

**ICANN
Transcription ICANN Barcelona
GNSO Working Session Part 4
Sunday, 21 October 2018 at 13:30 CEST**

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

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page
<http://gns0.icann.org/en/group-activities/calendar>

Heather: Okay. Tech team, can you give us a thumbs up that we're ready to go?
Awesome, thank you.

This is a resumption of the GNSO Council Working Session here in Barcelona at ICANN 63. We now have a session with (Sally Costerton) and (Irgiz Ramai) on the PRS. In other words, the new fellowship approach. With that, (Sally), I'm going to turn it over to you.

(Sally Costerton): Thank you Heather. (Sally Costerton) for the record. PRS actually stands for Public Responsibility Support, which is the team that (Irgiz) and I work in. Which is responsible for supporting a number of programs, amongst which is the fellowship program.

So it's kind of the home of the fellowship program at ICANN. And we're going to take you through the new fellowship program approach. And before we do, I wanted to thank James -- who I can see sitting in the audience -- who created this idea. Because about 18 months ago -- and I was just checking the timelines with Heather -- I was -- you invited me to come to this august gathering.

And you made some very -- how shall I put this -- clear observations about the current -- not just James, he facilitated the discussion -- about the existing

fellowship program. And essentially you said a couple of things. And you - in a way you kicked this program off. The review program.

So you might have unintentionally parented this. And I want to thank you for that. You gave us great feedback and you said look, we love the fellowship program. We think it should continue. But we are worried that we are generating lots of volunteers coming into ICANN -- new participants -- but we are not convinced, we don't see the pull-through of the skills that we need that are actually helping us to move the policy-making progress - process forward.

And we're worried about that. We're worried about it because we think that's not what's supposed to happen. It's not working properly if that is the case. And we're worried about it because it's cost some money. And we also want to make sure that, you know, we're being good custodians of ICANN's dollars.

And can you have a look at this. You didn't ask us to a review. But you were the first group that really - I walked out of that meeting and I sat down with my team and I said "Okay, this is actually a great moment because the community is now asking us to look at this. And that says we have a real mandate to do this."

And that helped a lot, because -- as (Irgiz) will explain -- this was - has been a very community-led, community-participated in process. And we've tried. I think a lot of the changes that are being implemented do stand in a way from that first discussion. Particularly the change that leads us to match very closely the understanding the needs of the community groups before we look for people.

And making sure that -- to the best of our ability -- we are providing people who know that that is what is required. And that we have a mechanism to

correct that partnership right from the beginning. So be really interested in your reflections once (Irgiz) has shared the key elements of the new (trust).

Wants to take that opportunity kind of on the record to thank you for starting the process. Thank you.

(Irgiz Ramai): Thank you (Sally). Hello everyone. And many thanks for the opportunity to participate in today's discussion. My name is (Irgiz Ramai). And as (Sally) mentioned, I help manage the fellowship program within ICANN Org.

Just to follow on what (Sally) was saying and a little bit of context for those of you who have not been involved in this process and this space more generally. About a year and a half ago -- within ICANN Org -- we began to have some initial discussions about the possibility of making changes to the fellowship program to improve the overall efficiency and effectiveness.

And in parallel to these discussions -- and this is what (Sally) was mentioning earlier -- the community -- and in particular this group -- was also having its own separate conversations about the possibility of changes. And those conversations centered around the need to have more information on the return on investment of the fellowship program.

And more broadly, just to have better metrics in place. So with that context, if we can just go to the next slide please. Okay. So we -- as part of the consultation, which we started about six months ago and it culminated with a public comment proceeding some times in late July -- we received a total of 153 individual recommendations from across the community.

And those can be broadly categorized into four buckets that you see here on the screen. The first one is the need to have SOs and ACs be more actively involved in both choosing fellows and in mentoring them. The second point is -- which I mentioned earlier as well -- is the need for better metrics. Better data points for us to make decisions.

The third one is the need to have fellows be better prepared once they are at ICANN meetings, but also post-ICANN meetings. So a lot more capacity development in advance. And the last point is the need to have fellows be actively engaged in policy work across ICANN. Next slide please.

So in terms of the full new cycle of the fellowship program, the first step will be to do targeted outreach and promotion. And all of these targets will be informed by the needs and wants of the community.

So as part of the process to nominate individuals who are sitting on the selection committee, we ask the community to also provide us with targets. Who are the people you want to participate in the fellowship program? What are your needs? What are your individual needs?

So we will aggregate all of those targets and we'll prioritize it accordingly. And our job -- from a program management perspective -- will be to implement those plans. Next slide please.

Moving forward, at the application stage. Anyone who wishes to apply, they have to take a fundamental course on ICANN. They need to know what ICANN is about before they apply. You will not be considered unless you have evidence that you have completed this fundamental course.

And this will be taken through ICANN Learn, which is our online learning platform. At this stage, applicants will also have the ability to self-report information on their active involvement and engagement within ICANN. So data points.

What have you done specially for those who are returning fellows? What have you done in your time at ICANN? How have you participated? Please provide evidence for this. And I'll talk a little bit later how this links to the broader metrics discussion. Next slide please.

At the selection stage moving forward all of the individuals who are sitting on the new selection committee of the fellowship program will be appointed by the community. And there will be a total of six. SSAC has informed us as of a couple of weeks ago that this is -- the fellowship program -- is outside of their scope.

So we will have six individuals sitting on the selection committee, the work of which will begin in mid-November in time for the ICANN 65 cohort. Again, moving forward we will not have 60 fellows as we've had in the past. We will have 45.

Of those, seven will be mentors. And the mentors themselves will be selected by the community, by the SOs and ACs. And they will play a huge role in doing the onboarding and the capacity development of the fellows. And again, I'll touch on that shortly.

We will also enforce the three-time limit of participation in the fellowship program. When we did -- with (Sally)'s guidance -- our 10-year review of the fellowship program we found there were a few cases -- not a lot, but about a handful of those -- who had participated more than three times. We want to make sure that moving forward the program is fair. And that three-time limit is actually enforced.

And lastly of course diversity considerations will be prioritized. Because that is one of the main reasons for the existence of the program itself. Next slide please. This is when the preparation comes into place at the pre-meeting stage.

The mentors -- again I want to reiterate they will be chosen by the community -- they will spend anywhere between six to eight weeks with the fellows to do their onboarding, capacity development, and just to make sure the fellows

know what they're getting into. And know what to expect and have the information they need to be productive at ICANN meetings and beyond.

We will have additional ICANN Learn courses at this stage for both first-timers and those who are returning fellows. This is - will be more of a deep-dive into ICANN. Again, this is meant to make sure that they have all the information they possibly can have in order to make good decisions. And then also to participate actively while they are here again, but also beyond.

And lastly, we are updating the guidelines for the mentors to reflect the feedback that we received from the community. And that was quite substantive. But essentially the key point was to ensure that the mentors play a major role in doing the onboarding and -- if you wish -- handholding the fellows (through all) the process and working very closely with them. Next slide please.

As far as on site, again this is where the mentors will play a huge role. We are also instituting a new rule where -- in addition to all of the things that the fellows, all the sessions they have to attend and all the participation they have to do -- they also will have to attend a minimum of five working group sessions for each ICANN meeting.

Now -- in collaboration with their mentors -- they can increase this number to whatever they see fit. But as a minimum it'll be five sessions. This will be reported on. The mentors will also play a huge role in ensuring that they are liaising between the communities and the fellows themselves. And identifying high potential individuals.

And this is key. Because in the past we haven't had the ability to link the two processes. We've brought in a lot of volunteers, but we haven't necessarily had the metrics or the ability or the structures in place to find out where they are and what they want.

We've had some anecdotal evidence but nothing really structured. So moving forward we want to make sure that that information is readily available for anyone who wishes to have access to it. And of course to make informed decisions. Next slide please.

As far as post-meeting, I will just touch on one element in the interest of time. The community wants a lot more transparency over what is happening with the fellows. So what we're doing actually, we're piloting at this meeting because we want to work out some glitches or whatever the issues we may experience in time for ICANN 65, which is when implementation of the new fellowship program will begin.

