

**ICANN**  
**Transcription ICANN Copenhagen**  
**GNSO Wrap-Up Meeting**  
**Thursday, 16 March 2017 at 11:00 CET**

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<http://gns0.icann.org/en/group-activities/calendar>

- James Bladel: Okay let's get started here. And let me just – if we could have counsellors make their way to the table we'll get started.  
So I have a prediction. And I am 0 for 3 so far this week, but I predict that if we stick to our agenda as closely as possible and we be succinct as speakers that we will finish much, much earlier than our posted time. And thank you because I've been lying about that all week.  
But we can start by saying like for example if we could - for a future meeting we could do like a buzzer or a shot clock thing and then if we start talking about something like if we start going into depth about WHOIS privacy or GDPR we could just start zapping, you know...
- Keith Drazek: James this is Keith. Also at noon today there's the open Q&A with ICANN organization executive team in the main room. So if we can wrap up by noon we could also make that and hear what they have to say. Thanks.
- James Bladel: That is a laudable goal. We're scheduled to 12:30 but if we can target noon, I think everybody around the room would be happy to not see my face or hear my voice any more.

Okay so let's get started. We have an agenda here. I'm sorry, did we - is this recorded and transcribed? This is? Okay I thought it was less formal. And we're ready to go in the back? Okay. And I will jump on the Adobe here and manage the queue so I'm really behind the eight ball today.

So let's take a look at our agenda here and we'll start with planning for ICANN 59. Donna and I and a number of other folks in the room, SO - or sorry, SG and C leaders as well as leaders from across the SOs and ACs have already kicked off the process for planning for Johannesburg, the policy forum in June.

And I think the good news is, you know, I'm glad to see us talking about the next meeting and putting together block schedules before we've even left this meeting. I think that's encouraging. I think the bad news is there's still challenges about conflicts and who's going to be there and what times and how much times are reasonable.

But I think we've got a good start on that process and on those discussions. And I think Donna made some important contributions on behalf of the GNSO and then I just kind of observed that, you know, all of us as a community are going to have to be a little bit more tolerant of conflicts if we continue to come to these meetings with different agendas and different measures of what constitutes a successful ICANN.

But I think that we are - the bottom line is we are going to hold the line for our PDPs. This is a policy forum. It should be focused on policy development work. And I know that Jeff Neuman had made a specific request so we're going to try to do our best to address that and then I think the other PDPs as well.

I don't know, Donna did you have anything else to add? I know Greg and Steve DelBianco were there and Marika was there and I don't know if there

was - I mean, we have a timeline to work this out and to continue this but look for a call for topics I think in the next - before the end of March.

Donna Austin: Yes thanks James. Donna Austin. I think what's really important for us is to understand what we as the council want to - you know, what PDP working groups we want to get on the schedule and to get them on there early.

I think to the extent that we can close out the others before they have a chance to think about this, it's probably not a bad thing to do.

So it will be really helpful from the working group chairs if we can understand how much time you would want, whether you want a non-conflicted session, so which is the high interest topics or cross-community discussions or whatever because there is a distinction between the conflicted and non-conflicted sessions so that would be really helpful.

But to the extent that we can identify what we want and propose times that work for us I think it would be really good if we can get out in front of that. Thanks.

James Bladel: Thanks Donna. Okay I've got the Adobe Connect fired up so we can move to that. I have Phil and Marika that wanted to speak on this. Marika did you want to respond to Donna specifically or...? Okay Phil, you're up. Phil's walking away from the mic. So Marika and then Phil.

Marika Konings: Yes this is Marika. Just wanted to flag any - as Donna noted, there are a number of steps that are least represented this morning in relation to the timeline. So I think the first question that's going to be asked of the SOs and ACs is to put forward their topics for the cross-community sessions which I think will be scheduled as they were in Helsinki like in the afternoon as relatively or completely unconflicted slots. So that's probably the first thing you need to think about.

And then there's the next deadline which is for all the other requests. So I think one of the questions we from staff wanted to ask is whether you want to use the same process which I think has been used last time around where there was kind of a deadline before the actual deadline in which all stakeholder groups and constituencies would be asked to submit their requests.

And as part of that request we would actually produce the GNSO schedule so everyone would be aware which meetings the GNSO would be scheduling from a policy perspective so that that can be factored in by stakeholder groups and constituencies. And then there's an opportunity for the leadership team to kind of review all those requests to really make sure that, you know, we're fitting everything in in a way that accommodates a four-day schedule.

And I think - I remember last time around I think everyone was really good at, you know, keeping it to a minimum, the absolute necessary to have to do face to face instead of kind of filling everything up. So I'm hoping that that will be the kind of same motivation going into the planning for this session.

And just a note for this session, I think Terri is going to take the lead on the meeting planning. She's been following Glen very closely this week so just so you know.

James Bladel: Okay thanks Marika. So that will be the most immediate next steps is that we'll put out that call for topics with a deadline a few days ahead of when we have to submit that to the other group.

And I just want to make sure for those of you who - the SG and C leaders here or those of you who are coordinating with them, we're going to roll this all up into a GNSO request, plop it down on the table that we came from previously and make sure we - okay, Donna you get the last word.

Donna Austin: Yes thanks. I mean we do have Cheryl in the room and I don't know whether we have our ccNSO liaison but it might be helpful if we can kind of (tiggy tack) with you as well and get on the same page, would be good.

James Bladel: Any other comments on ICANN 59 planning? I'm just - it's going to be another fun exercise but at least we're starting early. Okay.

Next up is a comment on the draft FY18 budget and operating plan. And this is to follow up what Ed had mentioned at the end of our public session on Wednesday. So I guess at this stage what we probably would need to do - because I think comments are open until April something, right?

Ed Morris: April 28.

James Bladel: The 28th.

Man: If we have questions for finance though, that deadline is Sunday.

