

**Transcript GNSO Council Teleconference
15 December 2011 at 20:00 UTC**

Note: The following is the output of transcribing from an audio recording of the GNSO Council teleconference on 15 December 2011 at 20:00 UTC. . Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-council-20111215-en.mp3>
on page
<http://gnso.icann.org/calendar/#dec>

List of attendees: NCA – Non Voting - Carlos Dionisio Aguirre

Contracted Parties House

Registrar Stakeholder Group: Stéphane van Gelder, Mason Cole, Yoav Keren
gTLD Registries Stakeholder Group: Jeff Neuman, Ching Chiao, Jonathan Robinson – absent, apologies, proxy to Jeff Neuman
Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, John Berard, Osvaldo Nova, Brian Winterfeldt, David Taylor, Zahid Jamil - absent, apologies, proxy to John Berard
Non Commercial Stakeholder Group (NCSG): Wendy Seltzer, Joy Liddicoat, Rafik Dammak, Bill Drake, Wolfgang Kleinwächter, Mary Wong - absent, apologies, proxy to Bill Drake
Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers

Alan Greenberg – ALAC Liaison – absent apologies
Han Chuan Lee – ccNSO Observer - absent apologies

ICANN Staff

David Olive – VP Policy Development
Kurt Pritz - Senior Vice President, Stakeholder Relations
Dan Halloran – Deputy General Counsel
Liz Gasster - Senior Policy Counselor
Julie Hedlund - Policy Director
Rob Hoggarth - Senior Policy Director

Margie Milam - Senior Policy Counselor

Marika Konings - Senior Policy Director - absent apologies

Berry Cobb – Policy consultant

Glen de Saint Géry - GNSO Secretariat

Guest:

Edmon Chung - ALAC

Coordinator: You may begin.

Glen Desaintgery: Tonya, before we start have you connected the audio?

Coordinator: Yes.

Glen Desaintgery: Thank you very much. Shall I do a roll call for you Stéphane?

Stéphane Van Gelder: Are we able to start? I didn't hear the operator. Sorry. Yes, please do so Glen.

Glen Desaintgery: Yes we are. Good morning, good evening, good afternoon, good evening everyone. This is a council call on the 15th of December. And on the line we have Jeff Neuman, Ching Chiao, Mason Cole, Yoav Keren, Stephane Van Gelder, Thomas Rickert in the contracted party house

In the non-contracted party house we have John Berard, apologies from Zahid Jamil and he has given his proxy to John Berard, David Taylor, Osvaldo Novoa, Wolf-Ulrich Knoblen, Bill Drake, Wendy Seltzer, Rafik Dammak, Joy Liddicoat.

And on the Adobe connect we have Wolfgang Kleinwachter, but I do not see him on the call yet. And we have Lanre Ajayi. Mary Wong has sent her apologies, and her proxy goes to William Drake. Brian Winterfeldt has just let us know that he will be a bit late for the call.

For staff we have Liz Gasster, David Olive, Margie Milam, Julie Hedlund, Berry Cobb, apologies from Marika Konings and myself, Glen Desaintgery. Have I left off anybody?

Carlos Aguirre: Yes Glen, Carlos Aguirre here.

Glen Desaintgery: I'm sorry Carlos, yes you are here. Thank you Carlos.

Carlos Aguirre: Thank you.

Glen Desaintgery: With that, over to you. Thank you. And Wolfgang has just joined the call. Thank you Stéphane.

Stéphane Van Gelder: Thank you very much Glen, welcome everyone to our GNSO Council call. And we will move straight to 1.2, updates of statements of interest. Mason Cole has sent in an update.

And just to give you all a reminder, the message that Glen sent to the list a few days ago reminding us of the requirement to update our statements of interests once a year if possible.

There is now an online method for doing so, which I've not been able to work yet because I don't have the required pass codes. But if everyone can try and contact Glen if you need to update your FOIs to

get your pass codes, and hopefully that will be able to be done quite quickly.

Are there any requests to review or amend the agenda at this time?

David Taylor: Stéphane this is David here.

Stéphane Van Gelder: David.

David Taylor: Yes I pinged and email. It's just I'm going to be sporadic on this call I'm afraid because I'm getting to an airport and flying in about an hour and a half. So the UDRP could be fairly early or rather than late. So that would certainly be better for me.

Stéphane Van Gelder: Yes David. I did just see your email. So if no one objects, we will move UDRP to Item 3 to accommodate David's plane times. Is that okay for everybody? Hearing no objections, we'll do that David.

So are there any further requests for amendments to the agenda?
Hearing nothing, you have the minutes of the previous meeting with the link provided on the agenda.

And we will move straight into Item 2, which is our usual look at the pending projects lists which have not moved in terms of numbers of projects at all since the last meeting.

So as you can see in the four main categories that we list, GNSO activities still nine items, other activities still ten items. Joint working groups still seven of them. And outstanding recommendations still two.

Any comments on this item? Hearing none we'll move to Item 4 before doing Item 3. And this item is looking at the UDRP and the possibility of a review of that policy.

This is something that we've been talking about for a while. So much so that we lifted the motion last meeting, which was put forward by Jeff. And which was deferred from that meeting. So Jeff can you take us through the motion again please?

Jeff Neuman: Sure, when you say take you through it do you mean read it? Or do you want me to just give a background?

Stéphane Van Gelder: Yes if you can read it. And if you have anything else to say, that's fine, but if you can read it that would be useful.

Jeff Neuman: Okay, this means I got to put on my glasses here. Okay so I'm going to read it without the friendly amendment first. So it says whereas the registration abuse policies working groups submitted a final report (unintelligible) GNSO council on May 29, 2010.

Recommended initial report on the current state of the UDRP considering both A, how UDRP has addressed the problem of cybersquatting to (be) and any insufficiencies, any qualities associated with the process.

And B, whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated. And whereas on February 3, 2011 the GNSO council requested an issue report in accordance with the recommendations on a registration abuse policies working group.

And whereas a preliminary issue report was published on May 27, 2011, and a series of Webinars and workshops were held. Soliciting public comment to allow for the ICANN community to provide feedback on the analysis and recommendations (currently therein).

And whereas the final issue report was published on October 3, 2011 in which ICANN staff recommended the GNSO council consider the perspective of the majority of the ICANN community and the advice of the government advisory committee and the (outlaws) advisory committee.

And that a quote, a "PDP" be delayed. And so after the new gTLD uniform rapid dispensing system has been in place, I'm sorry has been in operation for at least 18 months. To allow the policy process to be informed by data regarding the effectiveness of the URS, which was modeled on the EDRP to adjust the problem of cybersquatting.

The result - the GNSO council approved the initiation of a PDP with an establishment of a working group, a recommendation for (seven) of the IRTT Part B working group concerning the requirement to lock in domain names subject to UDRP proceedings, which the GNSO council is meeting on (unintelligible) received and agreed to consider when it takes some consideration to the final issue report on the current state of the UDRP.

Results further that the GNSO council requested new issue report on the current state of all rights protection mechanisms implemented for both existing and new gTLDs. Including but not limited to the ERP at

ERS should be delivered to the GNSO council by no later than 18 months following the delegation and launch of the first new gTLD.

Some of - so that's what it says. Some of these words are a little bit different than what I recall the motion to be. And I'm not sure why.

Stéphane Van Gelder: You're reading off the...

Jeff Neuman: I was reading off of Adobe. And the motion at the end, it should say following the delegation of a first new gTLD, not delegation and launch. There's also...

Stéphane Van Gelder: The Wiki it says delegation and launch as well.

Jeff Neuman: Right.

Stéphane Van Gelder: I'm not sure what's gone wrong.

Jeff Neuman: Right and then it says two - on the result clause it says there's also the GNSO council request. And there's two news in there.

Stéphane Van Gelder: Oh.

Jeff Neuman: So (wash) is not any kind of defined term. And so I don't think that was in there. I'm kind of having two different things. Or it can mean, (March) can mean a whole bunch of different things.

Stéphane Van Gelder: What was the wording that you proposed Jeff, just to...

Jeff Neuman: The 18 months following - it should be 18 months following the delegation of a first new gTLD.

Stéphane Van Gelder: So this is just a typo?

Jeff Neuman: Yes from my motion, yes.

Stéphane Van Gelder: Okay can - who's manning the Adobe tonight? Is it you Margie? It must be you.

Margie Milam: Yes. It's me Margie. And I apologize. This came from Marika posted it. And I believe she picked it up from the motion stage. I've just taken out the work (when) launch.

Jeff Neuman: Okay and then if we could, to resolve further the GNSO council request should be just one anew.

Margie Milam: Oh yes, I see that. Okay.

Stéphane Van Gelder: Okay thanks. Good eyes, well done. Glad you got your glasses on Jeff. So we have a proposed amendment to this motion that's been put forward by the IPC and David.

The amendment, David do you want to read the amendment just to make sure that it's the one that you proposed?

David Taylor: I'm happy for you to read it because it's a bit noisy in this airport. But when I read it on the agenda it was the one. So please feel free to read it.

Stéphane Van Gelder: It reads result further the GNSO council requests a new issue report on the current state of all rights protection mechanisms implemented for both existing and new gTLDs. Including but not limited to the UDRP and URS should be prepared with (fast) commencing the drafting of this report 18, in brackets (1-8) months after the (plublado), the publication of at least 100 UDRP or URS that cover at least ten new gTLDs.