We're going to have a report -- a post-ICANN meeting report -- of the fellows. Okay, so that report will share a lot of the data -- how many sessions were attended, what were the sessions -- as well as a qualitative report from the fellowship cohort itself. And that will be publicly available. Next slide please.

And I promise this is the last one. So on the metrics, because I know that this group but also other groups across the community are quite interested in this. We will continue to collect information related to diversity along the seven elements of diversity that have been identified by Work Stream Two, which Rafik co-lead.

As far as the policy development participation, this is the GNSO's definition and metrics for what constitutes active participation. So we literally copy and pasted this from your feedback to the review process.

And as you see here -- most of you are probably aware of all of this -- but there's a number of panels, there's some policy reports and documents, the number of mailing list contributions that people have made, public comment contributions, et cetera. One thing that we are a little uncertain about is the definition of leadership.

And I spoke to Heather about this briefly yesterday. But when we say the number of leadership positions, do we mean Chair and Co-Chair? Do we mean something more than that? We don't have the definition to work with. So any help, any guidance you can provide us with, that would be great.

And lastly -- as far as metrics related to regional engagement and outreach -- we will continue to gather those as well. And we want to make sure that fellows are as active as possibly can be in their own regions, in their own environment.

So with that I will pause here. I'm sure many of you have questions or comments for me. So thank you and I look forward to your feedback.

Heather: Thanks (Irgiz). We have Tatiana and Michele. But Tatiana, before I turn to you very quickly let me just say that I'm - (Irgiz) and (Syranoush) held the initial meeting of the selection committee yesterday. And I'm - I attended that meeting as the interim appointed and made clear that that's the role that I held.

And also made clear -- I hope, these guys can tell me -- the sensitivities around this. Around the appointment, around fellowship, around the metrics and so on and so forth, to the GNSO. And hopefully I didn't scare off everyone else on the group by saying, you know, we're watching this very closely.

With that, Tatiana and then Michele and then we've got a queue at the microphone. And we are over time so I'm going to cut it at the queue at the microphone. Tatiana.

Tatiana: Thank you very much. Tatiana Tropina for the record. I might have missed it in the presentation, but I remember there were a couple of concerns expressed during the public comment period about the relationship between

Next Gen and fellowship. Because they see that now the limit is imposed on how many times you can get a fellowship.

And I remember that before, Next Gen people couldn't apply for fellowship. So did you analyze this somehow? Would Next Gen be able to apply for fellowship? Not so where these things stand here.

And concerning a leadership position (assured) feedback. I would suggest that you also consider memberships of executive committees. Like for example regional representatives on executive committees. They are doing a lot of work, not only chairs and co-chairs.

So I believe that this should be included in the leadership positions. Thank you very much.

(Irgiz Ramai): Thank you Tatiana. On the second point, thank you very much for that feedback. We will incorporate it. And again, we're looking to the broader group here for any feedback that you may have on what constitutes leadership.

On the first point, yes. Next Genners can apply to the fellowship program provided they fulfil the criteria. The three-time limit is just for the fellowship program. It does not affect the Next Gen program whatsoever.

Heather: Thanks, Tatiana, (Irgiz). Michele.

Michele Neylon: Thanks. Michele for the record. (Sally), you're my favorite punch bag. I do love these things where you come - when you come along. And with it. And now you're finally giving us metrics. Thank you.

Now whether those metrics are good enough -- whether we will - whether we'll - whether they are robust enough -- is something that I think we will all

be exploring over - in the future. But this I think is definitely a move in the right direction.

That you were able to spend so much money on these projects without having KPIs and metrics to me is, I say the most polite word I could use is bizarre. I can think of several other ones which wouldn't be so polite. So I think this is a welcome move. Thanks.

(Sally Costerton): Thank you Michele. And my - I mean I remain immensely focused on metrics. Last (unintelligible) of Michele on my shoulder. Not literally. The question about are they absolutely right, I think that's a very well-made one.

This is the beginning of a new period. We will have so much more involvement now with the community leaders, the community nominees, and in the committees. I would absolutely hope that we will keep this as a very ongoing dialogue. Because we have to experiment a bit and we have to be ready to challenge and ready to improve as we go along.

I absolutely agree with you. I think the ballpark's good. But my sense is that we're going to get better and better and we need to stay on the ball about that in terms of getting more and more precise about good looks like and how we measure it.

Michele Neylon: Thanks. Yes, I mean it's been for us as a stakeholder group, when we give travel support to members within our particular group. And we already do a lot of this. I mean we don't just kind of throw something at people randomly. We do expect them to do something in return.

Heather: Thanks Michele. (Carlos), I've got to shut the queue. I'm so sorry. Our three speakers at the microphone, and then we'll wind up then.

Marilyn Cade: My name is Marilyn Cade. I have participated in all version of the fellowship programs that have existed since the beginning of ICANN. I would - do want

to make a comment about - I also participated as a mentor in community onboarding program.

And I want to make a few comments to suggest that many of the suggested improvements will strengthen the ability of the fellowship program to contribute to the community broadly within ICANN.

I also want to reinforce that you are speaking in the GNSO room, not just to the GNSO policy councilors. Because as important as the role of engaging in policy development is -- and it is critical to find a path for onboarding more engagement in policy development -- it is also critical to remember that another part of our job as the community is to engage in ICANN governance and participation.

And sometimes the needs to build those skills can be very different than the skills of becoming an expert in contributing to policy development. So I just want to make that point.

A second point that I would make is -- and it is my personal view -- that ICANN Org should not be developing leadership. The community should develop its own leaders who earn the respect from within their communities and then get elected or appointed to a leadership position.

You can lead as well from behind as from in front. And I think sometimes that gets lost. But when we talk about having more people to participate, it isn't just more chairs -- as important as vice-chairs, chairs, rapporteurs, are -- but also having knowledgeable people.

So I applaud the fact that you're building in some rigor on how new people can learn about ICANN and become involved. I finally will make a comment that we will need to discuss this within the business constituency. I'm just not sure that deciding that seven mentors is the right number because of the extreme diversity across certain of the SOs and ACs.

And then finally I will make a point that I will talk about in the budget working groups. And that is the importance of the community commenting again on the special projects funds, which have helped some of the parts of ICANN that otherwise could not build their own outreach at a more national and regional level.

And to continue to encourage a way that someone who becomes aware about ICANN can then become involved at a more national or regional level in other activities that ICANN is engaging in. That will also help to strengthen their contributions to ICANN.

(Irgiz Ramai): Thank you Marilyn. Just very quickly I want to reflect on something you mentioned. Bringing in fellows is a shared responsibility. It is not just ICANN Org.

So we look at the community to also do its part in bringing these fellows in. Being able to absorb them, to do the onboarding that's needed. And of course we're here to help in whatever capacity's needed. But it is a shared responsibility, it's not an org responsibility. I just wanted to make that point. Thank you.

James Bladel: Thanks. James Bladel speaking. And I know you're pressed for time, Heather, so I'll just be as brief as possible. Couple of quick reactions, questions. First one being that I agree with Tatiana that the definition of leadership could be not just PDP chairs and co-chairs but ExCom, CCWG, or review team.

Any elected or appointed position I think would probably qualify. But to Marilyn's point, everybody's a leader. This is ICANN.

And then the second point is I was a little surprised that there was anyone that had received more than three - was more than a three-time candidate for

fellowship program. It seems to me that this should be a one and done, is just my first reaction.

And if there's a second year warranted, then that should be justified by some sort of condition or responsibility to produce a report, a paper, or to, you know, with the intention to engage or volunteer. So I would say even three seems very generous, especially if there are no conditions attached to Year Two and Year Three.

And then the third item -- just to reflect a little bit more -- is it would be great if there were some sort of long-term tracking program. You know, so you could say for example that so and so is now on the council and by the way they were fellowship class of 2020. You know, or something like that.

That you could -- over the course of someone's volunteer career in ICANN -- that you could follow their appointments and say that that was a result - direct result, drawing a straight line from the fellowship program.

I think it was (Paul) earlier that said, you know, someday we're all going to be on a beach with a really fruity drink. And we need to develop this pipeline of newcomers and you guys are the funnel. And so I'm very encouraged by what I'm seeing here today.