James Bladel: This Sunday. Awesome. And wasn't there also an ability for us to specifically request or to join a Webinar or (unintelligible)?

Man: We can create a (round) just for the GNSO, yes. They'll work with us on that.

James Bladel: Okay, Chuck?

Chuck Gomes: Thanks. Sorry to jump in on this but I just came from the finance session that occurred this morning and I made the comment that the date of the 19th for clarifying questions is really tough, that we're going to still try to meet it. And I understand why it's so tough because they're going to get us - they're going to do a lot that benefits us and they need a turnaround.

Xavier said that - see if there's a little bit of flexibility on that for the clarifying questions but one of the things that frankly disturb me is there were so few

people in that session that considering that we now have the power to veto the budget that it was really surprising this time around.

Now I get the conflicts. I know that very well but this is really critical. And I know some of you learned about the budget process in other sessions and that's good. And that's good, but I don't know will they get a day or two on the 19th for clarifying questions but it won't be much if there's anything. And we really have to take this seriously.

James Bladel: Thanks Chuck. Ed go ahead.

Ed Morris: Yes actually I noticed the staff when we're doing scheduling, the budget working group, which is where a lot of the work is done, a lot of the input happens, is scheduled and has been scheduled the last few minutes immediately opposite our informal council meeting.

And perhaps if a request can go over to finance to try to find a different time because now that we do have the powers under the empowered community to reject the budget, it would be nice if counselors could actually be in the working sessions for the budget. Thanks.

James Bladel: Thanks Ed. And just a note that this always – the calendar is pretty consistent here. So maybe it's for meeting – what do we call this – meeting A that we put a standing spot on the Sunday updates for a - you know, for a session on the budget.

I think that going forward this is going to be – you know, this is part of – we wanted all these new empowered communities. Well we also have responsibilities as an empowered community. I think you were right on point. That's possible something we can look at or whatever, somebody, not me, can deal with next year.

But one of the questions I had, Ed, is are you willing to maybe take the lead on putting together a small team of counsellors to take a look at the budget? Or would folks prefer that this just be addressed at the SG and C level, the concern there being that we might miss something that impacts the overall policy management function of the council?

I think having it come from council is probably better and as well as attacking it from the SG and C levels. Okay.

Edward Norris: Okay, happy to do so.

James Bladel: Okay Ed and Susan?

Susan Kawaguchi: I like the idea that it's coming from council but having me look at finance is pretty bad. And we do in the BC have a - is it me or you?

Man: No that's me.

Susan Kawaguchi: Okay. So we do - Jimson in the BC does a really good job of that so I was wondering if there's a possibility we could bring in a representative instead of a counsellor for that.

James Bladel: Are you volunteering him? Are you...?

Susan Kawaguchi: No, no, no, I'm - I thought you were saying we have - you wanted to do the small team of counsellors for the budget.

James Bladel: Yes. Ed had said that he would want to do that. I'm just looking if there's any other volunteers either from here or from head table or if you have someone within your SG and C that would want to contribute to that.

Susan Kawaguchi: Yes I would want to volunteer one of our...

James Bladel: Okay. Okay can we have you get those volunteer notifications to Ed here in the next - sounds like the next 48 hours? And I'll help you with that Ed. Put me down on that list, okay? And Marika?

Marika Konings: Yes this is Marika. If you can just keep staff in the loop then as well because if any calls or anything need to be scheduled it's helpful to know who we need to invite.

James Bladel: Well I think that there was that request to any communities that wanted a presentation on the budget and the fiscal plan. I think that we should ask for one of those and make that available to the entire GNSO. So I think we can start the process of requesting that.

Ed Morris: James in your e-mail suggesting that I did check with the NCUC chair and they would rather have us do it than do it themselves, the call. They would like to have a GNSO level call.

James Bladel: Yes I think it makes more sense than trying to have a separate meeting for each stakeholder group and constituency. Let's just have one big one, throw open the doors and have one big party for the whole GNSO. Yes.

Marika Konings: Yes so this is Marika. So you want us to go ahead and talk to Xavier so that he can schedule that Webinar for the GNSO community on the budget.

James Bladel: Yes.

Marika Konings: Right? Okay we'll do that.

James Bladel: At some point where like maybe in early April where we can still have time to file a comment. All right Ed and then Phil.

Ed Morris: Just one last comment. Last year we did a public comment on the budget. Staff was wonderful and I hope (Barry) is still available. We can work together on that.

I assume we still want to do a public comment as well as the analysis for the empowered community role but obviously that's up for everyone's...

James Bladel: Unless they got it perfectly right which I suspect they didn't.

Ed Morris: They will not.

James Bladel: Yes. Phil?

Phil Corwin: Yes and just to add to what's already been said, given the importance of this matter and the need to move rather quickly, let's let the SGs and constituencies if they have good analytical people on budget internally let them delegate it to them and feed the analysis back up to council for an overall council statement.

James Bladel: I don't think we're turning away any help at this point. Absolutely and I think that we are simply just noting that we have to move quickly and we need to coordinate at this level so please take it - do take it back to the stakeholder groups and constituencies.

Okay so we have a plan of attack on that one and please watch the list and if you would like to volunteer or volunteer someone from your community then please contact Ed. And thanks for taking the lead on that Ed.

Next up is the review of the GAC communique. And just a couple of points on this here. We did have discussions with Becky and (Markus) both here in Copenhagen and previously. And the messages that we received - and I want to communicate to council that the council analysis and response to the GAC communique is extremely valuable to the board.

That was communicated to us very clearly and we wanted to make sure that that was relayed to the council. That was – that they found that to be very helpful in their work, in their analysis and response.

And then secondly that anything that we can do to make that more timely response so that they can get that in front of the board for their next meeting, their next workshop following the receipt of the communique is also going to kind of help their processes along.

So with that in mind, the communique dropped yesterday - last night sometime I think? Yes and it's been circulated. I'm sure nobody has had a chance to put it under a microscope except for Michele. And you've already looked at it?