Such reports should be delivered to the GNSO council within (4) in brackets, Number 4, months of that trigger date.

David Taylor: Yes that's it.

Stéphane Van Gelder: Is that correct?

David Taylor: That's correct. The only - I've been discussing with Jeff, the only difference on that which we had was it should have read and 100, so at least 100 UDRP positions and 100 URS.

Stéphane Van Gelder: Oh okay. That is a big difference. Margie can you please update that on the Adobe?

Margie Milam: Yes can you -it's Margie. Can you repeat that one more time?

Stéphane Van Gelder: It's 100 UDRPs and URS, not or URS. Thank you Margie. Yes that's it. Well done.

So Jeff and Wolf, do you accept this amendment as friendly?

Jeff Neuman: This is Jeff. I sent around an email to the council list a couple of days ago. Discussed (unintelligible) registries. And for the reasons in that email we cannot accept that as a friendly amendment.

And I explained in the email as to why that would cause such a, you know, we've already kind of, not kind of, we've already compromised. The registry believes there is compromise on delaying at 18 months.

Which really truly, I mean if you look it's 18 months from the delegation, which according to the timeline I put forward really delays the review for 3 1/2 years from today.

So we - and I did the timeline there. Basically the soonest we would initiate a full PDP or the council would vote to approve a PDP would be Q1 or Q2 of 2015. Which is already, with 18 months after the delegation we think a long period of time.

We also then did an analysis of what the amendment would do. And the amendment says 18 months from the publication of 100 decisions of each one. That's - that would delay it out we think until Q2 of 2016, which is 4 1/2 years from now.

So for those reasons and, you know, the registries wanted, again this is the registries. It's not just me. And I've gotten some comments from people. I've heard through the grapevine that this is Jeff Neuman, his initiative. And it has nothing to do with me.

It's the registries as a group. We've discussed this. You know, the registries when we discussed this felt like we were compromising when we said okay look, it's not just UDRP. But we also want to include the

other trademark rights protection mechanisms because that's what the IPC and the GAK had asked for.

And we feel like because we added that, now the IPC came back and said well since you've added that, now you need to fill in another 18 months, or delay it even more because now we have - we have to have sufficient data.

And while we certainly agree with the notion that you need to have sufficient data to do an analysis, we're not sure that that data needs to be in, or all that data needs to be in by the time you write a preliminary issue report. Because really the group that's going to look at the data is the working group that's set up in a PDP process.

Not necessarily - we feel like you could derive enough issues within 18 months to at least start the process. And data collection can be part of the working group activity.

Now for all those reasons the, you know, for all those reasons we can't accept that as friendly.

Stéphane Van Gelder: Okay. That means we'll be voting on the amendment first. Let me open it up for discussion before we take a vote on that amendment. I see John has his hand up.

John Berard: Thank you Stéphane.

David Taylor: I'm putting my hand up as well Stéphane. But I'm not on Adobe.

Stéphane Van Gelder: Okay David.

John Berard: We are speaking to the proposed amendment?

Stéphane Van Gelder: Yes.

John Berard: Okay.

Stéphane Van Gelder: First the motion then the amendment. We're covering the amendment first.

John Berard: Okay the thing that I like about David's proposed amendment is the trigger mechanism of collected data. I appreciate Jeff's comments that in 18 months certainly we should have enough to go on.

With David's proposed amendment we would have enough to go on. But I'm also sensitive to the length of time that we would be - how far out we'd be pushing this.

And, you know, I guess in my mind I was going to try and balance the two. Jeff if you could just speak a little bit more to what it is you think we will know that gives you the registries, it's not the Neuman proposal here, confidence that we will have enough data to make a serious decision?

Stéphane Van Gelder: Jeff do you want to answer that? And then I'll switch to David.

Jeff Neuman: Sure. So on that John, you know, we're - we don't obviously know whether we'll have that data at that time. But we also discussed the possibility that a lack of data could be telling as well.

In other words, if we only have five URS or I should say five, yes five URS decisions and ten UDRP decisions in 18 months, that could tell us that hey maybe the right to protection mechanisms employed at the beginning actually worked.

Conversely, if we had 10,000 URS decisions and five UDRP decisions that could tell us that maybe the URS is working and actually ended the need to actually have a UDRP.

But I'm making that up. And who knows what that's the real conclusion. But to me, to put a hard number out there as if that's going to be sufficient or not sufficient.

And I think what you'll hear from David is 100 decisions probably isn't even sufficient. But I would, not I, the registries would accept something that was like the earlier - but I'm not sure the IPC would go for this, the earlier of that number of decisions for 18 months.

In other words if we get that amount of decision within five months or six months, then we should start the preliminary issue report then as opposed to waiting 18 months.

So if you changed it to say the earlier of that number of decisions in 18 months, I think we would be covered and the registries would accept that. but I know or I've talked to people in the IPC and they do not want it any shorter than 18 months out there.

And the question I - the point I have there is let's make up our mind. Do we want the time limit or do we want the data? And if we want the data,

let's make the motion based on the data. And if we want the time, let's base the motion on the time.

Stéphane Van Gelder: Okay David.

David Taylor: Sure, thanks Stéphane. Yes, and we were trying to work out and get to friendly with Jeff over the last week. So that's where we unfortunately didn't succeed.

But yes, I mean that was the issue. And John (speaks up) and we just want to make sure there's sufficient data. If we're going to do this thing, we should do it properly. And we should make sure we've got the data which we can look at it. Because if, you know, we're looking at a UDRP here and saying we're going to review the UDRP and we've got 30,000 positions which I think makes it reviewable.

But if you look at the URS there could be decisions or something there. And we start saying let's look how the URS is intertwining with the UDRP. The procedural substantive relationship, etcetera we just start struggling because there's so little data.

So that was the idea behind we got to make sure we've got something in there which was sufficient. So yes, as Jeff says we were talking about trying to move it to 1,000. So that's again, 100 is like diminuous of just saying let's make sure we've got something which we can talk about.

So I agree and (exacts) out the point I was trying to get the friendly in so that we were happy with it. But we don't want to be bringing the

timetable. We're certainly not looking to delay things. That's not the objective.

It was just really let's get the right sort of data there that we can do something with. And I suppose the other point on certainly on the IPC side is that we should be, you know, that this is, we should be looking at the cores of cybersquatting really.

That's the essential thing. And that's where this whole thing came from. And that seems to me what we should be looking at. And then this relationship URS, CBRP and then looking to do the updates. So it's kind of going around the wrong way. But we were just trying to get it right. Unfortunately we haven't got it quite right on the motion.

Stéphane Van Gelder: Thank you David. Any further comments? Hearing or seeing none, any objection to doing a voice vote on the friendly - on the unfriendly amendment? Glen please do a voice vote on this amendment.

Glen Desaintgery: I'll do that for you Stéphane. All those in favor of the amendment, please say Aye.

Man: Aye.

Man: Aye.

Man: Aye.

Man: Aye.

Man: Aye.

Glen Desaintgery: Are there any more in favor?

Man: Aye, (unintelligible).

Glen Desaintgery: All those who are not in favor of the amendment please say nay.

Man: Nay.

Man: Nay.

Man: Nay.

Man: Nay

Woman: Nay

Man: Nay

Man: Nay.

Glen Desaintgery: Stéphane maybe it would be a good thing to do a role call but.

Stéphane Van Gelder: I was going to say you're going to need names. Let's do a role call vote. It's going to be simpler.

Glen Desaintgery: David Taylor.

David Taylor: Yes so yes.

Glen Desaintgery: Ching Chiao.

Ching Chiao: No.

Glen Desaintgery: No. (Set sa). Rafik Dammak, Rafik? Rafik, I'll come back to you Rafik, Jonathan Robinson is absent unless he has joined in the meantime, which I don't think.

Jeff Neuman: I think he, Glen I think he submitted a proxy didn't he, David did on his behalf.

Glen Desaintgery: He sent a proxy for you Jeff.

Jeff Neuman: I believe he did. I mean in fact I saw it so.

Glen Desaintgery: Okay that's fine. Will you vote for him please?

Jeff Neuman: Yes, no is the answer.

Glen Desaintgery: Thank you. Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen Desaintgery: Wendy Seltzer.

Wendy Seltzer: No.

Glen Desaintgery: Thomas Rickert.

Thomas Rickert: No.

Glen Desaintgery: Stéphane Van Gelder.

Stéphane Van Gelder: No.

Glen Desaintgery: Mary Wong. She has her proxy goes to Bill Drake. And It's no.

Bill Drake: Correct.

Glen Desaintgery: Lanre Ajayi.

Lanre Ajayi: No.

Glen Desaintgery: Mason Cole.

Mason Cole: No.

Glen Desaintgery: Bill Drake.

Bill Drake: No.

Glen Desaintgery: Osvaldo Novoa.

Osvaldo Novoa: Yes.

Glen Desaintgery: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen Desaintgery: Yoav Keren.

Yoav Keren: No.

Glen Desaintgery: Jeff Neuman.

Jeff Neuman: No.