And I would just recommend that you keep working to improve this program because it's going to become increasingly necessary as we all age out.

Thanks. Or maybe just me.

(Omar Ansari): Hi. My name is (Omar Ansari) and I'm a Fellow from Afghanistan. I am on the BC. One of the issues some of the constituencies face is that when the fellows apply for a fellowship and then they change their constituency later on.

There were cases that people came as for-profit or non-profit, as business but later on they said oh we changed job. You know, we were hired by another employer. So that becomes a little challenging for the constituency to retain, you know, people who could contribute back to the constituency. Including BC.

We had people selected as business but then later on we found out they were not business. Or they have changed, you know. So we need a little accuracy when the selection is made based on constituencies, so they can give back to that particular constituency. And all constituencies can say all their groups are represented.

My second comment is about leadership. Leadership is leadership, it's not a position. It could be a process. But it would be hard to (say) number of leadership positions. Maybe some people are having good leadership skills and they want to contribute but they did not have the opportunity, you know.

And then secondly, when we talk about leadership positions I'd suggest we also consider the contributions back home. When they, you know, in their local communities. Not just you know, participating in ICANN meetings and then, you know, different constituencies.

What are they doing in their country that's also important? Because you know, policy, I mean when we go back to country that would matter. If we're not contributing locally in our communities, then that's a challenge. Thank you.

Heather: Thanks very much. (Sally), (Irgiz), we've had a few comments that have come up in the AC room chat as well that we're going to get to you after the meeting. If we send those on to you.

And (Tony) I apologize, you must have missed, I closed the queue maybe 15 minutes ago. We're running a bit late. I've shut (Carlos) off too. I've already given (Carlos) the dirty look. I'm - and we've held up our next guest.

So with that, can I suggest that we transition to our next session? Thank you both very much. You know of course you'll be hearing more from us.

(Sally Costerton): Thank you.

Heather: All right. And for our next session we have (Sarman) -- so we are currently running 12 minutes late -- to talk to us about IDN and Variance. This is an informative, put this on the Council radar type session. Thank you very much. Welcome to you. And we'll turn it right over to you.

(Sarman): Thank you. And thank you for giving us the opportunity to give an update on the IDN Program. This particular presentation we've actually just focused on one topic. And some other topics which were relevant, we actually wrote that up and shared a brief for GNSO Council which was circulated earlier separately.

So as far as this session is concerned, we're going to talk about IDN Variant TLDs. And let's move to - we have actually more slides than we can cover in this session. So I'm just going to sample through some slides. And then there's a more-detailed session on this topic later today. So if you want to follow up, please come join it - join us at 3:15.

So the reason we bring this topic up for GNSO Council is that there is eventually going to be some follow-up work on - related to policy which comes out of this for GNSO. So this is just sharing some information I guess early for the information of GNSO Council. So let's move on to the next slide. Yes.

So this is just to give you an example of what IDN Variant TLDs are -- and why they are needed -- before we go on to other details. So as you can see there are - there can be two different TLD labels, which actually are considered the same by the relevant community.

They can be the same for different reasons. Here are a couple of examples. So at the top you will see that there's an - a possible TLD label dot epic that actually can be written in Cyrillic script as well. So these code or numbers you see at the bottom are the unique (code) points.

So these are technically distinct strings. But the epic and the Cyrillic version of it visually are identical to each other. And therefore if these are considered as two distinct strings and given to two different registry operators that can potentially cause a security problem.

Similarly, that's not the only - visual appearance is not the only criteria. If you look at the right hand side, it gives two Chinese labels. One of them is in simplified Chinese -- which is for example used by people on mainland China -- and the other one is considered exactly the same label, but in traditional Chinese. And that's a label for example which would be used by people in Taiwan.

So it's - it means that both of these labels are concurrently required for the larger Chinese community to use that TLD label. And if you look at the bottom here, the example comes from Arabic script, which is very similar.

The Arabic script on the label on the left-hand side is what would be required for user of Arabic language. But the label on the right-hand side is visually distinct but exactly means the same thing. It's Saudi - says Saudi IDN CC TLD. And that's the way it would be written for example in south Asia, if you're typing Saudi on a keyboard - local keyboard.

So there are two kinds of issues. One is related to security, that if you have one label you would want to block another label. Not because it creates confusion even though it's not usable. That's a Latin, Cyrillic case. But in other cases both versions are needed for the community to use that label globally. And those are for example the Chinese and Arabic cases.

So there are security arguments and the usability arguments for these labels. Can we move on to the next slide? Yes.

So by definition variant labels are things which - labels which are considered the same. The definition of same is not defined by the - by ICANN Org. It is actually defined by the community which uses that script. This - so the concept of variance and the requirement of variants for top level domains was identified early in the TLD process when IDNs were started at the top level.

And at that time -- since it was not a very well-understood concept -- the ICANN Board had said that no variants of gTLDs would be delegated until the community has found an appropriate management - variant management solutions. So there actually has been so to speak a ban on IDN Variant TLDs until now.

Subsequent work led to two - broke this problem into two sub-problems, which are listed at the end of this slide. The first problem was that there was no clear definition of what IDN Variants are. Those - that varied from script to script. And then second, once - even once we identified these variant label strings, it wasn't really clear how these variant labels should really be managed.

And so there were no variant management mechanisms. And so we've actually been working with the community since 2012 to try to address those questions. Next slide please.

For the first definition, we actually have now the rules on LGR, which very clearly - and we've actually been working with all the script communities. And these script communities have - are telling us what (working) definitions are for each of these scripts. Next slide please.

And for the variant management work, what ICANN Org has been doing is -- internally -- they have worked for past few years. And will offer a set of recommendations. These recommendations were released for public comment on 25 July. And currently we -- based on the public comment feedback -- we are finalizing these recommendations.

And I just go through a sample, a couple of them to share with you. As I said we'll go through more detail during the session on this topic later today. Next slide please. So if you can move to Recommendation Two.

So there are ten total recommendations. The second recommendation basically says that if there is a TLD and there is a TLD variant label of like the examples I just showed you, both those variants must be allocated to the same entity.

So the person - the entity which applies for the main TLD label -- primary TLD label -- should also be the entity which gets the variant TLD label. They should not go to two different applicants. And let's move on to number Four. So one more. Recommendation Four. Yes.

And this particular recommendation basically says that if I -- as a registrant -- register for a label under a T - S One -- under a variant TLD T One -- then S One - the same label under the variant T One V One should also be registered by the same registrant -- so that is me -- so it's exactly the same label. It needs to be allocated to the same registrant under all the variant TLDs.

And not only the same label, but variants of the second level must also be registered to the same particular registrant. So basically a label - a second level label and all its variants under all the IDN Variant TLDs must be registered to the same registrant.

So all the - these basic recommendations are trying to manage the, you know, trying to capture the basic thinking behind what a variant is and trying to make sure that any security, stability issues emanating from that, those are managed as well.

And obviously many of these recommendations have implications - some implications on the existing (unintelligible) which exists. And just - I'll give a very quick overview of what some of those implications are. So if you can move on to the next section. Okay.

So one of the issues with this -- which for example SSAC has identified -- is that it actually creates quite a few possible domain names. So if you have -- for example -- five variants of top-level domain and you also have five variants at the second-level domain, the total possible domain names which are created are 25 domain names out of those variants.

And if you hand 25 domain names to a registrant and ask the registrant to manage all those concurrently, that creates a significant management overhead. And that's actually been identified by SSAC in the SAC 60 report as a potential challenge with IDN Variant management. And therefore basically one of the - this has been raised as an issue.

And eventually it will come to an issue which will come to GNSO Council to -- and the community -- to I guess address on how -- for example -- we can limit the number of variant domain names which are created on different criteria of usability and security and so on. So we actually do present some recommendations for the community to consider.

And that document obviously is released - was released for public comment. I'm not going to go into those details here. But that's for example one of the questions which the community will have to answer. Next question - next slide please. Yes.

Man: Okay.

(Sarman): Sure. So we'll stop for a question.

