we note from those

submissions concerns about the level of funding. We note from those submission concerns about where funds come from and the need for fiscal prudence.

And perhaps we leave it at that, thereby we have a submission from the Council, it shows that Council is monitoring the issue, it shows that Council is aware of the submissions of the SGs and Cs and really keeps it at a high level in terms of the concepts that we're monitoring. Does that sound like an acceptable way forward?

Michele, please.

Michele Neylon: Heather, thanks. Michele for the record. That sounds – you've actually managed to articulate what I was thinking essentially so, I mean, so obviously I agree with you.

Heather Forrest: Fabulous, Michele. Mind meld is a wonderful thing. What I will then be happy to do, if you like, is given that I've put up my hand with the proposal, is Berry, are you happy to work with me? We'll tweak this letter, perhaps I can do a first draft and send it back to Berry and the standing committee for their review, and we'll send it to Council and we'll see where we get to with this, we'll try and handle this on the list. And I see plenty of comments and support, and thanks, very, very much. So I will put that on my to do list to amend that letter in line with the discussion that we've just had now.

And Berry has helpfully noted for – I know that there's a timing deadline on that but that's fine because it's early morning my time, so Berry, you and I will just push on this and everyone, we might just have to ask for a very short extension in terms of getting our comments in to make sure we get it through Council and the standing committee at the same time. So here's one area where the time difference works in our favor.

So noted from me. Berry, you've noted one more thing that we need to think about, which is to say that the Council needs to discuss the formal establishment of the Standing Committee on Budget. The standing committee is scheduled to meet on the 4th of December to review the proposed draft charter in hopes of submitting a motion for the December Council meeting. So this has been an interesting exercise in putting together these comments. I agree, I believe it was Michele who said, you know, the effort certainly wasn't in vain in putting these comments together because it has drawn all of our attentions to some key points within that reserve fund target document and our own SG and C comments, so I think this is a useful exercise. We may find in the future that it is difficult for Council as a whole to reach agreement on certain points but I think in light of the GNSO's role in the empowered community it behooves us to, you know, to take budgetary matters seriously.

I wonder, as I see this, if it would help us to put this into the context of the discussions in January around a role of the GNSO Council in the empowered community. I wonder, does it pay to delay by a few weeks in terms of our chartering of the budget – Standing Committee on the Budget to see how that fits within our broader understanding of what our role is in the empowered community? Because indeed I think that's this group's advantage is our new role there and particularly in relation to the budget and timely comments in responding to that budget.

So Donna has noted in the chat, "Good idea." Does anyone else feel very strongly that we need to take this up in December or might I shift this – which actually would fall extremely well timed given that our Council meeting falls on the day that we're discussing the empowered community so we can have some thought to that. And of course we have a document deadline but we can have that discussion in a fuller way in January. Anyone thoroughly opposed to that?

Berry, have I upset you deeply? Berry is not upset so that's wonderful. And no one else is screaming so I think then let's – I've either put you all to sleep or no one cares, so – no, I know this is a – this is something that we all care about, so hence I think it would be helpful to have some discussion around this in January. So the ICANN budget formal open later in January, Berry will keep – we'll keep our eye on that.

So then I propose that we forgo that discussion for now around the standing committee and its charter until we better understand where we sit in the empowered community.

With that in mind, let's turn to our two items of any other business, and indeed we'll call for other items of other business when we're done with those. Council meeting dates and rotation for 2018, so with sincere thanks to staff for helping us put that together. Every year when we have – when we seat a new Council we take a look at the brilliant matrix of time zones and we try and figure out times that are useful and not terribly painful to all in their various time zones.

We did have a pretty big shift in this year's Council of new councilors in other time zone regions so it meant that there was an opportunity to tinker a bit. And we also went to a three time zone rotation to try and take account of the fact that no one would be punished routinely, let's say, so there might be one time zone that's uncomfortable for you and hopefully not red zone but not – that would be the only one, let's say. So also of course taking into account public holidays and this is the meeting dates that we have.

Staff posted this on the Council list. There weren't any comments then, but I wanted to offer an opportunity for anyone to raise concerns about these here before we lock these down. Yes, indeed, Paul – I agree with Paul's comment that, you know, having multiple rotations of time zone is a good sign in the sense of, you know, one of the things that came out of the GNSO review was geographic diversity and the fact that we'd needed to tinker with the time

zones I think is reflective of the fact that we have, you know, introduced another level of geographic diversity within the Council, so I think that's a good step for all of us.

So I don't see any comments, concerns, questions in relation to the meeting dates. And with that we can lock these down.