Glen Desaintgery: Joy Liddicoat. Joy? I'll come back to you, John Berard for Zahid
Jamil.

John Berard: Yes for Zahid.

Glen Desaintgery: And for yourself John?

John Berard: Yes as well.

Glen Desaintgery: Wolfgang Kleinwachter.

Wolfgang Kleinwachter: No.

Glen Desaintgery: Rafik Dammak I'm coming back to you.

Rafik Dammak: No.

Glen Desaintgery: And Joy Liddicoat, Liddicoat sorry.

Joy Liddicoat: Thank you Glen. My vote is no.

Glen Desaintgery: There are six no votes in the non-contracted party house. So - and there are eight no votes in the contracted party house. There are six votes in favor in the contracted party house - in the non-contracted party house. So it does not pass.

Stéphane Van Gelder: Thank you Glen. So we'll now, Glen there's a comment from Wendy that counted seven no's in the non-contracted party house. Just bear with Glen for five more seconds.

Glen Desaintgery: Indeed, seven sorry. Thank you Wendy.

Stéphane Van Gelder: That doesn't change the outcome. Thank you Wendy for spotting that. So let's move to the motion itself. Any further discussion on the motion before we move to vote on it? Wendy.

Wendy Seltzer: Yes this is Wendy. I'd like to ask of a discussion of timing. Whether it would be friendly to shorten the timeframe from 18 to 12 months following the delegation of the first new gTLD?

As you know, they non-commercial stakeholders have been eager to get these reviews started promptly.

Stéphane Van Gelder: So you are suggesting that we, I'm trying to find it in the motion itself.

Wendy Seltzer: This is in resolved Number 2.

Stéphane Van Gelder: Right, Result 2 at the end, no later than 12 instead of 18 months.

Wendy Seltzer: That's correct.

Stéphane Van Gelder: And you are proposing that as a friendly amendment. Jeff would that be accepted as friendly?

Jeff Neuman: The registries, this is Jeff. The registries would not accept that as friendly. The registries were very sensitive to the comments from the GAK and VLAC and to the staff recommendation.

And that has recommended 18 months. And so that's what the registries believe should be in there.

Stéphane Van Gelder: Okay. Can I ask Margie to remove David's proposed amendment now that we voted on it. That will just help my clarity of vision. Thank you.

And we will then have to vote on...

Wendy Seltzer: This is Wendy. And I withdraw the suggestion.

Stéphane Van Gelder: Thank you Wendy, Jeff.

Jeff Neuman: Yes Wendy also made a comment on the chat which I think she's (right just) on the first results clause. It should say that the GNSO approves, instead of approved because I think that's a typo.

Stéphane Van Gelder: Thanks to you both for spotting that. Any further discussion? Okay let's do a role call vote on this one as well just to keep things even.

Glen Desaintgery: Stéphane this is Glen. I think perhaps we should vote separately in each of the resolve clauses because there is a difference in threshold. The one is an initiation of a PDP. And the second result clause is a new issues report.

And the threshold for initiation of the PDP is 33% of each house or 66% of one house. And for an issues report it is 25% in both houses or 50% in one house.

Stéphane Van Gelder: Yes Glen that makes perfect sense. Please proceed in that fashion.

Glen Desaintgery: Thank you.

David Taylor: Stéphane can I put my hand up quickly for a query, sorry.

Stéphane Van Gelder: Yes David please go ahead.

David Taylor: Just a query to Jeff on this. Just wondering because we're taking out the potential friendly, how does staff know when to start the report for the deliver date on this as it stands?

Jeff Neuman: Well I would think staff would have to know and budget the appropriate amount of time so that it can deliver it within 18 months. So staff is going to, and I'm assuming, and maybe we could let Margie answer this.

But I'm assuming they'll figure out the appropriate time to start drafting a report so that they can have it delivered by 18 months.

Stéphane Van Gelder: Margie is there a comment that you want to make?

Margie Milam: Yes that's correct. And then we will include it on the GNSO project list and track it. And make sure we move that deadline. So we'll keep that as one of our action items.

Stéphane Van Gelder: Okay David.

David Taylor: Okay thanks.

Stéphane Van Gelder: Thank you. So Glen back to the vote.

Glen Desaintgery: Certainly, Rafik Dammak.

Stéphane Van Gelder: We are voting - just to make that clear for everyone, we're voting only on the first result clause now.

Glen Desaintgery: Rafik Dammak. Jeff Neuman.

Jeff Neuman: Yes.

Glen Desaintgery: Jonathan Robinson, Jeff Neuman for Jonathan Robinson please.

Jeff Neuman: He says yes.

Glen Desaintgery: David Taylor, David?

David Taylor: Sorry, just coming off mute. No.

Glen Desaintgery: Stéphane Van Gelder.

Stéphane Van Gelder: Yes.

Glen Desaintgery: Mason Cole.

Mason Cole: Yes.

Glen Desaintgery: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen Desaintgery: Ching Chiao.

Ching Chiao: Yes.

Glen Desaintgery: Lanre Ajayi.

Lanre Ajayi: Yes.

Glen Desaintgery: Brian Winterfeldt.

Brian Winterfeldt: No.

Glen Desaintgery: Yoav Keren.

Yoav Keren: Yes.

Glen Desaintgery: Osvaldo Novoa.

Osvaldo Novoa: Yes.

Glen Desaintgery: Wolfgang Kleinwachter, Wolfgang? I'll come back to him, Thomas Rickert.

Thomas Rickert: Yes.

Glen Desaintgery: John Berard.

John Berard: Yes.

Glen Desaintgery: Wendy Seltzer.

Wendy Seltzer: Yes.

Glen Desaintgery: For Mary Wong, Bill Drake please.

Bill Drake: Yes.

Glen Desaintgery: Zahid Jamil.

Jeff Neuman: For Zahid yes.

Glen Desaintgery: Thank you. Joy Liddicoat.

Joy Liddicoat: Yes.

Glen Desaintgery: William Drake for yourself.

Bill Drake: Yes for myself.

Glen Desaintgery: Wolfgang Kleinwachter.

Wolfgang Kleinwachter: Yes.

Glen Desaintgery: We have seven yes votes in the contracted party house.

Rafik Dammak: (Unintelligible) you let me...

Glen Desaintgery: Yes sorry Rafik, you have not voted.

Rafik Dammak: So it's yes.

Glen Desaintgery: Is yours yes?

Rafik Dammak: Yes.

Glen Desaintgery: And David Taylor. David are you on mute?

David Taylor: I'm just off it. So it's no.

Glen Desaintgery: Is it no? Thank you. In the contracted party house we have seven yes votes. In the non-contracted party house we have 11 yes votes and two no votes.

Stéphane Van Gelder: So we have the threshold...

Glen Desaintgery: So we have the threshold of 66%, yes.

Stéphane Van Gelder: And we need to have 33 I think.

Glen Desaintgery: We, yes.

Stéphane Van Gelder: Okay. So that first result passes. Let's move to our second result clause and vote on that please Glen.

Glen Desaintgery: In a minute.

Stéphane Van Gelder: The threshold for this is 25% on both houses or a majority in one.

Glen Desaintgery: Wolfgang Kleinwachter, Wolfgang? What is your vote for the second results clause? Zahid Jamil, John Berard, would you please vote for Zahid?

John Berard: For Zahid yes. And for me yes.

Glen Desaintgery: Mary Wong.

Bill Drake: Yes.

Glen Desaintgery: Jeff Neuman.

Jeff Neuman: Yes.

Glen Desaintgery: Wendy Seltzer.

Wendy Seltzer: Yes.

Glen Desaintgery: Joy Liddicoat.

Joy Liddicoat: Yes.

Glen Desaintgery: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen Desaintgery: Bill Drake: Yes.

Glen Desaintgery: Jeff Neuman.

Jeff Neuman: Yes.

Glen Desaintgery: Wendy Seltzer.

Wendy Seltzer: Yes.

Glen Desaintgery: Joy Liddicoat.

Joy Liddicoat: Yes.

Glen Desaintgery: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen Desaintgery: Thomas Rickert.

Thomas Rickert: Yes.

Glen Desaintgery: Rafik Dammak.

Rafik Dammak: Yes.

Glen Desaintgery: Stéphane Van Gelder.

Stéphane Van Gelder: Yes.

Glen Desaintgery: William Drake.

Bill Drake: Yes.

Glen Desaintgery: Mason Cole.

Mason Cole: Yes.

Glen Desaintgery: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen Desaintgery: Jonathan Robin - Jeff for Jonathan Robinson please.

Jeff Neuman: Yes.

Glen Desaintgery: Ching Chiao.

Ching Chiao: Yes.

Glen Desaintgery: David Taylor.

David Taylor: No.

Glen Desaintgery: Osvaldo Novoa

Osvaldo Novoa: Yes.

Glen Desaintgery: Yoav Keren.

Yoav Keren: Yes.

Glen Desaintgery: Lanre Ajayi.

Lanre Ajayi: Yes.

Glen Desaintgery: And I still need a vote from Wolfgang Kleinwachter.

Stéphane Van Gelder: A problem with his phone perhaps.

Wolfgang Kleinwachter: Yes, you know, I had problem with my phone already for the second time.

Glen Desaintgery: Okay.