Man 2: Okay, thanks (Sarman). It's really helpful to understand more about variants. Just have a question. Which one of the recommendations - I think in slide number 14. So if - that's why it's just clarification.

You say that if registrant get a second-level domain and their variant -- I mean into the TLD -- he would also get other labels and the other variants. Just here, because I'm kind of thinking. Myself, I have some IDN domain name in (unintelligible).

So I'm - have a kind of problem to see how I - why I should get other - in other scripts that I don't use. Like I think Urdu or Farsi and so on. So I understand the intent here, but it's kind of strange for a registrant why he would get those labels.

(Sarman): So I think what the recommendation is saying is that those variant labels must be reserved or withheld for the original registrant. If the registrant wants to turn those names on or activate them, it is registrant's choice.

But what should not happen is that some of those variant labels goes to an independent second registrant. Because that will potentially create a phishing problem and a security issue.

So these are not necessarily activated, but they are at least withheld for the same registrant. I think that was the intention. So yes.

Heather: So we have a question at the microphone. And then I'm afraid we're very tight on time. So we need to -- after the question from the microphone -- if you could take a two-minute wrap up that would be very helpful. Thank you.

Edmon Chung: Edmon Chung here. So first of all, I apologize for the Council that I didn't bring this up earlier, because I missed actually this particular report. I confused it with another one. The report looks good generally.

I think the general recommendations are right where the - follows the GNSO Policy from way back, the idea and report. There's one however fundamental issue that may require revising all of our policies if we continue to go down that path.

The one particular fundamental thing is whether IDN Variant TLDs -- or IDN Variant in general -- consider two applications. In the previous GNSO recommendations it is very clear that it should be one application, one TLD. And there will be IDN Variant TLDs. If we have to change that and to have multiple applications for the various IDN Variant TLDs, that's a fundamental change.

So I just alert to the Council that if that's the case then we're talking about PDP to look at that. Up - if that is not the case -- if that implementation is not taken, because I think the multiple parties have already submitted public comments to address that particular issue -- but if that is taken back, then I think -- in terms of the council -- perhaps an implementation team would be - on this would be useful.

For getting, you know, moving us forward into actual implementation. So I know back then there wasn't this implementation team concept, but we can still use the same concept here possibly. Because this would be an implementation of the policy that was set in 2007.

Of course a lot of things have progressed since then, as (Sarman) and his team has worked very hard through that. But I think those are two things. One is if we are looking at two applications for different IDN Variant TLDs, then we have a fundamental change in policy. If not, we probably should have an implementation team to assist (Sarman) and his team.

(Sarman): Thank you. So just very briefly respond to that and then I'll conclude. So the current recommendation is that each variant TLD application is actually an independent TLD. So it will be considered - or it's actually at least recommended for the consideration of the community to consider it.

And the reason behind it is that each variant TLD is potentially a different string. Which may actually require an open objection process and string similarity process and all the other steps which are a part of the current TLD evaluation process. So - but it is again going to come back to the community to decide on this question.

And that's obviously one thing, which the community needs to review and look at. So let me then just very quickly conclude. If you can skip to the slide on Next Steps.

So basically we just concluded a public comment period on this - on these recommendations. We are currently incorporating the feedback and will update the documents we've released. Those documents we aim to - so we are going to be presenting all these details at ICANN 63 based on the updated documents.

Those will be submitted to ICANN Board at the ICANN 64 for their consideration. If they agree to go forward -- because you understand Board currently has put a ban on IDN Variants based on the previous resolution -- so if the Board agrees, then next steps would be that these recommendations would come back to CCNSO and GNSO for further consideration and deciding on next steps.

So that is where we are. I am happy to take any more questions. Thank you.

Heather: Thank you (Sarman), very much. I don't - I suspect we'll have questions going forward and I apologize for cutting you short. (Well), we have the full slide deck from you. And we'll have a look at that and follow up with you afterwards, if we could do that.

(Sarman): Sure. Thank you for giving me the opportunity to present here. Thank you.

Heather: Thank you. That takes us to our next item. Staff team, it - might I just have you scroll back very quickly to our agenda for today. We're going to move on to an update on the RPN PDP complaint. And I just wanted to look at the overall time. Excellent, thank you.

So you see that we are roughly 15 minutes behind. We were meant to start with this item at 1355. What I have proposed to the leadership team hear -- sorry (Dawn), I haven't spoken to you yet on this -- what I've proposed is that we shave time off a little bit here in this way.

We will run the RPN PDP complaint discussion. We were meant to have 15 minutes for that. We will run that until half past. I've asked Rafik and Keith if they're okay with the fact that we only start the interview with Chair candidates until - or at 2:30.

Run that from 2:30 to 3. In the 3 to 3:15 coffee break I'm -- it's hard to propose this -- but what I would like to do is I've posted to the Council list a letter that we have just received urgently from the GAC. And I think it's a letter that we ought to consider before we go into our meeting with them.

Can I suggest -- we have to give up this room at 3:15, which is the end of the tea break -- can I suggest before we all split here that we spend the time of the tea break having a discussion as to how we want to approach that? I

think it will have a fundamental change on the order of items in our agenda and how we approach that discussion.

I see nods around the head, so yes. Good. All right, thank you very much. So with that I - we welcome back Phil, Kathy, and Brian.

This is a matter that Phil, Kathy, and Brian have been dealing with for quite some time. And have referred a number of items to Council leadership. And this provides an opportunity to update the full Council to bring them up to speed. So with that, I'll turn to Phil.

Phil Corwin: Thank you Heather. Phil Corwin for the record. I've agreed with my co-chairs that I will be presenting a brief compendium of the salient facts in this matter, which has been going on for about six months now. So that - to bring the other Councilors up to speed. Leadership is already well familiar with this.

This is a very complicated situation. I'm holding - before coming here I printed out some of the documents that I could refer to, to make sure I was being factually correct in my presentation. This is a small subset of everything that's gone between the co-chairs, the parties involved, Council leadership, ICANN Legal, et cetera.

So I want to bring this up personally. So we spent an enormous amount of time on this over the past six months without any resolution. To date -- as an addition to our rather heavy lift to administer a complex working group -- I want to say personally I'm glad that this matter is finally being aired publicly.

I had been uncomfortable, I believe my co-chairs have uncomfortable, that all of this has been going on behind a curtain. Because it does relate to the enforceability of the Expected Standards of Behavior, which is a Board-adopted and central accountability measure not just within working groups but within the entirety of ICANN.

And also the co-chairs received in the past month a complaint from another member of the working group and following the same party who's the subject of the complaint I'm about to discuss. We asked that party to submit documentation on why we believe statements violated the Expected Standards of Behavior, which I'm going to refer to as ESB continuing forward.

We didn't receive any follow up. But we knew that we were not in a position to act on that -- had that member followed up -- because of - we're just stuck in place right now. And I would also say personally -- subject to whatever privacy considerations and consent might be required -- I would have no objection to every email and other piece of paper that's been generated by this dispute to being aggregated by Staff and made public for review by the entire ICANN community.

So this relates to a complaint brought by Mr. Greg Shatan -- who's a member of the IPC and is in the room -- against Mr. George Kirikos, who's a member of the RPM working group. It relates to a series of emails that passed between them in late April of this year.

The email chain was started by Mr. Kirikos. It related to his concerns about what he believes is a selective and discriminatory practice by the World Intellectual Property Organization. In regard to which appeals from - judicial appeals from UDRP decisions they post.

Mr. Kirikos contended that the selection was done in a way to make the UDRP look better. Then it deserved Mr. - I want to emphasize this was not an issue before the working group. Certainly the issue of whether any party should be required to publish judicial appeals from UDRP decisions is certainly relevant to Phase Two of our work, which will begin next year.

But it's not before us now, our Phase One review is solely of the New TLD RPMs. Mr. Shatan replied in defense of the WIPO practiced. Mr. Kirikos

stated that Mr. Shatan was acting as an apologist for WIPO and the chain went on for there for several days. We - this happened in late April.

In early May we got an email from Mr. Shatan highlighting portions of the email chain and contending that he believed it violated the Expected Standards of Behavior.