Man: (Unintelligible)

James Bladel: I think we can. I think that the key thing here is that we wanted to make sure that Carlos was aware that he's on point to collect volunteers and that we need to put together a timely response for that. And Marika has already circulated the template that we've used previously.

I think in the past we also talked about maybe modifying the template, which is fair game but right now I think we're just taking volunteers. But if you have a material comment on the communique we can take a queue for that which would be Paul McGrady, Donna, Michele. Paul McGrady?

Paul McGrady: So among other thing is the consensus advice contained in the communique essentially requires the ICANN board to negotiate directly with individual companies on the two-character letter - I'm sorry, countries on the two-character domain name issue and requires the board to reach a resolution with each of those countries.

So in other words instead of developing an actual consensus position that all the countries can agree to, the consensus advice mechanism from my point of view is being abused in order to essentially force the board to deal with each government's individual demands. And since they're also ordered to reach a resolution essentially they're being ordered to capitulate to each country's individual demands.

This is why some of us fought so hard against recommendational (sic) leaven which triggers the mandatory super-majority board vote to say no to consensus advice. So unless the board does that by super-majority they are stuck having to implement this consensus advice which is not a consensus advice. It's consensus advice to deal individually with each country. And that's a problem.

That's why we felt reasonably comfortable at the Marrakesh vote when they put in the drafting note saying that the consensus advice would not – in the final version of the bylaws – be written in a way that triggers that mandatory super-majority board vote to overcome consensus advice. That promise wasn't kept and now here we are.

So I have grave concerns that the consensus advice mechanism that's now baked into the bylaws that we are stuck with should really be about consensus advice, which means when all the governments of the world get together and agree that something needs to happen as opposed to all the governments of the world getting together and agreeing that the ICANN board needs to make side deals with each individual country that has a problem with a particular thing that's happening right now.

So that's just a preview on what I'll be bringing to the drafting team. I wanted to introduce it here so that I don't introduce to the drafting team and then have to introduce it again. And I wanted to give everybody lots of heads up in case they have a different point of view and want to join the drafting team to be involved in that or to react to whatever comes out of the drafting team.

But I think it's a significant issue on the balance of powers that was unfortunately foreseeable and here we are. Thanks.

James Bladel: Thanks Paul McGrady. I think that needs to be front and center in our response. Sounds like the - I haven't read it but it sounds like, you know, that the GAC has taken their capital A advice and broken it up and given every country capital A advice, which if they choose to exercise it or not which is agreed, unacceptable. It just created 190 separate GACs.

Paul McGrady: That's right. And it doesn't really matter which way you fall on the two-character issue, right? It's the mechanism that's being misused.

James Bladel: Agreed. So that can be part - and thank you for volunteering to the drafting team. Carlos did you want to respond specifically to this? Because I have two other folks in the queue. Okay, Carlos.

Carlos Gutierrez: Yes Paul McGrady this subject came a little bit unexpectedly in our meeting with the GAC. And I checked with the person who raised it who was an ambassador of Brazil. And we have to discuss it because I think it's not on purpose. They were not very well informed about this situation.

Donna was able to clear a little bit so I think we have to take a more pedagogical approach and search the background and make sure that they understand what we understand and then we will be at that stage. Glad to take it up with you. It came out of the blue basically. Thank you.

James Bladel: Yes Carlos thanks. For those who didn't attend the GNSO GAC session on Sunday, we went a little off script and I think on this - well let's say we at the GAC, the royal we, went off script on this topic. And Donna I think made a good faith effort to try and, you know, offer up an explanation but that was kind of like blood in the water.

And so it was a tough meeting and it was specifically on this topic. But I think that's for highlighting it Paul McGrady. Thanks Carlos for taking the lead on this and yes we need to push back vigorously on this particular point. Next up is Donna and then Michele.

Donna Austin: Yes thanks James. Donna Austin. I guess I was – just as an information thing – that the registry operators, most of the registry operators now actually have authorization from ICANN to release the two-letter country codes at the second level with the exception of AU, EU, EC, UN and I think AP because they are on the IGO acronym reserved names list.

So it's going to be very, very hard for ICANN to pull this one back now regardless of what the GAC communique is. But I will say that I think at the heart of some of this having been in the meeting that the board had with the GAC is that – I don't use this term lightly but – the bastardization of the process that was used to respond to the many iterations of GAC advice on this issue by the board, so with the board saying that they had accepted the GAC advice and this is, you know, how they've done that and that the perception of the GAC that they certainly had not accepted their advice.

And because they hadn't accepted their advice, that should have taken it down another path. So I think there's an element of frustration from the GAC in the way that this process has been handled. I mean, certainly from a registry perspective, we had a lot of problems with the way that this process was handled as well.

But I think there's a bit of an overflow of, you know, particularly with the new gTLD program in particular and the board responding to the GAC advice on many issues saying we accept the GAC advice but if you look at the implementation it's questionable whether they've accepted it or not.

So I think the two-character issue is – while it's a separate ongoing issue I think the manner in which GAC advice is being accepted or - and

implemented by the board has also been a long-standing issue as well. So I think now the two things are kind of wrapped up in one issue.

James Bladel: Okay thanks Donna. So I have Michele, Stephanie, Phil, Rubens, Stefania, Avri, and Heather. And we said we were going to finish early. So let me just ask - I'm going to go with this queue but I'm going to close it there.

And anyone who would like to comment further on the substance of this part of the communique or the communique itself, I would say that's great to share our views here but the more appropriate place would be to join with Paul McGrady and Carlos in drafting the response to the communique and making sure that your contributions are heard there as well. So let's start then with Michele.

Michele Neylon: Thanks James. Michele for the record. First off, please put me down as another member of the super gang to respond. It's helpful that there's been positive feedback from the board on the GNSO response to the GAC advice. That definitely helps to motivate us I think to take this very seriously.