Wolfgang Kleinwachter: Can you hear me now?

Glen Desaintgery: Yes I can hear you. Thank you Wolfgang.

Wolfgang Kleinwachter: So I vote with yes. And I did send it just via the Adobe.

Glen Desaintgery: Thank you very much. So the results are that this results clause passes. There are 12 votes in favor in the non-contracted party house,

one against. And in the contracted party house seven votes in favor.
That's 100%. Thank you Stéphane.

Stéphane Van Gelder: Thank you very much Glen. And we will move straight back to Item 3. David are you able to stay with us or not? And if not, have you made arrangements for someone to vote on this item in your stead?

David Taylor: Thanks Stéphane. I'm going to stay with you as long as I can. And as long as they don't take my phone off me going through the customs, I'm still here.

Stéphane Van Gelder: Okay thanks. We'll try and work through this as fast as we can. Although can't make any promises. But so we are going back to the outreach task force charter. And I'll make the introduction very short.

We have a motion on the table. It's one that was made by John. It has not been seconded yet. Can - is someone willing to second the motion? We can't proceed without that. So is someone willing to second this motion?

John Berard: Stéphane this is John. I have been unable to find someone to second this motion.

Stéphane Van Gelder: Okay. And no one's willing to step forward now? In which case John I'm sorry, we won't be able to consider this motion at this meeting.

John Berard: Goodness and I had so hoped to be able to speak at great length.

Stéphane Van Gelder: Well I can let you speak at great lengths. That's no problem. It's just I can't proceed with a vote on the motion itself. But if you want to speak, by all means do so.

John Berard: No not at all. I'm - I accept the silence of the crowd.

Stéphane Van Gelder: Okay thank you. So David we can release you if you need to go. Thanks for being with us so long. And have a safe flight. And we'll move to Item 5.

Jeff Neuman: Hey Stéphane this is Jeff. I think there's one more motion on the table.

Stéphane Van Gelder: Yes, absolutely. I hope David you can stay with us for that. So I missed that. And that motion is on the (jat) and there's a proposal there for both the GNSO and CTNSO councils to direct their chairs to send a letter to the ICANN board.

There is a full description in the motion itself and links to the various minutes and past resolutions and past history for this. And there is also a copy of the letter itself in the motion. Because it's very long, I propose not to read through this motion and not to ask Ching to read through it.

If someone does want this motion to be read through, please speak up now. Okay in which case let me open this up for discussion on this motion please.

Ching Chiao: Stéphane this is Ching.

Stéphane Van Gelder: Yes Ching.

Ching Chiao: Can I jump in?

Stéphane Van Gelder: Yes please.

Ching Chiao: Yes, sorry also seeking for your permission. I'm getting Edmon who is the chair of the (jig) to join on our calls. So I was just wondering if he's here. And he would like to, just to deliberate on what's on the table.

Stéphane Van Gelder: Yes unless there's any opposition to Edmon joining the call, I think that would be a great idea. Edmon if you're on the call thanks for making that effort. And please make any comments you wish.

Edmon Chung: Hi Stéphane. Thank you because this is Edmon. I got on the call I think just to if there are any questions. But a couple of things I guess just to highlight.

I think mainly the idea, at least the discussion from the (jig) was quite clear that we felt there needs to be some follow up from the board resolution in August.

And this better reflects that follow up, especially on urging the board to move forward more quickly on the single character IDN GLDs that which is - which has gone quite, you know, gone through quite a number of community discussion.

And there has been consistent response to allow it to go forward. And - but it so far hasn't seen actual movement. So that's the sort of background for the proposed resolution.

Stéphane Van Gelder: Thanks Edmon. Any comments, questions please? Hearing or seeing none, we will proceed on a vote. Let's do a role call vote on this one as well Glen please.

Glen Desaintgery: On Motion 3, Wolfgang Kleinwachter.

Wolfgang Kleinwachter: Yes.

Glen Desaintgery: John Berard.

John Berard: Yes and Yes for Zahid as well.

Glen Desaintgery: Thank you. Jeff Neuman.

Jeff Neuman: Yes and for Jonathan Robinson yes as well.

Glen Desaintgery: Thank you. Mason Cole.

Mason Cole: Yes.

Glen Desaintgery: Mary Wong, Bill Drake for Mary Wong.

Mary Wong: Yes.

Glen Desaintgery: Lanre Ajayi.

Lanre Ajayi: Yes.

Glen Desaintgery: Osvaldo Novoa.

Oswaldo Novoa: Yes.

Glen Desaintgery: Bill Drake for yourself.

Bill Drake: Yes.

Glen Desaintgery: Ching Chiao.

Ching Chiao: Yes.

Glen Desaintgery: David Taylor.

David Taylor: Yes.

Glen Desaintgery: Wolf-Ulrich Knoben, Wolf-Ulrich? Wendy Seltzer.

Wendy Seltzer: Yes.

Glen Desaintgery: Rafik Dammak.

Rafik Dammak: Yes.

Glen Desaintgery: Thomas Rickert.

Thomas Rickert: Yes.

Glen Desaintgery: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen Desaintgery: Yoav Keren.

Yoav Keren: Yes.

Glen Desaintgery: Joy Liddicoat.

Joy Liddicoat: Yes.

Glen Desaintgery: Wolf-Ulrich can you hear me?

Wolf-Ulrich Knoblen: Yes. I was on mute. Yes.

Glen Desaintgery: Thank you, and Stéphane Van Gelder.

Stéphane Van Gelder: Yes.

Glen Desaintgery: This passes unanimously Stéphane. Thank you.

Stéphane Van Gelder: Thanks very much Glen. We'll move - Edmon thanks again for joining the call. And we'll now move on to Item 6, which is an update on the recent hearings that no doubt all of you have either read or heard about that have happened in the US in the past few days.

Kurt Pritz has been giving testimony on ICANN's behalf I believe. And I think we have Kurt with us today to give us an update on what has happened there. So Kurt if you're with us, thanks for being with us and taking the time to be with us. And please go ahead.

Kurt Pritz: Hello, thank you everyone. I think it might have - there were two sets of hearings, one in front of the Senate Full Commerce Committee last week that has some specific questions, you know, that was targeted at some specific questions regarding defensive registration costs and costs to trademark owners.

That, and then there was a hearing this week before a house sub-committee on commerce that didn't really have anything specific. And its title was more general in nature.

So, you know, I'll give you a few (bon marks) and encourage questions. But I think, you know, it probably would be better for somebody else that was witnessing that rather than me who was talking to report on the what transpired because they probably have a more objective view. And a clearer view than me whose memory is all quite foggy about the thing.

So in the Senate hearing it was sort of lightly attended. The Senator from Minnesota, Klobuchar asked most of the questions. And Senator Ayotte from New Hampshire asked several.

But I think four, maybe four or five senators all total participated fully. Senator Rockefeller who chairs the committee introduced the hearing with some commerce.

And with we all better get used to .hotel and .something else. So that was a strong signal to me that somebody, you know, even older than me could adjust to change. So that was a good sign.

But then signaled that we have to do this very cautiously going forward. And so I think the senate hearing was very well balanced in that they were seeking information to make their own opinions after the hearing that whether the (unintelligible) trademark holders have been appropriately taken into account in the development of the new gTLD process.

So I found the questions constructive. And I thought the senators were listening. And I thought the discussion was balanced.

The primary antagonist in the gTLDs at these hearings was the, I don't know, the National Advertisers Association. It's ANA, but I forget exactly what it stands for.

And they primarily brought up the issue of defensive (unintelligible). That was pretty - that was the comments of the senator from Maine.

And so anyway, I thought that was objective. And went fairly well. And the house hearing that happened this week I thought the questions to ICANN were more hostile.

And the - there was participation probably by ten Congressmen and women, each who asked questions. And two of them, specifically Senator - Congressman, Congresswoman from California specifically asked that - asked ICANN to commit to a delay in the process.

And, you know, (schemed down) what the round might be. And, you know, we answered that. We weren't doing that. I think they - and there's a quote in Advertising Age, I think that was my answer to that question.

So I think that's the most important thing in that they were at the end probably not satisfied. And after a very, very, very brief review of all the work that went into new gTLDs.

And are going to take that back and discuss what they might do. So, you know, I don't know. I'd much rather leave it for you to either watch the thing online or get the opinion of others rather than me. I was too much in the middle of it. It was fun and exciting.

Stéphane Van Gelder: Okay. Thanks Kurt for that update. Let me open it up to questions. I'll put myself in the queue. Does anyone else want to - if you do please raise your hands or speak up if you're not on Adobe.

Kurt just, this is obviously a difficult question but one I feel I have to ask. Do you get a sense that there may be moves to delay the launch of the program currently scheduled for January the 12?

Kurt Pritz: As the question again Stéphane.

Stéphane Van Gelder: Do you feel that there's any risk that the program will be delayed?

Kurt Pritz: Well I think the risk is above zero. I think that, well I know that the Department of Commerce has made, after the Senate hearing made a very, very strong public statement that the reputation of the multi stakeholder model is wrapped up in this too.

And to take all the work that's been done over the years, the very careful work and unravel it with a delay at this point would not only dis-

serve the new gTLD program. And all the people that worked on it, but would also dis-serve the multi stakeholder model and so that the Department of Commerce will not do.