The co-chairs -- because we did not want to be placed in the subjective position of looking at those and saying we agree or disagree, we wanted something more formal and more objective -- we asked Mr. Shatan to explain in regard to each of the statements why.

How he believed it violated the Expected Standards of Behavior with the intent that -- once he filed a complaint -- that we would give Mr. Kirikos the same opportunity to respond and explain why he believed his statements did not so violate the ESB. And then we would make a decision looking at the statements.

The statements of the party, of the email chain. The statements of the party and the words of the ESB. So that initial inquiry came from Mr. Shatan on May 8. We did not get a formal complaint from him until June 27 of this year.

I understand he had to participate in jury duty and other things which delayed his response. So once we received that we notified Mr. Kirikos via Staff and asked him to respond within ten days. On July 10 he sent us a request asking - stating that since Mr. Shatan had taken two months, he wanted two months to reply.

He also stated belief that both Brian Beckham and I were required to recuse ourselves. The rationale for that was that he had been the sole member of the RPM working group to vote against Mr. Beckham becoming a new co-chair of the group, replacing J. Scott Evans.

And he alleged that WIPO had taken subsequent retaliatory action against him through removal of a particular web page. In my case he stated that I was biased because he had filed a Section 3.7 Motion against me and the other co-chair of the IGOCRP working group.

So, let me just see here. So the week later -- on July 15 -- we received a further communication. Mr. Kirikos asserting that the wording of Section 3.4 - the working group guidelines which says that a member may file a complaint when the ESB are abused -- rendered it null and void and unenforceable. That the proper word should have been violated.

And therefore he notified us that he regarded the procedure as baseless and that he was under no obligation to respond to Mr. Shatan's complaint and contended that the complaint should be summarily dismissed.

A week later we responded via Staff to inform him that we did not agree with his reading of Section 3.4. That we had independent authority under Section 3.5 of the guidelines to address a disruptive behavior such as ESB violations. And we gave him an extension -- 30 days to respond from the initial notice of the complaint -- to file a response.

Four days later we received a response and it's one sentence. I'll read its entirety. He wrote "I did not find the responses to my two emails to be acceptable. I have retained counsel, Mr. (Andrew Bernstein) -- who is a commercial litigator in Toronto -- and Ms. (Robin Gross) -- who is in the room -- to assist in the resolution of this matter. Please CC them on all further correspondence. You'll hear further from them shortly."

Mr. Shatan was copied on that. And a week later sent us an email and we - in which he expressed strong concerns about the intervention of counsel in this matter, stating that it created a fundamentally unfair situation and might compel him to retain counsel.

As well on August 1 we received an email from Ms. (Gross) with an attached document raising multiple substantive and procedural objections to the manner in which we were handling Mr. Shatan's filing, asserting that Section 3.5 was inapplicable. And in which she invoked a Section 3.7 appeal of the entire procedure.

We then engaged with Council leadership because this was becoming increasingly complicated and involving matters that went far beyond those relevant to just the working group, but ICANN-wide matters. And basically at the end of August we had a conversation with Council leadership in which they said they hoped to convene a meeting in September to clarify whether or not outside counsel could engage directly in this type of proceeding.

And let me say, we always held the view that a member could consult with anyone for advice. We didn't copy the counsel because we didn't want to set the precedent of involving outside counsel without a decision from leadership and ICANN Legal.

And at that point the co-chairs also asked Staff to inquire of ICANN Legal about whether -- if we rendered a decision in this matter and if any subsequent individual legal action was taken against us personally -- we would be eligible for indemnification as agents of ICANN under Section 20.1 of the bylaws. Staff then informed us a little while later that -- I'll wrap up quickly...

((Crosstalk))

Phil Corwin: ...okay -- that ICANN Legal didn't want to reply in writing. Finally, they replied in writing saying that we could in principle be eligible. It was a very weak response.

They referred us to another document which revealed that there were no guidelines within ICANN for how to act in good faith. And -- let me just refer

my notes and wrap up -- and then you asked us whether we could -- two weeks ago -- whether we could decide this matter prior to the Barcelona meeting.

And we responded that we couldn't because of all these unresolved issues far beyond the working group. As well as the fact that we would have to give Mr. Kirikos a final opportunity to respond -- and Mr. Shatan an opportunity to retain counsel if he wished -- before we could possibly render any judgement.

So that's the factual background. And I think -- I'm stating this personally and then I'll ask my co-chairs whether they agree with my recitation here -- I think -- if you look beyond the discrete issues -- I know when I - when every member this - person in this room got this badge they agreed to abide by the Expected Standards of Behavior.

When I went into the chat room for this meeting I clicked Okay, which said I'd abide by the Expected Standards of Behavior. So I believe personally that the overarching question for Council and the community is that when someone agrees to abide by them and then - and a complaint is brought against them and they state not just procedural objections but a declaration that the ESB are unenforceable under present policy, what should happen in that case?

And now I'm going to ask my co-chairs whether they agree with the facts I've just recited as being accurate. And whether they believe I've omitted any material fact.

Woman: Brian first, then Heather.

Heather: I'm sorry Phil. So we only have 15 minutes for this. We need an opportunity for folks to ask questions. I'll just say -- for the record, Kathy, Brian -- any concerns about Phil's summary? We can't have a repeat of it, we don't have time. Brian.

Brian Beckham: Thank you. Brian Beckham for the record. Only to add that -- as far as I understand -- this is the fifth complaint - sorry, the one that Phil described was the fourth.

Now we have a fifth complaint filed against the particular working group member. And I also would raise for Council's attention not only Section 3.4 of the working group guidelines but Section 3.5. Thank you.

Heather: Kathy?

Kathy Kleiman: Kathy Kleiman for the record. And I did want to add, we have handled other complaints. So this is really a case of first impression for both the Council and the community. It's not the normal, standard, garden variety complaint that has come through.

And I think we should think about some new ways to handle this and maybe take it from outside the co-chairs to - up to Council or to a more neutral forum. Thanks.

Heather: Thanks Kathy. So it - here are the issues that I think we need to discuss. There are several arising from Phil's summary and the added points. One is, it appears -- based on the advice that we've had from Legal -- that the question of whether Legal or the extent of the involvement of lawyers in a dispute between PDP working group participants is - falls within the PDC working group guidelines.

That's never come up before, it wasn't really envisaged. So there's that question. There is also the question of the time it takes to resolve a complaint like this. And any impact that it might be having on the PDP's work. Because this is obviously -- from Phil's summary and having gone through the dates -- as you can see this has occupied a great deal of their time as co-chairs.

And quite a bit of Council leadership's time as well. So with that, Michele, I'll let you start us off. Followed...

Michele Neylon: Well thanks...

Heather: ...by (Paul).

Michele Neylon: ...thanks Heather. Michele for the record. And thanks Phil for walking us through that. And in such a kind of steady manner as it were. It's interesting that this issue is on our agenda today considering we were discussion PDP 3.0 earlier this morning. Plus, we had that engagement with the Board shortly before you joined us.

Now, I mean the - I'm trying to be measured in my comments here and not get myself sued. Because - and the fact that I even have to start considering that is -- I think -- the fundamental issue here. This is farcical.

That you have a situation where a member of the quote unquote community would try to use this kind of - these kinds of tactics in order to coerce other members of the community at a wider working group for their own personal ends -- or whatever motive that may be -- makes a mockery of why so many of us end up spending such (disordinate) times in windowless rooms around the globe. It's actually kind of offensive.

And the fact that you would - that there is no mechanism to eject somebody who is causing this level of disruption from a working group is also deeply disturbing. I mean the - I'm not a lawyer, as I like to keep reminding everybody.

But I mean, you know, that somebody would cause this level of disruption in any working group is a fairly clear example that there is something either

wrong with the Expected Standards of Behavior or the way that they're enforced or something else within that - within the system.

I mean if you've got a personal issue between yourself and somebody else, that's between the two of you. And if you want to take that out yourselves you're always going to be able to do that. You know Kathy. I hate you so much. But to kind of suck everybody else in the entire ecosystem into something like this, to me just seems plain wrong.

And I don't know how, I mean the permutations and the knock-on effects, I mean that has a chilling effect. I just don't know where that ends up.