The GAC communique that came out last night there's quite a bit of stuff in there which is the GAC asking the same questions over and over again because they obviously weren't too happy with the responses they got the last time. So I think we're going to have to be quite careful but I think a lot of this really needs to be dealt with within the small group. So I'll shut up.

James Bladel: Okay next is Stephanie.

Stephanie Perrin: Stephanie Perrin for the record, just volunteering to join that small group. Thanks.

James Bladel: Awesome. Thank you Stephanie. Are we tracking, by the way, everyone who's volunteering? Thank you, okay. Thank you Stephanie. Phil.

Phil Corwin: Yes three quick things. One, the issue of how GAC advice will be dealt with and when the board how to respond was a critical matter for the support of the commercial sector for the transition. And it's extremely important. I share the concerns that have been voiced in this room about deviation from that.

When you read the bylaws it's crystal clear what the threshold is and what consensus advice is defined as. And we need to continue to urge the board to stick to the bylaws and not keep deviating in the aim of short-term political expediency because we've seen in this matter and the matter of IGOs where they held back room talks for two years, where the GAC had unrealistic expectations what could (unintelligible), that all these short term expedient actions by the board just create bigger problems down the road.

So they need to stick to the letter and the spirit of the bylaws. Having said that, I'd be happy to join the group to assist in the response on the IGA wishes.

James Bladel: Thank you Phil. Rubens?

Rubens Kuhl: Rubens Kuhl, Registries Stakeholder Group. Since the Brazil ambassador was mentioned, after that encounter with the GAC that we all were talking about, I started educating our fellow countrymen on what the GNSO does and what the GNSO doesn't do. And I think it has been successful since a day later GAC representatives were already mentioning that oh GNSO has nothing to do with it and it was only the board.

But we could keep doing that with our own local GAC representatives we know. But I think we are off the hook now for that.

James Bladel: Thanks Rubens and appreciate you reaching out. Appreciate your reaching out to that and if other counsellors have opportunities to interface with their GAC members, that's just always a good idea. Next is Stefania.

Stefania Milan: Yes thank you James. Stefania here. I just have a small calendar question. When you say reply in a timely fashion before the next board meeting, when will that be?

James Bladel: That's an excellent question and I don't know. I'm mainly remembering the last time around with Hyderabad we ran into the holidays a little bit and we didn't get it - within the next council meeting we had to ratify two council meetings after that I think.

Marika Konings: Yes this is Marika. My suggestion would be the sooner the better and try to get it for your April meeting because I think the board is as well trying to move things further along.

And I don't know if they've already scheduled or they're planning because they're also doing typically a call with the GAC to kind of clarify what the GAC means.

So maybe having this information may also help them in that conversation. But I would suggest you aim for April which I believe is then the 10th of the April is the motion deadline.

James Bladel: Yes the motion and document deadline would be on the 10th, which would mean we give this group that's forming here at the table, would give them about three weeks. Is that right? I mean, when you get back, 2-1/2 weeks. Does that help? Avri?

Avri Doria: Thank you. Avri speaking. And I'm going to be very careful not to mention anybody's name in my comment.

In looking at the advice I do see how the advice is problematic in its content. However I would sort of advise caution about sort of indicating that they did not follow process. It does not matter that very few GAC members put forth a proposal.

If the GAC as a whole had no disagreement with putting that forth as advice then indeed they did meet their requirement and met it no differently than they had ever met it before. It's perhaps our responsibility when we're seeing something like this happening to go to our particular GAC friends and say please object to this becoming...

But they had an opportunity as a GAC to not accept it as aggregate GAC advice. So I'm just cautioning a certain amount of advice about being critical about the way they give their advice because I'm sure it followed the specifics of the rule.

James Bladel: Thanks Avri. I take your point. I think the way I read it or the way I understand is that it sounds like they - it sounds like compromise. It sounds like they compromised between a couple of binary positions.

But to Paul McGrady's point, it also feels like, you know, the old cliché where you find a magic lamp and you rub it and the genie says, "I'll give you three wishes," and your first wish is for a million wishes. You know, it's technically correct but it also kind of changes the whole dynamic of what...

And so - but I think Avri if I'm understanding you correctly is like let's make sure that our response to that part of this is measured and appropriate and referenced back to the accountability work and the concerns that were raised there as opposed to critiquing their own internal processes of how they arrived at - okay. Fair point.

Okay that's the end of the queue. It's the end of that agenda item. We have our team and thank you to everyone and you can put me down for that one as well. I'll help on that one as well because I couldn't believe some of the things that were coming out at that meeting.

Okay next up is the topic, the discussion of - just a reminder that we approved the standing selection charter yesterday. Well done everyone. Thanks for all of your hard work on that but we have a very, very short window to stand up that committee, review the RDS in particular, the RDS applicants and to make some recommendations back to council for our meeting on the 20th of April.

So just a reminder to please communicate, if you have not already done so, back to your SGs and Cs that they should be - hopefully it's a fairly straightforward process. But there's a call for volunteers that goes out maybe by the end of this week and that you guys get one really great volunteer per stakeholder group constituency or whatever the numbers are when we send them up and we're good to go.

But if you have to have internal elections or a selection process, if you've got nine people responding or if you have to go out and shake the trees to get that one good respondent, just whatever needs to happen internally to fill that thing I just want to make sure that we're targeting - that (SSC) has a sense of urgency attached to it. So probably nothing more to say about that.

Next up is – this is kind of a broader discussion regarding liaisons. I wanted to - and I think we had some discussions with Marika about just level setting, you know, expectations and understandings of what our liaisons do for us and what we need them to do when they represent us at other groups.

I think - first off I think Carlos as a liaison to the GAC you've done a bang-up job in both communicating and taking the lead on the communiqué and also communicating as part of that leadership group. I think, you know, that certainly can continue.