So after the close of the Senate hearing the Department of Commerce came out publicly and said they were not going to delay the process.

Stéphane Van Gelder: Okay thanks very much. Any further questions for Kurt please? Okay hearing none, thank you very much for that update Kurt. And I think you'll still on for the next agenda item, which is an update on the JAS working group and more specifically with respect to the very recent board resolution addressing the JAS recommendations.

And I think there was some significant progress there, made there that you are about to tell us about Kurt.

Kurt Pritz: Yes. So because I get to go on agenda items consecutively, I just want to go back to the last one. And say to those of you who listened, I hope I conveyed that it was the hard work of the volunteers that got the new gTLD program to where it was.

And conveyed the amount of work that was done particularly by the GNSO since 2005 in developing a policy. And then, you know, refining that policy to the implementation plan. And the formulation of, you know, all the groups that were formed in making that.

And, you know, a big part of defending the new gTLD program and, you know, is in the record that we've built together in doing all this work in this bottom up style. So, you know, I hope I conveyed that in my statements.

So on JAS, in, gosh darn it. In (Dakar), the board resolved two things. One is they formed a working group, a board working group that was charged with overseeing the development of an applicant support program, taking into account the JAS final report.

And other input. And, you know, and, you know, and making that operational. And the second part of the resolution was that the CEO was directed to do the work to actually make an implementation plan.

So both - everybody's been working very hard on this. And the board working group is chaired by (Krista Spain) and has Mike Silber and George Sadowski and Bertrand and (Sebastian Bach) - de la Chappelle and Sebastien Bachollet. And also had (Kateem) while (Kateem) was still on the Board.

And as you know, the Board put together the (gravamentary) gist of a JAS support program in Dakar. And (Stafford), you know, (Stafford) put consultants and others to flesh that out. And the result of that is a program that has been floated to you guys - sent to you guys on the Council prior to publication. We're going to make it an official posting of that plan either, you know, late, you know, tomorrow or Monday.

And I'll give you the gist of what it is. But for those of you who are interested. I'm sure you've already read the documents. And so procedurally the time going forward. And then after we developed this plan, we had a meeting of the - between those Board members and a subgroup of JAS members.

And you guys can help me on the phone but it was Avri and Rafik, (Sentra) and Alan. And so we had - there was a meeting among those group where the - a draft form of well what you were sent was published and reviewed. So that group of four JAS members had some comments.

Admittedly they hadn't had too much, you know, they had a day or so I think to read the documents first and had some comments. And recommended going forward that we post this as the applicant support plan with some changes and we publish it for comments. So that's what we're going to do.

And so how do we make this all work and still make it implementable in the first round? So we're going to publish it for comment for probably a 21 day comment period. And, you know, the Board's already resolved this but we still see value in taking public comment on it. So we're trying - any advice you have would be great.

You know, we're trying to publish it for, you know, comment as far as how can we implement this plan. So I don't see the plan changing markedly between now and when the application window is open on January 12. But advice and help we can get in implementing it I think would be valuable. So I think that's the purpose of the comment period.

When we post it for public comment in the next couple days, sorry, we also plan to publish - well we'll publish our three documents. One is - and you've seen them - you've seen most of them. One is a - the process or procedure for how to apply for applicant support. One is the criteria by which applicant support applications will be measured - that criteria against which.

And third will be a brief applicant - we're calling it an applicant handbook; so a brief handbook instructing applicants seeking financial support providing them with direction. So we're seeking - we're going to publish those three things. And so we're working on that handbook now and an announcement. So that's why it's not published right away.

So then the - going - so what do I want to talk about next? I think that the gist of the program is this. That...

Stéphane Van Gelder: Kurt, have we lost you? Hello. Is anyone else on the call?

Man: Yeah.

((Crosstalk))

David Taylor: Yes Stéphane...

((Crosstalk))

Stéphane Van Gelder: Sorry. I didn't hear that?

David Taylor: David here. I'll try to get Kurt back on. He was just disconnected from the line. I'll try to get it back on. Hold on.

Stéphane Van Gelder: Thank you very much David. Let's move to the JAS discussion and come back to Kurt if we manage to get him back. Are there any...

David Taylor: He's back on.

Stéphane Van Gelder: I'm sorry.

David Taylor: I think he's back on now.

((Crosstalk))

Kurt Pritz: Can you hear me now?

Stéphane Van Gelder: Yes we can.

((Crosstalk))

Kurt Pritz: No you didn't. I've been here yacking away. So you just think you lost me. So let me briefly go through what the gist of the program is. And that is that applicants for financial support will submit full gTLD applicants in the same window as applicants not seeking support.

In addition they will also furnish an application for financial aid or financial support. So they will submit two documents. Then while the non-financial support applications are being evaluated in the first round, the financial aid portions of the application of those seeking support will be evaluated in parallel. So think two tracks.

One are our regular applicants that are evaluated during the initial evaluation round. And then the financial aid applicants will be evaluated for - against the financial aid criteria only. And then those meeting those - that criteria will be evaluated in a subsequent round.

And why do we do this? Well I think - well there's a couple reasons. One is, you know, operationally it gives us time to hire panelists and get the whole operation in place and provide notice to potential applicants. And two is it provides time to raise additional funds.

So if you think of initial evaluation completing in November of 2012, then the financial aid applications completing in November 2012 gives ICANN - the big ICANN a year to raise additional funds to support applicants. So that it the timing.

Procedurally the type of - the type of support that is going to be given is this; that the primary - the form of financial support given will be a fee reduction from 185,000 to \$47,000, so \$138,000 fee reduction. And here's the caveats to that.

The number of free reductions given will be limited by the funds available. So if we were to launch the program today and make awards today, we have \$2 million at our disposal. But we'll have a year to raise additional funds.

There is a, you know, there's also, you know, I think it's unlikely there's also a chance for example that ICANN could receive say auction funds early on and, you know, make a decision that some portion of those would be dedicated toward this financial aid. So we're looking to realize or accumulate as much funds as possible for applicant support in the next year and move forward that way.

Those - so that means that there'll have to be a rank ordering of those qualifying for financial support. And that is done using the criteria in the criteria document.

And those that meet the threshold for financial support but not - but are not ranked high enough to get the free reduction will be available for other types of non-financial support such as staggered fees and translation - just translation services and, you know, other - you know, we went through the JAS recommended non-financial support types and arrived at those too and have those definitely as part of the plan.

And there's also some flexibility in the type of financial aid awarded. So if some entity designates funds for financial support but says they don't want it to go to a fee reduction, they want it to go to something else, then, you know, we'll have that flexibility to still do that.

So I think, you know, I didn't - I think that's the gist of the program. Let me say I think one of - so what did I skip. I skipped one of the hallmarks of the program.

So we want the criteria to be fairly strict. And the JAS Working Group encouraged us to (unintelligible) of gaming. And so the other hallmark of the process is this. That applications for financial assistance will be measured against a threshold that's pretty clearly defined in the criteria that I think can be easily met by a bona fide financial assistance applicants but perhaps not others.

And if the threshold is met, then the applicant will be considered for financial aid. If the threshold - the minimal threshold is not met, the applicant will be excluded for going forward in the new gTLD process.

If the threshold is met, then the applicants will be rank ordered according to the criteria. And everyone that there's funds existing for

will receive the fee reduction. And those that don't will receive that in kind support. They can decide to go on at full fee or they can choose to withdraw and get a refund.

And I think the last thing that I didn't say is that I'm sorry for this - this is sort of out of order. That at the time of application when regular applicants are paying their \$185,000 fee, the applicants for financial support will pay just the \$47,000 fee but they would have to pay in full if they get the financial support.

So I hope that was clear.

Stéphane Van Gelder: Thanks Kurt. Are there any questions for Kurt on the JAS update we've just received? Wolf.

Wolf-Ulrich Knoben: Yes. Thank you. Kurt, just a question so we understand the two ways you just explained for applicants seeking financial support and the others seeking non-financial support. I guess, you know, most applicants would apply for both for financial plus non-financial support. That's what I would expect.

And so does this mean that you are treating these two part in different ways or are then the applicants themselves in different ways? So it's just to understand the way you are doing that.

Kurt Pritz: I probably wasn't clear that all applicants for support will be considered for the non-financial support. And so some - of the applicants that qualify, some will get financial support until the money runs out. And by and all will be - all will be - can take advantage of the non-financial

forms of support. So there's only really one application all forms of support will be made available to those that qualify.

Wolf-Ulrich Knochen: Okay.

Wolfgang Kleinwachter: Kurt, this is Wolfgang. I have a question. I was involved in a number of discussions with cities and regions in Germany and in other countries. And a large number of cities discover only now that the opportunities to get the city name and they are probably not in a position to do all the work, which is needed to write an application until April 15. Are there plans that you give some additional time for some categories of TLDs, in particular new TLDs beyond April 15?

Kurt Pritz: Beyond April 15?

Wolfgang Kleinwachter: Yes.

Stéphane Van Gelder: You mean April the 12th Wolfgang.

Kurt Pritz: You're right. April the 12th.

Wolfgang Kleinwachter: April 12, yeah.