I notice that we've got three minutes left and I would like us to be able to discuss SSR2, is everyone happy to extend five minutes to make sure that we have a fulsome discussion? Excellent, good, I see lots of yeses, wonderful. Thank you.

So let's then turn – we'll consider our meeting dates accepted and let's turn to 10.2, which is SSR2 RT. Let me give you an update from the perspective of the SO/AC chairs and what's been happening there. So you'll perhaps recall that in Abu Dhabi my final update on this was there was a communication that went to SSR2 Review Team members from the SO/AC chairs to say that we consider that it was important that they carry on with their meeting that happened on the Friday after Abu Dhabi.

We asked them to consider their current skill set and to come back to us and to the extent that there were concerns that we would follow up with those. Now what has come out of that since is that it seems that there is an opportunity to review the skill set matrix that was prepared by SSR RT 2 members. What we consider as SO/AC chairs might be the best thing to do is to the extent that there are lingering concerns that members are not publicly articulating, I made the point a number of times that I don't want to respond to shadows and whispers and all of this.

And if there are concerns about the function of the review team, then the review team members are best placed to identify those and they may not wish to do that in a fully open way but I think it's important that we act on documented comments and not just whispers. With that in mind I think we're

working now on a – on a survey that would be confidential to the SSR2 Review Team members that ask questions along the lines of, you know, in view of the skills matrix that you prepared, do you feel like there are any weaknesses? Do you feel like there are any issues in, you know, lingering issues in relation to staff support because this is one of the things that we've heard about, do you feel that there are any concerns in relation to the scope of the team and so on.

So that is the effort that we're working on now. It was delayed a very you know, few days by the North American Thanksgiving. But we're making very good progress on that. That is where we are. I personally think it's important that we document the concerns rather than just work on, you know, he said she said type things. Keith, please, your hand is up.

Keith Drazek: Thanks, Heather. And thanks for that update and overview. I support the work that you and the other SO/AC leaders are doing there, I think, you know, sort of the request for input or a survey or, you know, I think that's a positive step. I'd like to suggest a couple of things. And I know in light of time I'll try to be brief, but you know, I think everybody understands from Abu Dhabi that my view is that the ICANN Board really botched this in the way that they approached this so-called pause or suspension. I think they should have instead sent a letter identifying any concerns that they had to the SO/AC leaders and requesting an opportunity to discuss them.

Unfortunately, the Board's letters and communications on this have been vague, I think is probably the right word, not a lot of specifics or substance. They raised concerns about skills, appropriate skills for the group, the scope of the group and then of course there's all the, you know, the hallway chatter about, you know, sort of perhaps other concerns about personalities and personnel and whatever. So I think that the exercise you described is a good one. But I think we as the GNSO Council, as one of the groups who appointed members or recommended members for appointment, need to do our own due diligence in a few ways.

I think we need to review the people that we have or that we recommended and make sure that we are still comfortable with supporting them. And I'm not suggesting that we're not, I just think that we, you know, as this moves forward, we need to make sure, A, that they're still available, still interested to continue and that the skill sets are appropriate. I think we need to review the scope and the terms of reference and the work plan of the group. If the Board has identified a concern about the scope that we owe it to the review team and to the community as one of the key leaders, one of the key SOs and ACs, to make sure that the scope is appropriate.

And I think we ought to probably review the work today. And I think it might be helpful to actually have our three – the three GNSO reps, if you will, who today are Denise Michel, James Gannon and Norm Ritchie, I think most people remember that Emily Taylor was originally one of the GNSO appointees but she had to step down and Norm was appointed in her place. And to get their input and get their sense as to how things are going.

And I think finally just to wrap up, time is of the essence here, I think – I'm concerned that, you know, the longer this drags on the worse it looks for the community. And there's a good chance that the volunteers who have put their names forward and who are participating on the group may decide at some point they either can't commit the time or, you know, that it's in a sense not worth their time. I mean, one of my colleagues, Eric Osterweil, is one of the cochairs of this group and frankly, you know, at some point VeriSign may decide that you know, his time is better spent elsewhere, so I think time is of the essence to be able to make sure that this group gets back on track.

Thanks, Heather.

Heather Forrest: Thanks, Keith, very much. And I appreciate your comments as well given, you know, given your connection to Eric. Look, may I suggest a few ways forward here? I don't see other hands. I will ensure, to the extent that it hasn't already been done so I will ensure that the skills matrix and the scoping

document go back onto the top of your inboxes by circulating that after the meeting. And I think we could review that. Steve, you put up your hand so I'll let you go before I continue.