We have a liaison - we have a liaison from the ccNSO, we have a liaison to the ccNSO. That's Keith. I don't know if there's anything that merits a regular

or irregular report on the agenda. I guess we are trusting that you will, you know, make us aware of that if and when that happens. Do I need to just...

((Crosstalk))

James Bladel: ...real quick? Okay. Yes, Keith, go ahead.

Keith Drazek: Yes, thanks, James. And, yes, probably call me a stealth liaison because I have not been overly active. But I don't think there's really been much need for, you know, sort of the engagement with the ccNSO on many issues lately. But I agree that it would make sense for us to have some, you know, sort of a minimum threshold expectation of, you know, what is it that a liaison should be doing?

I keep an eye on their Council list, and I occasionally will reach out to, you know, their staff support folks. And now that we have, you know, a new liaison from the ccNSO I've made sure to introduce myself so we are connected. But, you know, I think there's really two ways here, is there anything that we want our liaisons to be doing in terms of communicating on our behalf to the other groups? And is there something that we should be doing as liaisons to provide regular updates to the GNSO Council about what's going on in those other groups? So I think those are the two sort of components.

James Bladel: Thanks, Keith. Yes, Paul.

Paul McGrady: Paul – is there a record? Is there a record?

James Bladel: Yes, I think there is.

Paul McGrady: Paul McGrady for the record.

James Bladel: Yes.

Paul McGrady: Okay. Just on that topic, it would just be nice to know what their main issues are. So for example folks who were attending their sessions that I talk to came back and said that, you know, they are looking into the effect of the IANA transition on the Letters of Agreement that they all have in place with ICANN. Right?

And the, for example, the Cross Community Working Group on Human Rights means cross community, and whatever comes out of that, the human rights aspects will affect CCs as well as us. And that's a pretty big issue for some of those CCs. And so things like that. What are they worried about? Just, you know, we don't need a full briefing but it just would be nice to know what are they kicking around. Thanks.

James Bladel: Thanks, Paul. Does that sound amenable, Keith, if we gave you five minutes on each of our monthly calls in between maybe with the updates on the open action items and open projects? And if you don't need it, you don't need it, but if you do it's there. Okay.

Okay. The next bit is our liaison to the CSC, who is James. Hi James, thanks for coming. And we chatted a little bit about the monthly reports that are put out from the CSC. They're not super exciting right now at the moment but they could be at some point in the future, and so I think we've asked James to – yes, if you want to come to the mic - we've asked James to take the lead in getting those circulated to our lists, along with anything that he needs to highlight for us.

I think – and this is a question maybe for our friends in the Registry Stakeholder Group is that there are also two Registry members to the CSC and James wants to be sure he's not stepping on their toes or, you know, conflicting with some of the advice or reports, obligations, that they have to your stakeholder group. But I think we as a Council sent James as our liaison

and we should make use of him in that capacity. So I don't know, James, if you had any other thoughts on that?

James Gannon: Yes, thanks, James. It's James. So yes, the CSC has been meeting for a couple of months now and we issued quite a technical and I suppose boring to read document but I, you know, take James's point very well, that is distributed to the SO/AC chairs every month. Doesn't make for very interesting reading right now. But I'd be happy to come to maybe the next Council call, maybe invite our Registry members as well.

And we can present it and maybe give you a bit of a more specific update on what has been going on to date. And then we can decide that if something that Council wants to hear from on a monthly basis, as the report comes out, obviously I'm happy to facilitate that.

I will say it's a pretty boring report, you know, it's satisfactory is our outcome most months. So if Council feels it has better things to spend their time on we can make sure that if there's any changes in the monthly reporting, you know, we can trigger an actual update at that point. But I'm happy to facilitate whatever councilors want.

James Bladel: Thanks, James. Okay, I have a queue here. It's fairly large for this topic. I have Michele, Stéphane, Stefania and Heather. No? No? Okay, Heather, go ahead. A quick question for James, don't go far please. Heather.

Heather Forrest: Thanks, James. Heather Forrest. And other James. James Gannon. Just a quick question to you, and I wonder if I misunderstood. So in relation to that last report that you happily provided to Council, thank you very much, there was a quick exchange of emails and I was kind of at the forefront of that to say can we have you, you know, answer some questions for us? And you had a little bit of reluctance, if I understood your email correctly, a little bit of reluctance about doing so because there were multiple of you in the role and this sort of thing.

Can you – am I right in thinking that it was reluctance, and how do we move on this? Like who do we rely on when we need to interact on this?

James Gannon: Yes, I suppose. This is James Gannon again. So the dynamic here is that you have myself representing as a liaison the non-Registry stakeholders and then we have two members from the RySG on the CSC also. So let's take GNSO as a whole, which is how I usually like to see it. We have two members and one liaison.

So I would just ask that if Council does want to invite me as the representative I suppose, of the majority of councilors, that we also extend that invitation to the two RySG members also so that we don't get into a situation where, you know, we have three members representing the entire group of councilors here but you are only inviting me because I'm representing the majority. I just want to make sure that we're fair that there is a recognition that there is three members and not just myself.

Donna Austin: James, it's Donna Austin. So I think, you know, I don't think you're stepping on the toes of the Registry Stakeholder Group members. I think, you know, we had a presentation from them this week. But I think there might be some interest to understand, you know, are there any noticeable differences between the role of the liaison and the members of the CSC? So, you know, that kind of information might be helpful.

We understand that the dynamic within the group is pretty good and everyone seems to have settled in, but, you know, if you think that the liaisons are being, you know, pushed out or anything like that probably would be good to know.

James Gannon: Yes, so this is James Gannon again. Yes, no I'm happy to say like this is purely just a procedural point from my issue, you know, within the actual operation of the CSC, we are all equals; there is no specific, you know, well

only the members are doing this, you know, it is a very equal organization. I just want to make from a procedural point that we handle this correctly.