Kurt Pritz: Yeah. It's still the same question. So right now, no Wolfgang, the application window is closing on April 12 absent, you know, some other input. So ICANN's really received no input from the GAC or the GNSO or other groups that the windows should be extended.

Wolfgang Kleinwachter: Okay. Thank you.

Stéphane Van Gelder: Thank you. Ching.

Ching Chiao: Thank you Stéphane and thank you Kurt for the explanation. Just a quick question here. Is the support-approved applicant also eligible for the recently developed (batching), the secondary (time spent) and application? Will they be eligible for applying for that? I'm pretty sure that some applicant from the developing region they also have to deal with a - sort of a time to market questions. So could you perhaps deliberate on that?

Kurt Pritz: Yes. So they - thank you for the question. The way the process is written up and this always gets really complicated at ICANN that the financial assistance applicants are awarded financial assistance would be moved to the last batch. But there is an exception to that. And that is if they're in contention with another application in which case they would get promoted to the batch that - where the string in which they're in contention with is situation.

And there's even an exception to that because financial assistance applicants cannot be in the first round because of the timing of their application evaluation. So it would never be earlier than the second batch. So most - the way it's written and you can comment on this, financial assistance applicants would be in the last batch unless they're in contention they would get moved up.

Ching Chiao: Got it. Thank you.

Stéphane Van Gelder: Thanks. Any further questions.

Kurt Pritz: And - yes, so I'm sorry. The rationale for that is really that, you know, there should be some fine line, demarcation between those paying full fee and those getting financial assistance. So that seemed reasonable. But again, it's one of those 60-40 decisions that are made. So that would be one of the interesting things to remark on in the public comment period.

Stéphane Van Gelder: Thanks Kurt. Anything further? I see no hands. I hear no questions. Kurt thanks very much for joining us this evening giving us those two updates.

Kurt Pritz: Yes. So again, I get to - let me thank the JAS members that participated in our - participating and it's, you know, now we - you know, it's not all things to all people. But it's a program where we think, you know, \$138,000 fee reduction is significant an amount. And we think it's significant that we will have a program in place. And, you know, we want to, you know, we want to continue to improve it.

Stéphane Van Gelder: Great Kurt. Thanks very much. And we'll now move on to Item 8. Item 8 is about the cross TLD registration scam issue. And this has been discussed before. In recent weeks we've had correspondence with SSAC on this. And this really is an item where we are aiming to try and move this forward either one way or another but make sure that this issue doesn't remain open.

That is something that we - the leadership thinks we need to concentrate on all the time is to try and push these things forward if we can. Now we have several suggestions from staff on the best way forward on this specific issue following SSAC's response that there was nothing further for them to add.

The first option that we might want to look at is adding this to the fake renewal notice drafting team's mandate. The second is to continue discussions on this issue with the ccNSO to try and ascertain whether there might be some joint action we might want to consider there. And the third is basically to do nothing and just leave things as they are.

So if we're able tonight to try and determine which of those three options, if any, Council would be comfortable with pursuing, that would be very useful. Does anyone want to speak to this? Okay. In which case, let me ask the question a different way and ask the Council would there be any objection - I'll take the simplest option first. Would there be objection to us deciding to do nothing at this stage?

Joy Liddicoat: Stéphane, it's Joy here.

Stéphane Van Gelder: Yes Joy.

Joy Liddicoat: I just wanted to thank the staff for their work in coming up with some options. And I did wonder about the second option being a possibility in terms of keeping the dialog going with the ccNSO Council as a topic of mutual interest.

Stéphane Van Gelder: I don't have the answer to that. Does staff?

Margie Milam: Stéphane, it's Margie. What is your...

((Crosstalk))

Stéphane Van Gelder: Sorry Margie.

Margie Milam: What is your question? Sorry. I didn't understand the question.

Stéphane Van Gelder: Joy's question is is there interest from the ccNSO on pursuing this with us? The second option is that we continue talking with them but are they interested in talking with us on this.

Liz Gasster: Yes. It's Liz.

Stéphane Van Gelder: Yes. Okay.

Liz Gasster: My understanding, yes. It's Liz.

Stéphane Van Gelder: Liz, thank you. Joy, you have your answer.

Liz Gasster: (Unintelligible) be happy to reach out to you and would be inclined to is my understanding from (Bart).

Stéphane Van Gelder: Okay. So would the Council feel more comfortable with chasing that option? Who - so could we just ask if anyone disapproves of that option? Okay. Well, we've only had one person speak. Joy, am I to understand that considering the ccNSO's interest, you think that option is one that's worth pursuing at this stage?

Joy Liddicoat: Yes I do Stéphane. I think it's - it would be a way to reach out to the cc and it's all in area of mutual interest. I'm not saying it's a high priority issue but I think it's one where the Council can work together with another body that seems a constructive way forwards.

Stéphane Van Gelder: Okay. Absent any further comments, I suggest that we look at that option and Glen, could you please take down an action item for me to contact the ccNSO Chair and try and get the discussion going in that direction?

Glen DeSaintgery: I'll do that Stéphane.

Stéphane Van Gelder: Thank you very much. So let's move on to Item 9. This is an important item for us in terms of the way we look at PDPs. It's obviously at the heart of what we do and there is - so as you know on the last Board meeting the Board adopted the new GNSO procedures on PDPs that have come out of the team that Jeff chaired.

So we now have a situation where we have a selection of PDPs are underway using the old system - the old rules. And we are in a position to implement the new rules. Marika who's not able to be on the call this evening and sent in apologies and has asked Margie to fill in for her on this. Marika sent us a very informative comparison of the old and new PDP rules. I hope you all had a chance to at least glance through it.

And I have asked Margie to give us an update or a quick just an explanation summary of what is in the new rules, what it might change. And then perhaps if we do - if we're able to I suggest we discuss how we want to transition these six existing PDPs currently underway for this new system. Those PDPs are IRTP (unintelligible) who is the registrar accreditation agreement uniformity of contracts.

There's a preliminary issue report that has been draft. The UDRP which is voted on. So that will be added. And law enforcement

recommendations, which is pending. So Margie, please, can I ask you to give us an update and then we'll open it up for discussion?

Margie Milam: Yeah. Thank you Stéphane. Essentially after the Board resolution it referenced the GNSO Council resolution that said that for all ongoing PDPs that are initiated prior to the Board's adoption that the GNSO Council would determine the feasibility of transitioning those to the new procedures.

And essentially the resolution from a Council stated that if the Council determines that any of them cannot be feasibly transitioned, then the PDPs that are ongoing would be conducted under the old rules rather than the new rules.

And so what we did - Stéphane just went through the list of topics that are currently in the PDP - various PDP stages. I'm going to pull up right now the document that Marika sent around because I think it gives a really good overview of the differences between the new PDP model and the old PDP model.

So the other thing she's done in this document is highlighted where our existing projects are in the process. And so the idea would be that assuming the Council - that these PDPs could be transitioned to the new rules, it would not mean you have to go back and follow the process for the past items. That from here on out the next steps would be follow the new process versus the old process.

So on your screen you will see the comparison of the old process versus the new process. And I'm not going to spend a lot of time on this but I'll just highlight some of the areas where it's different. And

Marika did suggest if there's a need for - or interest in a further in depth analysis, we could perhaps schedule a separate call to do that because it is quite complex. But at least this will give you an initial overview.

So as you look at the planning stages for a PDP, we have introduced a new concept that allows for planning purposes where the Council can try to gather information and conduct workshops to - prior to initiating a PDP. And as many of you recall, we did something like that for the UDRP where we had workshops and Webinars before we even went to the preliminary (issue) report stage.

And then the new PDP there's differences in who can request a PDP or initiate and issue report. There's a - that the process is essentially the same as before. There's just a little bit more clarification on how this can be done. So for example, it talks about the Board request. And that is something that the Board can request an issue report and we've already seen that with respect to the RAA, which is why we published the preliminary issue report earlier this week.

And so one of the things that might be interesting to the Council is that under the new rules it does indicate that if the Board makes the request, the Board should provide a mechanism by which the GNSO Council can consult with the Board to provide information on the scope, timing and priorities. And that might be something that you guys take away from this as we progress on the Board requested issue report.

And then the other thing we want to point out is that now this issue report template. And so as you think about actions in the future, you

might, you know, when you're thinking about making a request for an issue report, you might want to take a look at the template and make sure you've covered some of those aspects so that the information that is requested such as, you know, the name of the requester, additional information and related to problems.

If you scroll further down on the second page of this document, it shows that the various stages of the document - of the projects that are currently in existence. So for example, uniformity of contracts. We're in the process of securing a preliminary report and with respect to that topic.

So law enforcement recommendations were already addressed in the preliminary issue report that was published this week. So that's already gone past that point.

And then one area where there's a difference - significant difference in the process relates to the timing of when the issue report...

Woman: Oh dear.

Margie Milam: Am I still on?

Stéphane Van Gelder: Yeah. You are Margie.

Margie Milam: Okay. I heard somebody. I thought I - I thought I got disconnected. I apologize. Okay. And so the timing for the preliminary issue report is now 45 days from the request instead of the 15 days that was formerly in the bylaws with the allows that a staff manager can request more

time if there's a reason to have longer time in preparing the preliminary issue report.