Steve DelBianco: Thanks, Heather. On the very last day, Thursday in Abu Dhabi, the SO/AC leaders got together and wrote an email to the SSR2 team suggesting that they should take advantage of the previously scheduled meeting on that Friday. And it would seem to me that we were acknowledging the pause on substantive work but it would seem that your email sent to the review team, please work out issues of terms of scope and determine whether there are additional skills that are needed on the team.

And yet, the chairs of the SSR did not interpret that the same way and wrote an email back looking for clarifications and I really think that we were not clear enough at giving them the direction. So they ended up having a very stilted meeting on that Friday feeling as if they'd not been given any clear instructions. So I just share that with you to say that they are frustrated. Keith Drazek is right, the chairs, cochairs and volunteers are very frustrated. And it's great that the SO/AC leaders are meeting, but it needs to be so explicit that when you guys communicate with the chairs and the team that you give them a chance to ask for interpretations or to get clarity on what it is that they're supposed to do. Thank you.

Heather Forrest: Thanks, Steve. I take that on board in terms of the priority. And indeed what we got back from SSR2 we had a sense that it didn't really align with what we had asked for. I will say this, it's very, very difficult to draft by committee. And I had the pen for that email that went out at the end of Abu Dhabi to ensure that SSR2 could use the Friday and use it to its advantage.

And I've said to the group I feel like we've been put in a very difficult situation in a sense of we've now essentially co-opted ourselves into the concerns raised by the Board when in fact the concerns were raised by the Board and by the SSAC and not by the SO/AC leaders as a whole. And by taking

responsibility for getting the thing back on track, we suddenly find ourselves cleaning up a mess that the Board created.

Susan, I'll turn to you. Thanks.

Susan Kawaguchi: Thanks, Heather. Susan Kawaguchi for the record. I think Keith made a good recommendation and I think we do owe the SSR team a review but a very quick review. So I would volunteer to, you know, and I think we should have several members of the Council, you know, do that review and present it back to the Council maybe not at the next meeting, maybe next week is what I'm thinking and do this all by email. And so that, you know, we can say as the GNSO Council, we have looked at everything, these are our concerns, or we have no concerns and we think that the SSR2 should continue their work unimpeded and then try to move the SOs and ACs along.

This is, you know, unfortunately, you know, as a member of the RDS Review Team, this is already impacting our work because we're trying to figure out how not to step in those same holes and so – and, you know, it relates back to having a process that's defined and understanding things. So, you know, I would like to sort of follow through with his suggestions and move this along.

Heather Forrest: Thanks, Susan. I'll propose two ways forward then. First thing, I will circulate the SSR documents, that skills matrix and scoping document to put it at the top of your inboxes and let's form a – we'll call for volunteers to form a small team to work together in reviewing those things and let's also follow up with the idea of meeting with our SSR2 members. Let's flesh that out a bit on the list. I'm mindful of time. How want to do that, whether we want to do that in a Council meeting, whether perhaps we want to do that in a webinar, there are ways to make those folks, let's say, feel comfortable and feel like they have enough space to give us their full input and ensure that they're heard.

So let's follow up on the logistics of how we do that because I do think that would be extremely helpful to me as well. I think both of these activities

would. I'm super mindful that you know, this is an area where I'm representing all of us and I want to be very, very careful that, you know, we're moving very quickly in light of time concerns and I don't want to overstep or misstep in terms of what I'm doing, so appreciate the input that you all have given me in terms of how I've carried this forward so far. And let's move forward on that basis. So again, drafting team or small group to review the documents prepared by SSR. I'll continue to work on the survey with the SO/AC leaders and we'll work on a way to meet with our representatives.

So with that, any further AOB items would anyone like to add? Nope, I see no hands. Donna, yes please.

Donna Austin: Just to congratulate, Heather, on your first formal Council meeting. I think you've done an excellent job so thank you.

Heather Forrest: Donna, that's very, very kind. Thank you very much. It's been a wild ride. We're 10 minutes over but that's all right, I think we've made extremely significant progress on a number of things, and I think that's brilliant, that's a sign of how we're able to work together as a team. And I have high hopes that we'll continue to do that in the year ahead.

So many thanks to everyone. At 10:10 I'm happy to call the meeting closed. Everyone enjoy your day, evening and again, happy first day of summer – first day of Australian summer for those of us here. Thanks very much, all. Bye now.

((Crosstalk))

Man: Thanks. Bye-bye.

Nathalie Peregrine: Thank you very much, everybody. This concludes today's call. Operator, you may now stop the recordings and disconnect the lines. Have a great remainder of your days.

END