James Bladel: Great. Thank you, James. Any other questions for James or the CSC, we can move onto some of the other liaisons. Okay, this, yes, can we skip to the liaisons for – I want to make sure that we have good handle on the liaisons for our PDPs. We have RDS – who's the liaison for RDS? Susan? Who's the Council – we're going to run through some of the PDPs. Who's the liaison for RDS? Is that you? And Paul is for SubPro and you're RPM. Do we have a roll call or a roster that we can – we're going to pull that up.

Okay, and do we have one for Curative Rights, or, Phil, are you wearing two hats on that one? Are you the liaison and the cochair for Curative Rights PDP?

Phil Corwin: I guess I am.

James Bladel: I thought he was the liaison first and then became one of the cochairs.

Phil Corwin: I know I'm the cochair...

James Bladel: Okay.

Phil Corwin: I'm not sure whether I'm the liaison.

James Bladel: No, he's not, okay. Staff is going.

Marika Konings: The liaison – sorry – the liaison for Curative Rights is Susan and the liaison to the RDS PDP is Stephanie.

James Bladel: Okay, thank you. Great. So one of the things that we discussed coming out of our Sunday meeting is that some of the PDPs might benefit for – and we as councilors might benefit from more frequent updates. But rather than kind of

subjecting everyone to that we were talking about perhaps getting the Council chairs and the leadership of the PDPs and the liaisons, the liaisons to each PDP, the Council liaisons together to check in perhaps once or twice in between ICANN meetings to check the status of the progress.

And I think, you know, check timelines and next major milestone and deliverables and just keep a closer touch on what they're working on and what the progress and status of their work is. And that's something - so if you are one of our liaisons, just heads up, that's probably going to be coming in April. And we will just be setting up calls and passing around Doodle polls for that.

Paul McGrady: Paul McGrady. So my question - you answered it, it's calls but I was hoping it was either Paris or Honolulu, but calls are fine.

James Bladel: Yes, telephone calls or yes. Okay and then I think, right, and we also have - I may ask for your help a little bit, Marika. We have liaisons to IRTs, is that correct? Really? I didn't even know that was - okay. Go ahead.

Marika Konings: We actually instituted that after the adoption of the Policy and Implementation Working Group guidelines because the liaison plays a very specific role in IRTs. So if or when there is a conflict or disagreement between staff and the IRT in relation to implementation or whether, you know, a policy question arises, the liaison at the first stage has a kind of facilitating role to try and see if they can help to resolve the issues.

But if that doesn't happen, then the liaison has a role to actually assess whether there is consensus within the IRT to take that issue back to the Council. So in that specific instance, you know, it could be that it is more than just, you know, being on the calls or following the mailing list; that may actually require a proactive role. So it's something that people - to be aware of when they volunteer.

James Bladel: Yes, and I know that that was something that came up and do something that Göran is monitoring very closely when implementation starts to look like it's stepping into policy that they want to trigger that and send it back to Council. Heather. Oh okay.

So I was just reminded that Darcy is the liaison to the Privacy Proxy IRT. And let's see, we have the Translation and Transliteration. That used to be Amr. So do we need to replace the liaison for that?

Marika Konings: So this is Marika. So the least you basically see up on the screen are all the groups that either currently don't have a liaison or has a liaison that has left the Council.

James Bladel: Okay.

Marika Konings: You know, one question is, because for example...

James Bladel: This is our fault for making Amr liaison to everything.

Marika Konings: Two of those actually relate to Carlos. And I don't know if – especially the first one on there, the liaison to and from the CCT, Carlos may still be willing to undertake that as I believe he's the only one that's actually in that group. But I know he's indicated for the other one, the Internet Governance, he would like someone else to take a role, if I'm not mistaken.

James Bladel: Okay, Keith. And then Carlos. Keith is referring to you, Carlos.

Carlos Raúl Gutiérrez: I guess the CCT has published a draft report so we are in the public comment period. I don't think we won't have more than one more meeting just to review the comments and come up with a final report. That was the comment on the CCT.

Keith Drazek: Okay. Thanks, James. Just a clarifying question related to that CCWGs. I didn't recall, and I'm probably mistaken, but I didn't recall that CCWGs have liaisons. I thought it was a member. And if I'm, you know, any clarification there would be helpful.

James Bladel: Yes, I also would like - because we have a cochair in each of those that's not part of the GNSO member delegation. So do we have a liaison on top of that?

Marika Konings: Yes, this is Marika. I think that's a good question. One of the reasons as well, like we usually work with the liaisons for example when motions come back to the Council, so that someone is connected to the group and also is able to make Council motions. In certain cases, for example, on the Auction Proceeds, you know, currently if the case that Erika is the cochair and she's also on the Council. But that may not continue.

So the question is – and similar for the Accountability Working Group, I think we do have some members, and I think actually, James, you are one of those that are currently on the Council, but it's not necessarily always the case. So it's actually a question, we've listed them here just to highlight that they currently don't have an official liaison.

But it's up to you to decide whether you think that's necessary or with the participation or representation in those groups, you know, perfectly happy that, you know, the Council, if and when needed is kept up to date and there will be someone to, you know, bring forward motions or issues for consideration as needed.

James Bladel: Okay. Thanks, Marika. And just for the record, my participation on CCWG Accountability is somewhere between observer and potato. So it's not been great. But I think, yes, I take your point that we have a lot of overlap between membership and councilors and so we should be able to leverage that plus we get regular updates.

So noting that we are about five minutes before the top of the hour, and we have a lot of interest in attending the next session at noon, let's take this shopping list of liaisons to our mailing list. If you have something that you are participating in and day you would be willing to serve as the Council liaison for one of these IRTs or CCWGs or other groups, then let us know. But the goal is to put a name next to each of these and we can take that off the table and take that to the list. Some good? Marika doesn't like that idea.

Marika Konings: I do like the idea but if someone already wants to come forward.

James Bladel: Well I didn't say we couldn't put it on the list today. Okay.