And then it also has information about the content of the issue report. It's essentially the same as what we had before. But I won't go into that. I just want to highlight thought that we do have two items that are already out with respect to the preliminary issue report. We thought on for thick Whois and for the RAA.

And the new process calls for a preliminary issue report followed by a public comment period of not less than 30 days. And so that's where we are currently. There's a public comment open for both of those. When the public comment closes, then a final issue report would be delivered to the Council taking into account the information received during the public comment forum.

And then the - if you look at the rules, there's a timeline for when that final issue report should be submitted after the public comment period is closed. Essentially it's saying that within 30 days of the closing of the public comment forum that the Council should submit the final issue report.

And then the next thing is the actual (initiation) of the PDP and that is essentially the same as what we had before. There is more clarity on the Board requested PDPs. And so there's essentially recognition that if the Board requests a PDP such as that that happened with the RAA that as the Council takes note of it there's no vote required in order to initiate the PDP. So that's reflected in the new PDP model.

And then there's various things related to the timing of the issue report and when the Council meets to consider it. In the old model the Council needed to do it within 15 calendar days. But given the difference in the timing between Council meetings, that wasn't really working.

And so now there's the notion that the vote on a final issue report needs to be, you know, at the next scheduled Council meeting so long as the motion is, you know, received - the issue report is received at least eight days prior to Council meeting. So it's taking into account the Council's current (unintelligible) review with respect to voting.

And then there's also a notion that PDPs can be suspended. And there's a, you know, there's a reason that a PDP shouldn't be continued or initiated, there's process for that. There wasn't there - that in the old processes.

And then there's more formal documentation of developing a charter. That's now something that is reflected in the new PDP. And given that that's a process that we typically follow. And so it explains what should be in the new charter.

And then it mentions that the charters threshold for a premium charter are the same that applies to initiating the PDP. So that's something that was just clarified in the new rules.

And then under the old PDP, you know, I'm moving down to the public notification of the initiation of the PDP. In the past we would have a public comment period right at the beginning. That's now changed with the public comment period as I mentioned earlier right after the

preliminary issue report. And then PDP team can seek public comment as it wishes during the process itself. But we changed the - the Council essentially changed when the public comment - the required public comment period needs to take place.

And then there's mention of the formation of the working group. And then the only PDPs I think that's currently under process is the IRTP Part C. The working group is in the process of working through those issues.

And then, you know, then there's an initial report that's normally published for public comment. Summary of the public comment and then a creation of the final issue report - not issue report, final report from the PDP noting that if there's a substantial change between the recommendations between the initial report and the final report that the work team should consider doing a draft final report in order to get sufficient input if there were significant changes to the recommendations.

And then there's also a description of Council deliberations. I think as a rule essentially very similar to what there was before. So I didn't - there's no significant changes there.

And then there's a - in the Board report process there's now a provision for the Council being involved in drafting the Board report. So that's something that's new in the PDP that was just adopted. So that is a - I think a useful thing and the Council will now see that as a new process that will be followed.

And then I think on approval I don't recall anything that was significantly different. The voting is essentially the same although I think we did change one vote. Added a vote of more than - oh, I'm sorry. The Board approval process is essentially the same. It doesn't - it didn't change that much.

And then implementation. There's a notion that in the new PDP process the GNSO Council can create an implementation group that would create a plan and that's something that's optional. It's not required in all PDPs.

And then there's finally the notion that you can terminate a PDP prior to a final report if the circumstances, you know, are appropriate. For example, there's stalemate or change in circumstances or just lack of community volunteers. So there's a notion now that it's appropriate to terminate a PDP in process if these circumstances arise.

And then there's also clarification of how policies that are adopted under the process can be approved. If there's changes that happen before implementation, there's one process after implementation, a new PDP would be required to amend the policies that emerged from that PDP.

And then finally the notion that there should be periodic assessments of approved policies. I think that's something that most everyone agrees is a good idea. And so there's the recommendation that all PDPs are reviewed from time to time. I'm sorry, policies emerge from a PDP.

And I think that's all. With that, I'll open it up to any questions.

Stéphane Van Gelder: Yeah. Thanks Margie for that update. I don't see any questions. There is one question which we must ask ourselves and that is how to transition the existing PDPs I described earlier on. As Margie pointed out, in Marika's document highlighted each stage - each relevant stage that they're in now, Marika's put the PDPs that the GNSO is currently working on in that document. So that's pretty useful.

And I think the basic suggestion is that we should transition whenever possible. So if for example we're working currently on an issue report, once that's been done and we're about to go into the PDP stage, then we should probably transition that group at that point into the new procedures.

As Margie mentioned earlier on, there's no intent to redo anything. There is an intent to go about this logically and transition when it's feasibly possible to do so. And it's easy to do so as well.

So are there any comments or questions on all of that? Jeff.

Jeff Neuman: Yeah. I'll just support what you said. I think most of these it's not, you know, there's not too many dramatic changes and most of the things that are recommended are things that we do already, you know, that we just worked into the process throughout the years.

So agree if you're in the middle of an issue report then, you know, you continue that issue report. You don't necessarily have to worry about a preliminary issue report although we've been doing that anyway.

And then when it comes time to the vote for the PDP, you know, you have the added vote of voting on the charter, which wasn't required. So I think it'll work itself out and we should just take it PDP by PDP unless anyone objects to apply the new rules to the next logical stage.

Stéphane Van Gelder: Thanks Jeff. Anyone else? Okay. Well in that case let's just make a note that we are looking to transition all of these at the next logical stage. And perhaps we can get some help from Marika in that just to point out in a short message to the Council whenever she can on the Council list what each - for each of these PDPs what the next logical step is. And that should be communicated to each group as well I think.

Okay. Let's move on to AOB. We have three AOB items tonight. The first one is on the response to the Board regarding our input on the implementation of SSAC 051. And I've actually forgotten who was going to give a - give us an update on that. Was it you Margie?

Margie Milam: No, it's Liz.

Stéphane Van Gelder: It's Liz. Apologies Liz.

Liz Gasster: That's okay. So you all maybe recall that there was a Security and Stability Advisory Committee report that made some recommendations including some taxonomy recommendations and urging the ICANN community to evaluate and adopt a replacement Whois protocol that supports the query and display of internationalized registration data and a uniform and standard framework for accessing that data. That's kind of the upshot of what the SSAC report did.

And then in Dakar the Board asked - they first asked staff to produce in consultation with the community a roadmap for the coordination of the technical and policy discussions necessary to implement the recommendations outlined in SAC51. But they also directed staff to forward SAC51 to the supporting organizations and advisory committees for their advice if any with regard to implementing the SAC recommendations.

So that's been done. And the Board is seeking the SOs and ACs advice - a little of that advice, which I don't think has been developed.

I had suggested a memo that I drafted and sent to the list that highlights two pending activities that the GNSO Council working groups are involved in that I think are directly related to the questions that the Board is seeking input on that are directly related both to the SAC51 recommendations that I read earlier to - and the requires from the Board for staff to consult with the community on the development of this roadmap.

So what I was suggesting in response to this request from the Board is would be just an update that you have available to you on those two work areas that I think are relevant; one being the fairly nascent work efforts of the Whois Service Requirements Survey Working Group that's attempting to develop the survey although they've been having some difficulty so far measuring the level - that the survey would measure this level of support for various technical requirements outlined in a Whois service requirements report that staff wrote at the GNSO Council's request back in 2010.

Now we're seeking input from the community on those requirements - potential technical requirements, which could conceivably then be incorporated into a new protocol.

And then I'm sure you all are familiar with also the draft final report of the GNSO SSAC Internationalized Registration Data Working Group, which has examined various display standards for internationalized registration data and looked at different models translating and transliterating contact names to enhance the user experience.

So this memo is just intended to inform the Board - to be responsive to the Board I should say in its request for some input from the Council and to perhaps inform the staff in the production of this roadmap. But I think just to underscore the two significant work efforts that are going on in the Council now that relate to the potential development of a protocol.

I think those are the, you know, primary reasons why you have dedicated the resources - the community resources and the staff resources that you have to those two efforts and that's important to sort of go on record with the Council's commitment to the level of participation that you've engaged in.

So that was my thinking behind it. And it's voluntary and it's also any of the language in it could certainly be changed. It's just intended to be informative. Thanks.

Stéphane Van Gelder: Thank you very much Liz. Let me add to what you just said that in the discussions we had in Dakar, I think there was consensus from the new Council that was voted in Dakar or that was seated,

sorry, in Dakar that the - it is good when we can to make sure we communicate more clearly to bodies such as the Board and others.

So I think we should be thankful of Liz's initiative to prepare this draft and allow us to possibly send it to the Board. The idea here was just to get an idea from the Council on whether there would be any opposition to me sending this document to the Board on behalf of the Council. And so can I just get a sense of that? Would anyone be opposed to me taking this drafted - this document as drafted and sending it to the Board?

I hear no opposition. So Glen please take down an action item for me to do that.

Glen DeSaintgery: I will do Stéphane.

Stéphane Van Gelder: Thank you very much Glen. Thank you Liz. Let's move on to an update - back to Margie on an update on the RAA please.

Margie Milam: Well thank you Stéphane.