Heather: (Paul)'s going to defer. So Lori and James.

Lori Schulman: Hello. This is Lori Schulman from the International Trademark Association. I'm also a member of the IPC and a member of the RPM working group. I want to thank the Council for taking this issue up as I feel it's vital to the continuing work for the RPM review.

And I want to start by saying I agree with Kathy. I think that this needs to be taken out of the hands of the Chairs for a variety of reasons. For one, we need some objectivity. Not someone who's been in the fray. And all of the Chairs right now are in the fray.

We need the ability for co-chairs to comment, but not decide. We have to work with the complainant and the defendant -- for lack of a better word at the moment -- moving forward no matter what happens, unless there's a sanction that removes a party from the process. And I would imagine that's possible.

So we urge the Council to address this as soon as possible because of the deadlines we're under. As we already know, this PDP working group has gone on too long. And many of you heard from me in Puerto Rico with my

own concerns about how these issues are being managed by the leadership team.

We had a different leadership team then, I believe. But I have a question. There are four and now I'm hearing five complaints? And I've heard Kathy comment that action's been taken. And I would ask where's the transparency?

Have there been decisions? Have there been anything, you know, related to the working group -- or conveyed to the working group -- that anything's been resolved? Because from the perspective of working group members, to me these are all hanging - still hanging there.

Heather: Thanks Lori. James.

James Bladel: Thanks. So yes, this is - I'm kind of coming to this particular incident fresh here. But I was certainly involved in some previous incidents on a different working group where we did have to actually -- as a Council leadership team -- remove a member.

We've had some incidents I think in Panama that almost escalated into a physical confrontation following a session. Those of you who were a witness to that. Which was again -- for me -- unprecedented and a first at ICANN.

And yesterday -- during EPDP -- I had someone take my name and my company name and an argument off the table and onto social media to try and fan some flames. Debate tactics typically reserved for Presidents.

But so, my point -- and maybe I'm just coming at this because I used to be a Boy Scout and I'm from the Midwest, so go ahead and take that with a grain of salt -- but can we take the temperature down a little bit? You know, in these issues here.

And can we start to look at the Expected Standards of Behavior as not like an iTunes checkbox -- that we just click it get our badge and our tote bag -- but really think about what it means to adhere to those things? I think the Council and the Council leadership and the ombudsman have a role in enforcing this.

And also enforcing SOIs by the way, but that's a separate peeve of mine. Just because I think that those are also kind of just a formality. But enforcing this - but I think really everyone in the community has a role to play here. I mean if we're crossing the thresholds where the lawyers are getting lawyers, I think there's really no coming back from that.

So I agree with really everyone that's spoken to this point here. We, you know, and with Michele drawing a straight line between this and the lack of trust and PDP 3.0.

All of our future success is predicated on how we handle this. So if we have incidents or disputes that need to be resolved, I think letting them go on, letting them get as far as -- Phil, thank you for your encapsulation of all the events -- but really that should have stopped maybe around Step Two and maybe around April or May.

Somebody should have stepped in and said enough. Can't play nice? You're off the playground. And that goes for you know, I don't know who's all involved, but everybody involved. And I think we've got to kind of keep our own houses cleaned.

Or really we're all just wasting time. And building airline miles. But aside from that there's no point to coming to these. So thanks. Sorry for the rant.

Heather: Thanks James. Keith, you'll have the last word on this.

Keith Drazek: Okay. Thanks Heather. And thanks James and Lori and everybody else that's spoken. I do have a sort of I guess a procedural question. I support what James and Lori have said.

I think the right approach here is take this out of the hands of the PDP working group co-chairs. They've obviously not only spent a lot of time and effort in dealing with this over the last six months, but it's clearly been a distraction to the regular work of the group.

So I think we need to allow them to return to focusing on the work at hand. So if we take this up to the Council level, procedurally I have a question. Is it - is there an opportunity to potentially bring in sort of some independent, third-party people to help? Whether it's the ombudsman or you know, other people that are respected to basically create a panel to consider this?

Or is it something that the Council leadership team would be responsible for? I'm just sort of - it's an open question because I don't know the answer frankly.

Heather: Thanks Keith. That's a good question. So like the -- and as Phil has said -- Council leadership has been working closely with the team for months now, since Panama.

And one of the suggestions that we put forward -- after discussion with ICANN Legal and the ombudsman -- was to the extent that the co-chairs weren't comfortable to make a decision, that they could provide recommendations in writing to a panel -- and independent panel -- that would make that decision. And so that's for them to follow up on.

But that is the path forward that has been proposed. And for them to decide. I'm - so I have (Paul) who's put up his hand. Keith asked the question that (Paul) wanted to ask. Lori, we can give you the last place in the queue and then we do have to move on.

Lori Schulman: Thank you. Lori Schulman, INTA for the record. Thank you Keith. I would just - I think the role of the ombudsman here would not necessarily be appropriate. And the reason I believe that is because the ombudsman facilitates, he doesn't decide.

And what I worry about -- if we get the ombudsman involved -- is just a continuation of what's been happening, what the co-chairs have been trying to achieve for the last six months and not much success. I believe wherever we go it has to be with a final decision maker. Thank you.

Heather: Thanks Lori. So that's a helpful segue to PDP 3.0. Because it is the case that the operating procedures say that the resolution of complaints rests with the PDP chair or chairs.

I have as Council Chair because 3.7 makes very clear that there's an escalation point to Council Chair in 3.7. I have volunteered to serve on a panel in this regard. I'm - but I think we need to -- as Council -- have a good hard look at the operating procedures and what they say.

Again, dovetailing this morning's discussion around the role of leadership and how we evolve that as the community has evolved. So thanks very much everyone. Thanks Phil, Kathy, Brian for being here today. We will transition now to our interview with the Chair candidates.

And with great apologies to Rafik and Keith what I suggest is -- since we've eaten very considerably into the time that you both have -- we can continue this discussion in our prep on Tuesday evening if we need to. If we find that we run out of time. So just to make sure that you have the ample opportunity.

With that, I'm - I will turn it to the two of you to determine how you prefer to run this. Who would like to go first and how you'd like to operate. So I'm - okay Keith, Rafik has just suggested maybe no statements. Leave the

statements as they stand and we turn right to the Q and A. Thumbs up from Keith, wonderful.

So that being the case, do we have the questions on this slide? Or do we - shall we read them out? We had two that came in I believe. No. We don't have them on a slide. Okay. What I ask then, does one of you have them immediately available?

((Crosstalk))

Heather: You only have one. Okay. Maybe I'm wrong in thinking there were two.

Keith Drazek: Thanks Heather. This is Keith. So I think there was the question that you posed, if I recall correctly it was "What do you see as the biggest challenge to being Chair of the Council in 18 19?"

And then there was another question I think I saw come across that was directed specifically to Rafik -- that might have been just this morning -- about NCSG NCUC participation in different PDPs. Or something like that. I don't remember the specifics.

But if - why don't we give Rafik the opportunity to find that email and prepare, you know, an answer. And I'll sort of kick things off with the first question. And I think - so the biggest challenge. So again, this is Keith Drazek for the transcript.

I think the biggest challenge to the next GNSO Council Chair will be essentially the continuation of the work around PDP 3.0. And essentially managing the ongoing PDP implementation work that is going on right now.

I think the key for us is to try to drive some of these ongoing work streams to a conclusion. And then -- as I noted in my candidate statement -- to be very judicious about the initiation of future work. And I think - I want to go back to

what I mentioned in the engagement with the Board -- is that, you know, I think we need -- as a Council -- to be much more careful and precise in our chartering of future work.

And, you know, I mentioned the impact assessments too. But I think the real focus for our group as a Council is to make sure that we are extremely focused and precise as it relates to the chartering of future work.

I think -- as it relates to, you know, sort of the challenges -- I think we will continue as a Council to have challenges in engagement with the GAC. And so, you know, having I think clear lines of communication with (Manal) as the GAC Chair and engagement with the GAC I think is going to be critical.

It's going to be an ongoing challenge for us as a, you know, the policy managers for gTLDs. So I'll just stop there. I'm happy to answer any questions. Or if -- Rafik -- if you'd like to go next. And then we can basically open it up for questions.