Susan Kawaguchi: I'll take the thick Whois.

James Bladel: Thick Whois, okay great. So we can take one off our shopping list. Thank you, Susan. AOB, folks, I think that was the last item, correct? So what other wrap-up items came from this week or any other reflections on Copenhagen? Heather.

Heather Forrest: Thanks, James. Heather Forrest. Just thinking about some of the comments that we made in that, shall we say we did our best, wrap-up video on Board priorities for 2017, that's one of the things we mentioned. Is there anything we want to do about that to follow up? Did anything come out of that discussion, that long laundry list.

And Paul very kindly circulated – I think it was Paul who very kindly circulated the slides, or maybe that was within our folks. Okay, so we did get the slides afterwards or before. Is there anything we want to follow up on that long laundry list of points? We had a good debate in here. Is there anything we want to go back to the Board with or tee up if you like, for 59?

James Bladel: Stephanie and then Keith.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. This is just a follow up on an issue that was raised at our meeting the other day. Obviously we had the data commissioners here. We are working already to try to bring them to South Africa. The problem of course is that that is a short meeting schedule, the policy one. We worked through 1 question out of 18 in the RDS working group yesterday afternoon. And I think it was a fruitful and I think people are starting to understand the complexity of data protection analysis, but will be a long time working through the remaining 17 in the same fashion.

So obviously a workshop of a day would be great, except nobody will be funded to attend that workshop. And we will be lucky if we get an hour on the schedule. So, well, I guess the first question is, is the GNSO interested in helping us slash, being a, in quote, sponsor? I'm still not sure what that means. But, you know, indicating to the planning folks that this would be of interest?

And secondly, how on earth do we do this, given the exigencies of the schedule and funding and all that?

James Bladel: Thanks, Stephanie. To be fair, I don't know that that is a topic that we can crack open in two minutes. I think we can take it as a matter of follow up. I have a few now of Michele, I'm sorry, Keith, Michele and Donna. So Keith.

Keith Drazek: Okay, thanks James. Just very briefly, following up again on the issue of the privacy concerns and Whois, and the RDS PDP Working Group, I don't feel like we reached a conclusion during our discussion. It wasn't a motion or anything like that but it was a discussion about seeking an update to the legal memo that was previously received.

And I'm going to volunteer to at least take - or coordinate input on a draft. We talked about trying to be very, very specific about the questions that we would like asked and to receive answers to. So I'm going to volunteer to take a lead on that. I know we haven't made a formal decision to actually issue any sort

of a request, but I think we do need something in front of us to be able to discuss. And I also want to note that I take Susan's comments to heart yesterday that this is not about the thick to thin – or sorry, thin to thick transition, so we will remove any reference to that. But I think that this is a broader issue that really does deserve our focus. Thanks.

James Bladel: Thanks, Keith. Michele.

Michele Neylon: Thanks.

James Bladel: We have Michele, Susan – okay. Michele, Susan, Donna, did you lower your hand? Are you still in? Okay so we have Michele, Susan, and Paul. And then we'll saw off the meeting from there. So, Michele.

Michele Neylon: Thanks, James. Michele for the record. I think it's important for us to engage with the data protection and privacy experts, but I think we need to look long and hard at the best and most efficient way of doing that because if it takes two hours to address one relatively straightforward question, we will be here for the next 20 years. And personally I would like to pay off my mortgage doing something a little bit more exciting. So maybe we can take that off-line, Stephanie, and a couple of the others, and see what is the best way to move forward with that.

James Bladel: Thanks, Michele. And I can see we are at the top of the hour, that we are kind of wanting to go back into the Whois data protection topic again. Susan.

Susan Kawaguchi: I just want to volunteer to work with Keith.

James Bladel: Okay thanks. Thanks for all those who are volunteering. Paul.

Paul McGrady: Paul McGrady, just wanted to reiterate my concerns yesterday, it sounds like we are moving towards doing it anyways even though we kind of - I thought we came to the conclusion that this Council should not be the procurement

division for, you know, research projects that have not come to us back by way of PDPs or any other means. There's apparently some advantage, or perceived advantage, to having the GNSO Council procure this analysis. I don't know what that advantage is.

There are all kinds of organizations around this table that if they were really interested in having those questions answered, could go and ask those questions as their organizations and then feed those onto the list. And we could all read the outcome. So I'm just perplexed by what the motivations are here and again, encourage us to not to become the procurement division for legal analysis for the GNSO community. Thank you.

James Bladel: Okay, I put myself in the queue to – okay go ahead, Keith. No, I just put myself in the queue to cut it off but if you have a brief response.

Keith Drazek: Yes, thanks. Very briefly. Paul, in response to you, I think you came to the conclusion that this was not something that you thought the GNSO Council should be doing. I don't think we came to that conclusion. We can continue to have this conversation, and I think the questions of motivation are about making sure that the RDS PDP Working Group has the information that it needs. And if that has to come from the working group, that's fine. But I think that we ought to actually have that further conversation. Thanks.

James Bladel: Okay and it sounds like we're putting together a group to discuss the path forward, and it has Keith, Stephanie, Susan, Paul, did you want to? I don't want to volunteer you...

Paul McGrady: Right, not it sounds like...

((Crosstalk))

Paul McGrady: ...the group was not to decide what the path forward was, the group was to put together questions that will be answered by an eventual analysis which it

sounds like some of us are marching towards and some of us don't know why the Council is marching towards it.

So I don't want to be on the group for the drafting of questions for something that I don't necessarily – still don't understand why we're doing, I just think I would be obstructing that and I don't want to be an obstructionist on, you know, putting together a list of questions. But I do think we do need to deal with the real issue of whether or not this is a Council issue. And it wasn't just me, Keith, that said that it's not necessarily a Council issue; I'm pretty sure James said the same thing. So, you know...