Stéphane Van Gelder: That's on the negotiations. Sorry. Sorry Margie to interrupt. I just - I was just going to say on the negotiations that have been going on.

Margie Milam: Yes. And we can actually cover both (unintelligible) a overview or a discussion of the issue report as well because those - there's two projects going on with respect to the RAA. And I went through more detail on our call last month.

But essentially two track process. One is the negotiations and they have been under way since November 18. There was an announcement recently that we published that a community Wiki was established and I encourage all of you to take a look at the community Wiki because what it does is that it posts the reports from each of the negotiation meetings highlighting the actual issues that are being discussed.

And it also provides just the general status of each of the issues. And so when you glance through the community Wiki there's a tremendous amount of information about, you know, what's on the table, what's being discussed and where they are with respect to each of those issues. And so I encourage you to take advantage of that.

The reason we went through the - through posting on the Wiki is because you can also use the comment button on each issue page to provide any information that you might want to share for the negotiation team to take a look at. So that's just something to - for you to look at and certainly, you know, I encourage you to take the time to look at those issues. That's Project 1.

The second project is as part of the resolution in Dakar, the Board asked for an issue report on the RAA and specifically related to the remaining items that are addressed through the negotiation process. And so because the Board resolution talks about this in terms of urgency and immediate action and warning the Council that it move quickly.

We published the preliminary issue report on all of the negotiation topics. The (unintelligible) include the law enforcement

recommendations and it also includes the high and medium priority topics from the RAA drafting team's final report.

And so the idea is that once this was published and it's open for public comment until January 13. And then the public comment period will close. A summary of that will happen and then a final issue report will be published prior to the Costa Rica meeting.

And it's felt that at that time that maybe more clarity as to what items are actually, you know, being successfully negotiated to the negotiation process and some of those amendment topics might drop out and there may not be a need to have a PDP on each of those items.

But because we don't have enough information yet as to where the negotiations will go, the preliminary issue report covers all of those topics. And so I just wanted to highlight that these are two separate tracks. Both of them have the ability for Councilors and the public to provide input either through the public comment forum or through the Wiki itself where there's a comment feature.

And the last thing I want to point out...

((Crosstalk))

Margie Milam: I'm sorry. The last thing I wanted to point out was the preliminary issue report also addresses the GNSO Council motion that related to specific law enforcement recommendations. As you recall, before the Dakar meetings the Council had approved an issue report submitted - a request submitted by the Registrar Stakeholder Group for just certain of the law enforcement recommendations.

And that motion also included a request for a freedom of expression impact analysis that came from the non-commercial group. And the preliminary issue report that I published this week included that. So the issue report addresses both the Board request and the GNSO Council request from prior to Dakar.

And I think that's - all of right now from my update. I'd be happy to take questions. It looks like Wendy has a question.

Stéphane Van Gelder: Yes. Thanks. Wendy, please.

Wendy Seltzer: Yeah. Thanks very much Margie. I had a specific - I couldn't find the comment button on the Wiki although I spent some time looking at it. I couldn't find any way to add comments.

Margie Milam: Wendy, have you done it while you're logged in? You need to be (unintelligible).

Wendy Seltzer: I have. Yes.

Margie Milam: Okay. I will check with IT. That was one of my instructions to them was to make sure we had a comment button. So we'll make sure to do that and I'll send you an email to confirm that.

Wendy Seltzer: Thanks. I appreciate that.

Stéphane Van Gelder: Thanks. Anything else from anyone? Okay. Margie, thanks a lot for that update. And the last item on our agenda today is an update

from Jeff on the work currently going on with the protection of Olympic Committee and Red Cross names. So Jeff, please.

Jeff Neuman: Sure. So we - in Dakar we had discussed this item and we actually had a conversation with the GAC on some questions that we had on the initial proposal by the GAC regarding the Olympic and Red Cross marks. During the meeting in Dakar the GAC had actually submitted a Q&A document - the question and answer document, which actually addressed some of the questions that we had.

Since then, you know, we asked for volunteers and there's a small group of us that have volunteered to informally have discussions with the goal of basically providing advice to the Council as to, you know, our thoughts and recommendations regarding one, what we should be telling the Board or what we should be recommending to the Board; and two, what we should be recommending or our thoughts straight directly to the GAC.

And again, it's an informal group. It's not anything under a formal PDP or anything like that. The group is open and we've had a number of people that have volunteered or have signed up for the list that are either observers or interested parties. It's - we made a decision on - we got a call, our first call, yesterday. And we have our next call on January 11.

The goal is to make progress so that we can have interim calls with persons from the GAC and people from the GNSO that want to participate. At some point between the - now and the Costa Rica meeting or I should say between January 11 and the Costa Rica meeting that we can make our discussions in Costa Rica much more

productive rather than, you know, letting the GAC know just at that meeting what direction we're heading in.

I think we had a really good discussion yesterday. There was a document that was sent around to the group listing a bunch of the questions that had come out of Dakar that weren't necessarily addressed through the question and answer document that we got from the GAC.

And the - I guess the action item from yesterday is that the people that were on the call and others is to go back to your groups, get some feedback so that we can really have a productive conversation on January 11.

I will note that there were not that many people that showed up on the call. I want to thank the people that did show up but also kind of put in a word for those groups that did not show up at all and if you don't show up on the next one, I will call you out to the rest of the Council. But it'd be great honestly, just that we could have participation from all the affected groups.

Any questions on that? All right. Stéphane, back to you.

Stéphane Van Gelder: Hello.

Jeff Neuman: Yeah.

Stéphane Van Gelder: Can you hear me?

Jeff Neuman: We can now.

Stéphane Van Gelder: Okay. I must have been disconnected. I was asking you Jeff - I sent in some comments before the call by email. Just wondering if those were useful in any way.

Jeff Neuman: Yeah. We discussed those and as well as the thoughts from the group. And we're encouraging the rest of the group - well all of the group to go back to other members of their constituency stakeholder groups to submit comments like you did.

And we've also came up with a few questions and we've asked Margie to go back to ICANN staff to just get a little more context for what the ICANN Board had in their resolution in Singapore.

Stéphane Van Gelder: Thanks Jeff. Bill.

Bill Drake: Hi. I was looking at this letter that (Karen) posted on his Web site from the United Nations organizations, 23 international organizations citing the decision to extend protection to the Red Cross and Olympic Committee, which I though was interesting. In asking for special exceptions, is the group going to try and look at this broadening of the discussion that any of this (feared) would be a likely outcome? Thanks.

Jeff Neuman: I can't speak for the group but the discussion that we had yesterday centered only on the Olympic Committee - sorry, the Olympic marks and the Red Cross. And the Q&A with the GAC, that document that they gave use specifically said that the proposal only relates to the Olympic and Red Cross marks.

So until someone - or I should say unless and until a group actually makes some sort of formal proposal and the Board acknowledges that formal proposal and sends that to GNSO. Unless that happens, then, you know, it's not my intention for the group to delve beyond those two sets of marks.

Bill Drake: So they've written the (unintelligible) asking for this. So presumably at some point the - it's going to have to be looked at I think.

((Crosstalk))

Stéphane Van Gelder: Who else is speaking?

Wolfgang Kleinwachter: I just want to go further with the issue - this is Wolfgang. It's 28 in the government organizations. And I think it's very seriously and certainly we have to take a position. And the - includes organizations like NATO, (OECD), the IMF, the United Nations, UNESCO, the World Health Organization, World Intellectual Property Organization, World Trade Organization.

So they are asking the same question. And so possibly this came in a very last minute and this is a little bit related to my previous questions to (cities) because a lot of organizations, you know, which are ignorant to what ICANN is doing the last let's say ten years. Realize now that they will be affected by the move into this new program. And so they are very late starters.

And the question is whether they have now to pay a bill for being ignorant the last ten years or whether their concerns can be included into a program which has already started. So I think this will create

probably some programs. I do not have an answer. I do not have a recommendation how to react. But I see, you know, that more trouble will come around next corner.

Stéphane Van Gelder: Wolfgang, it's not a question. It's a comment. Right?

Wolfgang Kleinwachter: Yes.

Stéphane Van Gelder: Right. Because when you say we should do something, I wasn't clear on whom we was. Certainly if it's the group that Jeff has just updated this on, that's not their mandate. If it's we the GNSO Council, the GNSO, the ICANN community, then it's a wider we obviously.

Wolfgang Kleinwachter: Yes but my - I wanted to raise this as an issue for everybody as a Council member but also beyond the GNSO Council, you know, should think about it and to say, you know, what - you know, if this becomes very practical issue that we have to take a position what the position would be. So this will not go away. And sooner or later we have to take a position. Not now. Not here. But we should be prepared and we should start thinking about it.

Stéphane Van Gelder: Thanks Wolfgang. Any further comments? In which case, I will thank you all for your participation this evening. We've four minutes left to go on the call so I think we've kept good timing. Thanks to all the guests that have spoken to us this evening and taking the time to do so. And speak to you all again very soon and speak to you on the list. Thanks very much. Bye bye.

Man: Bye.

((Crosstalk))

Man: Thanks.

Man: Thank you all.

Man: Bye.

Man: Bye bye.

Man: Bye bye.

Glen DeSaintgery: (Valerie). Please stop the recording.

END