Rafik Dammak: Okay. Thanks Keith. In terms of challenge, I don't think there is so much difference. But yes, it's the work of the GNSO it's about continuation of what we are already doing. And that's why we have to keep the work on PDP 3.0 and I think there are still area for improvement.

But it's also about doing that planning that we tried this year. So to have that strategical approach. In terms - I think we have several PDP and we need to reach that level of effectiveness and efficiency that we need to get them on track in terms of timeline. And to have them delivering.

So that's I think for the Council that we have to keep that role in terms of policy manager to get all those PDP. But it's not just about PDP in terms - regarding working group but also the implementation. We have to be more cautious about that part and to do the planning. And as something is coming reviewing the policy. I think we discussed that in our earlier meeting.

We know that's coming and we need to be ready. You mentioned about the GAC. We know that this is something in going for a while now. And we have that already with regard to the (AGO) NGO corrective rights and recommendations. So we still have to work on that.

We are having all the regular communication with the GAC leadership, but still we have to explore what we can do more and leverage the role of the GAC liaison working with the Council leadership. So the challenge for us is that any council has like one-year term. So it makes it hard to plan.

And also we get new things coming on. I don't think anyone expect like the EPDP. So it's - we need how to create the ability to cope with anything coming. And to adjust our plan for that.

Heather: Thanks Rafik. So Anne, questions on these particular responses? Good, all right. Then let's open the floor. Keith, if you're comfortable with that? And Rafik? Yes. Anne, over to you.

Anne Aikman-Scalèse: Thank you. Anne Aikman-Scalèse with Lewis Roca Rothgerber Christie and a member of the IPC. The question I almost hesitate to ask -- because I certainly don't have the answer myself -- but I noticed as the discussion was unfolding -- regarding PDP with the Board and possibility of representational constitution of PDPs -- and also expression of "Well maybe that's not the real problem" as far as, you know, learning to cooperate.

What I was wondering is as each of the constituencies and advisory committees and, you know, GNSO members, you know, brings different interests, different background to the table, where -- and it's a question for each of the candidates -- where in your mind does the global public interest fit in?

In other words, the Board presumably has the - a fiduciary duty in this regard. You know, the Internet -- the Internet -- is, you know, a resource that is open for public use and protected in some ways -- in various ways -- through balancing of interests and concepts of proportionality.

When we talk about fundamental interests of privacy and legitimate interests of others and so we -- as an organization -- have never really fully committed in a global public interest. So where does global public interest fit in the PDP process? And how do you -- as Chair -- manage that aspect? Or is it not really part of the GNSO's obligation or remit or duty?

Rafik Dammak: Okay. We'll try first. I think it's an important question. And my understanding -- even in the Board and their strategical planning -- they aim to have that (consultation) regarding the global public interest. Because I think we tend to use the term but I don't believe we have the same understanding about the implication and what it means.

With regard to the PDP, I don't think it's really the role of the Chair here. It's more about the GNSO as a whole and in particular the Council. Maybe an (our work to see that), to clarify what we mean by the global public interest. But this is the kind of discussion we need to have at the community level.

And because some may argue that the GAC is supposed to give that perspective while other may make the argument that's not the case. So we need to have the conversation, but I don't think it's really for as the Chairs to say that. Or to ask PDP working group to go in that (round).

So I want to say I don't have an answer what can global public interest, it means. Because I think it has several definitions and different implications. And there are a lot of perspective depending of the background.

So like for me, coming from a different region it has a different implication in terms how like the government sees the global - I mean the public interest for example. But does it mean that's how it should be done? I don't think so.

So we need that conversation. How it will be done. Or - so I think that will start and that the Board wants to initiate that. So.

Keith Drazek: Okay. Thanks Anne for the great and thought-provoking question. And I agree with what Rafik has said. I would add that I think the key to global public interest -- as a definition -- is to recognize -- I think as Rafik noted -- that it's going to - there are different definitions based on your perspective.

And different people and different groups will have different views of what it means. So I think the key is to find balance. Because if you are imbalanced -- if you are out of balance -- then you're not serving the global public interest. You'd be serving an element of it.

So I think the important thing for Council -- and for the Council Chair -- will be to ensure that -- in conversations going on within a PDP, within our Policy Development Processes -- that there is appropriate balance and compromise. And the willingness to find consensus. Because our multi-stakeholder engagement -- this experiment that we've been undertaking for two decades now I think in the service of global public interest -- is a component of that itself.

In other words, to have a multi-stakeholder environment where we can contribute from many different angles I think is by its nature in service of the global public interest. And the key there is compromise, consensus, and finding the right balance (of competing) interests.

Anne Aikman-Scalese: Okay. Quick follow-up question. That being given, if the public is excluded from participation in a PDP because that's viewed as inefficient, how are we serving the global public interest if the public is excluded?

Keith Drazek: Another great question. And I think what we've - what we're doing right now in the EPDP is clearly an experiment in terms of limiting the participation to representatives of the stakeholder groups and constituencies and SOs and ACs in the ICANN community.

But I would ask you or ask myself, isn't there an opportunity for the public -- for people, individuals -- to participate in these processes through the existing structures that we have? And I'll give you an example.

If we were specifically and only looking at the GNSO SGs and Cs for example. You could say well that doesn't, maybe there's not the, you know, end user or the folks that are served by the At-Large. Or represented by the At-Large. Where it's pretty wide-open in terms of participation and the ability to engage.

At - the ALAC is participating as one of the constituent parts of the ICANN community in the EPDP. Right? So I think as you look at the way that ICANN is structured, there's an opportunity for individuals to participate through the various structures. But I recognize your point.

That what we're doing in the EPDP is something new. And that is basically saying that you -- in order to participate -- you need to be appointed by a group. And I don't know that that's necessarily the best path forward for PDPs.

And I think there's again the balance to be struck between having the representative nature of the ICANN groups participating and representing the groups. That's what the structures are there for. But also needing to have the ability for individuals to come in and participate in a constructive way.

Rafik Dammak: So it's just to (unintelligible) based what we are hearing. I think, yes, I understand the concern about maybe we are moving from a model to

another. And as Keith said, it's for the EPDP of that particular case is an experience. We can learn a lot.

So nobody can say if we've succeeded or failed. But maybe we just will end up just we try to improve the existing model that we have, the working group model. And at the end it's all about balance. Trying just to focus in terms of representation and will that kind of complex structure maybe is not the answer.

So we have to find a balance between - to be inclusive and to be representative. And maybe to explore other venue to get people involved with. It's not just in terms of working group, because there is a level of commitment that not every group I mean or individuals, they can't have.

So we need to explore more how we can consult, how we can get input and so on. So I don't think we have a definitive answer, but we need to explore as much as possible option for that purpose.

Heather: So (Paul)'s got a question in the chat. And then (Elsa)'s got her flag up too. Let's see -- (Elsa) -- how we go with (Paul)'s question. And then we'll see if we can get to yours.

So (Paul)'s question is -- Keith and Rafik -- what role do you believe -- if any - - the Council Chair can play in parentheses rebuilding a culture of trust within the GNSO community? In other words, is your role simply the manager of the manager of the GNSO policy development process? Or do you see your role as cultural as well? So over to you guys.

Rafik Dammak: Okay. Let me start first. Thanks (Paul) for this question. I think it's - there - maybe there are several points here. But first is for anyone is to lead by example.

So I'm - I said this many times but I want to repeat it. I learned from Heather. And I think that she said that role model, that to be followed is to create that environment of collegial working within the team. The Council leadership team.

And so when we work together is to share the work, we can agree to trust. It's not just to one person. A person (unintelligible) is just focusing on one person to count on him on everything. Because the role of the Chair is evolving. It's not like two or three years ago.

We have like the EC, the Empowered Community. We also have the ICANN Org, the Staff, other SOs and ACs making a lot of, sending requests, the question to the Chair. So it should not be the one single person. We should have to include more people. And also to create that mechanism.