((Crosstalk))

Paul McGrady: ...so again, no thanks on joining the team, but I still think we should have a dialogue about whether or not the GNSO Council should be out buying legal analysis for various people in the community that have questions about how the law affects their business. Thanks.

James Bladel: Okay thanks. Let's try to take this offline and I don't think we're going to get much further down the road here. Okay, any other topics? Not this one, please not this one. Ed.

Ed Morris: Very quickly, James, you were going to update us on the empowered community.

James Bladel: Yes, I thought I mentioned that during the – it was very brief, is we had a meeting, a breakfast. We noted that we were going to have to discuss the budget. We noted that we were going to have to discuss the potential changes to the bylaws that were proposed by the Board and that that would be something that would maybe be convened in Johannesburg.

And then we spent literally the rest of the time, the other groups talked about how they are speaking -- going to be receiving their instructions and speaking

on behalf of their community, their SO and AC, and that's when I think I made the observation that I have the easiest job of all of them because I don't say anything or do anything unless it's the result of a decision from Council.

So, you know, I have a pretty clear marching orders were maybe it's a little less clear for some of other SOs and ACs. And there was a lengthy and comprehensive discussion about how they're all going to participate in the empowered community. But that was it. Budget, bylaws and how to make the thing work.

Ed Morris: Going over the drafting team report as we're going through this thick document, we may need to appoint people at some point for the public forum, that was in there that we - one of the questions that was asked by staff, I believe, was how are we going to go about doing this? So that's something that the selection committee perhaps we'll be dealing with quite early before South Africa.

James Bladel: Yes, I mentioned to the group that it may not be myself personally that's participating in that summit or in that EC review of the budget I think. But, yes. So we had a meeting, not a whole lot to update on, not a lot of substance, still organizing itself.

Any other councilors wish to speak? I see some hands. I'm hoping they're just stale hands. No? Just to confirm, Michele and – oh one of them is me, oh. Can't get too snarky then if I'm doing it. Michele and Stephanie, those are stale hands, right?

Stephanie Perrin: Actually not, James, if you don't mind. Stephanie Perrin for the record. I just wanted to briefly respond to something that Paul said, namely that this legal opinion was to examine the impact of the GDPR on business. There are other stakeholders represented here, that would be the non-commercials, we represent the interests of end-users, and we would certainly like that legal opinion to examine the impact on end-users as well. Thank you very much.

James Bladel: Thanks, Stephanie. Briefly. Michele.

Michele Neylon: Thanks, James. Michele for the record. Just very, very briefly. I think there's two things here. One is the ongoing engagement with the data protection and privacy people, and the other is the entire kind of legal thing that Paul is upset about. As long as we understand, they are two separate things, or does Paul see them as one? So I just wanted to make sure I'm understanding.

James Bladel: Boy, this topic is like catnip, isn't it? We just can't let it go. Paul, go ahead.

Paul McGrady: I just – you know, it's an endless shopping cart. I would love to have all kinds of legal analysis about all kinds of PDPs that I am participating in too. But if the chairs of those PDPs don't come up and say we need that, for Council to go out and be buying this stuff, it's an endless shopping cart. We've not – we don't have a PDP chair who has reported that their group's asked for this.

You know, this to me is about what our role is? Are we a procurement department or are we doing something else here? If something needs to be done, let's hear from a PDP. I understand that there's all kinds of useful information out there, but we're not the useful information department. Have them come up, you know, just ask.

Michele Neylon: Okay, Paul, just the question I suppose – what I was trying to ask you was, I understand you have issues with the legal review, whether I agree with your issues or not is neither here nor there, but that you are to understand that the ongoing discussion with the data protection people is not related to the legal review. They're two different things.

Paul McGrady: Who are the data protection people?

Michele Neylon: This is the number of people – this is what Stephanie was talking about earlier, that we have – that they would like to engage with us, the GNSO, in

general in the future, but the concern that Stephanie tried to articulate is that because it takes so long we need to have a look at how we engage with them. I was in the RDS PDP yesterday, we had people there, it took like two hours to go through like one question.

Paul McGrady: So are you asking do I see the...

((Crosstalk))

Michele Neylon: I'm just trying to understand...

Paul McGrady: ...the request for this legal analysis as the same thing as Stephanie's data regulator?

James Bladel: Can we...

Paul McGrady: No, because the data regulators have shown up and said, we want to participate in the multistakeholder model, and we want to participate in an ongoing PDP. And I think as the traffic cop for PDPs, that's a really interesting offer for them – we've got a group of people who know things that want to, you know, want to volunteer their time, I don't think that's the same thing at all as going out and buying legal opinions, that no PDP has asked us to do.

So I don't – I mean, they're related substantive topics because it's about, you know, privacy, but I don't think it's the same thing at all. And, you know, if we can, I mean, if we can find a way to have those folks engage between now and Johannesburg or in person in Johannesburg if ICANN's got the money, you know, the more the merrier, that's the rule around here, right?

James Bladel: So I don't know that we're going to resolve or...

Michele Neylon: No, he answered the question. It took him – I got an answer, fine. Okay.

James Bladel: Okay. Okay we're good. But like I said this is just like a shiny object we can't let go. And I understand, it's important. And, you know, from a Contracted Party House it's kind of terrifying, the uncertainty that is potentially out there. So but hey, whether that's a matter for Council, I understand, but I also think that Council and community shouldn't be surprised if contracted parties either collectively or individually start executing their own plans that they feel like they need to do to protect themselves and their customers from what may be a changing regulatory landscape.

So okay, on that – and see, now I'm doing it. On that any other items of business before we wrap up? Okay, thank you everyone. Thank you for everything from Friday to Saturday, the marathon, brutal marathon session on Sunday that our reward was to participate in a late night facilitated dialogue and then of course the public meetings Wednesday and today. And thanks for all that you do intercessionally too. So we're adjourned. Everybody, safe travels home.

Oh and don't forget the public forum where, you know, I think we will see some other surprises.

END