I mean it's not something maybe formal, but to - how to consult the Council. How we can - to shape more. To get some input that we can try to respond to the request coming from other SOs, ACs, or the Staff. So it's not about to be a manager, but to really to lead by example. And to create that environment of cooperation, collaboration. And that will be the trust in the Council.

And also too, I think when we function correctly -- not correctly, I won't say correctly -- to function better, it will also give us more legitimacy within the ICANN structure. So I don't want to put like the Chair on the spot. It's really about the whole. The leadership team and also the Council to work together.

So I think there is expectation if someone is elected as a Chair, the Council to give him or her a guidance in what is expected. And I think there are several (unintelligible) on how we can do that in terms of commitment, in terms of setting the expectation, and so on.

And that will be I think the trust. And leading by example, I think that we'll start to go within the GNSO and maybe beyond that. So.

Keith Drazek: Okay. Thanks. This is Keith. So I think there's an important role for the Chair in setting the tone and establishing -- to use the words that Rafik used -
- an environment of cooperation.

The other word that I - that came to mind for me was an environment of collegiality. And essentially working to set the tone and to reach, you know, across however many aisles there are but to basically ensure that we are working together in a cooperative manner. Working towards consensus.

And I think that there's a tone that Heather has achieved magnificently -- including with the leadership team -- that is a, you know, certainly an inspiration. So I think that the ability to set that tone and to make sure that we're - are all sort of pulling in the same directions, (unintelligible) (agreements) along the way. But having our eye on the prize and understanding what our goals are I think will be critical. So absolutely.

I mean that - my view is that the Council Chair is essentially a manager of process and occasionally will represent the community. The GNSO, the GNSO Council in external engagement -- which I think is critical for the protection of the GNSO and our mandate -- but I think there is a certain tone that will - that can be set by the behavior and the engagement of the Chair and the leadership.

Heather: Thanks gents very much. And remember, the EPDP is coming back to us. During your term. (Omar). So let's see. We have three minutes. Do you have a follow up on that particular question? Do you have a separate question?

(Omar): Well it's kind of separate but Keith sort of touched upon it a little. So maybe I could follow up on his last comment.

Heather: Can I suggest -- (Omar) -- what you - what would maybe be useful is -- I wonder, just in light of the time -- let's ask your question and let's see how we go with (asks) for him. Because given that it comes from you and you won't be with us on Tuesday. (Elsa), I'm thinking we can do yours on Tuesday evening. Yes? Alright.

(Omar): Okay, thanks. Thank you. Well yes, Keith just mentioned, you know, that the GNSO Chair -- and I'd like to be clear this is the GNSO Chair not the GNSO Council Chair, as opposed to the Vice Chair that is the vice chair of the Council -- so it's true, the GNSO Chair does represent our supporting organization with the rest of the community and staff.

And this might be something that's taken for granted as a given, but I think it's always very important for any candidates, for an incoming Chair to address the issue of how they are going to represent the GNSO with other parts of the ICANN community.

Especially when it comes to -- you know, to borrow a term from a previous candidate -- to jealously guard the GNSO's right to develop gTLD policy. So like I said, this might be a given. It might be taken for granted and not specifically addressed. But I think it is important to point it out and to hear from every candidate on this issue. Thank you.

Heather: Thanks (Omar). So Keith, Rafik, in view of the fact that that is a GNSO-directed question and this is the GNSO working session, I would suggest you devote a little bit of time to answer it here. And then we'll turn our attention to the GAC if that's okay.

Keith Drazek: Thanks (Omar). This is Keith. So I think we need to -- as representatives of the GNSO and Councilors on Council -- be respectful of (unintelligible) of other groups in our ecosystem, including the GAC. And you know, the interests of the Board and their responsibilities.

But I think it is critical for us -- and for whomever the Chair is -- to be prepared to defend our mandate and our responsibilities. I think there's an opportunity here. And for years now we've been calling and inviting the GAC to participate in our processes. Right? And not wait till the end of a PDP when the final report has been submitted to give advice to the Board.

And so I think we've started to see -- as an example in the Subsequent Procedures PDP and Work Track Five especially (unintelligible) (engaged) in the EPDP -- that we are starting to see the results of that. That, you know, for many years we've been requesting and inviting and encouraging this and we're now seeing it. That presents its unique challenges.

And I know there were concerns going into the chartering of the EPDP that we were expanding (unintelligible) to be more than just the GNSO and its constituent parts. And you know, the - and questions about the balance and the numbers, and you know, there was lengthy discussion about that.

So again, going back to the point that I made earlier about balance. We need to balance our - the protection of our processes -- the sanctity of our processes -- with ensuring that other parts of the community can participate and contribute so we don't end up in a situation where we get GAC advice that's counter to the PDP final report recommendations without having had the opportunity for ongoing early engagement.

So I take your point. I think it's critical. And certainly as a contracted party looking at, you know, questions around the picket fence and things related to gTLD policy, that that's something that's very, very important to maintain.

(Omar): Thanks Keith. Just a quick comment on that. I agree with everything you said, but I would also add that, you know, it's not just a concern of protecting our processes. So a concern of making sure that our processes are not circumvented in any way. So just wanted to get that (out there). Thanks.

Rafik Dammak: Thanks (Omar) for the question. First you mentioned that it's the GNSO Chair, yes. And it's not about only - because I maybe mentioned before is to consult within the Council that also have to work with the Chair of this stakeholder group and constituency and to find a way how we can get GNSO position.

It's not easy, but it - we have to work on that. Because -- as also I mentioned before -- the Chair is expected to be really, I mean that's the expectation from other group (unintelligible) GNSO and different area. And a lot of requests. I mean as I recall how many requests coming to Heather, there are a lot.

So we need to find a way how we can move to that level and how we can with GNSO position. Because it really (plays) with other SOs and ACs. Because they don't necessarily understand how we operate.

In terms of GNSO as the sole space for gTLD policy making, I mean that always was my position from the beginning. If we have word that mandate and that remit, that's clear in the by-laws. We try to enforce other groups, but if and when it comes to gTLD policy it has to go through the GNSO.

And so we can investigate or explore a way how we can get input, how we involve them. And that's what -- for example -- we are trying with the GAC in the many (unintelligible). But it's still the GNSO. And this was also clear even in the Work Track Five, when there was a push to have a cross-community working group.

But we resisted and said okay, you can have in the Work Track Five that the co-chairs, so we created some level of representation. But at the end it has to go through the Subsequent Procedures working group. So we can try to accommodate, but we have to be firm.

And I think this always was my position is not to be kind of confrontational with other groups, but it's important to defend our remit. And then we can focus on our work and to - and so that's also for us the challenge. To defend our legitimacy. And so that's why we need to be effective and efficient in terms of this, the PDP.

So it's not just trying to be in defensive mode. But we have to be successful in (unintelligible) validity where we have so we can have that strong position to defend our (unintelligible).

(Omar): Thank you very much, both of you.

Heather: So thank you very much Keith and Rafik. We're in an extraordinarily fortunate and of course difficult position to have two such talented candidates. So personally, my very sincere, best wishes to you both. And yes, all the very best.

Colleagues, that brings us to the end of our GNSO working session. May I suggest though that the tech team needs to get at the room to do a bit of set up re-jigging. So we need to fold down our computers and move off of this table.

Can I suggest that we just (congregate) somewhere in the back of the room to talk about this question of how to approach the letter from the GAC? I think it's imperative that we do that. We're meeting with the GAC at 3:45. So we have 45 minutes to do that.

And those able, in the back of the room, that would be brilliant. Thank you very much to our tech team for helping us throughout the day today. Great job. Thank you very much to Staff as well. And Staff almost always has the last word.

(Marika): Thanks Heather. No, just a note that there's also a room available if you would want to move somewhere else. So I won't announce it until you say that you prefer to move to a room or to a corner. But we do have a room if you want to continue conversations there.

Heather: I think the room...

(Marika): Around the corner.

Heather: ...would be helpful. Yes, I think the room would be helpful. Tell us where it is, (Marika).

(Marika): Room one two four.

Heather: Wicked. Thank you. Much appreciated. So grab your tea or coffee on the way to one two four. And let's reconvene in one two four. Thanks very much everyone. Thanks to Staff for all your help throughout the day today.

END