

**Transcript GNSO Council Emergency Teleconference  
26 March 2012 at 16:00 UTC**

Note: The following is the output of transcribing from an audio recording of the GNSO Council Emergency Teleconference on 26 March 2012 at 16:00 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/gnsocouncil/gnsocouncil-20120326-en.mp3>  
on page  
<http://gnsocouncil.icann.org/calendar/#mar>

**List of attendees:**

<https://community.icann.org/display/gnsocouncilmeetings/GNSO+Council+Meeting-+26+March+2012>

NCA – Non Voting - Carlos Dionisio Aguirre

**Contracted Parties House** Registrar Stakeholder Group: Stéphane van Gelder, Mason Cole absent, proxy to Stéphane van Gelder, Yoav Keren

gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao, – absent, apologies, proxy to Jeff Neuman

Nominating Committee Appointee (NCA): Thomas Rickert

**Non-Contracted Parties House** Commercial Stakeholder Group (CSG): Zahid Jamil, John Berard, Wolf-Ulrich Knoblen, Osvaldo Novoa, David Taylor, Brian Winterfeldt, absent, temporary alternate Stacy King,

Non Commercial Stakeholder Group (NCSG): Rafik Dammak, Wolfgang Kleinwächter, Mary Wong, Bill Drake - absent, temporary alternate Avri Doria, Joy Liddicoat – absent, temporary alternate Konstantinos Komaitis, Wendy Seltzer - absent, temporary alternate Robin Gross.

Nominating Committee Appointee (NCA): Lanre Ajayi

**GNSO Council Liaisons/Observers** Alan Greenberg – ALAC Liaison

Han Chuan Lee – ccNSO Observer – absent

**ICANN Staff** David Olive- VP Policy Development,

Rob Hoggarth - Senior Policy Director,

Liz Gasster - Senior Policy Counselor,

Julie Hedlund - Policy Director

Margie Milam - Senior Policy Counselor,

Marika Konings - Senior Policy Director,

Brian Peck - Senior Policy Director,

Berry Cobb – Policy consultant

Kurt Pritz – Senior Vice President, Stakeholder Relations

Jamie Hedlund – Vice President of Government Affairs - Americas

Reed Quinn – Systems Engineer

Glen de Saint Géry - GNSO Secretariat,

Glen Desaintgery: Should I do the roll call?

Stéphane van Gelder: Yes, please.

Glen Desaintgery: Jeff Neuman?

Jeff Neuman: Present.

Glen Desaintgery: And you have the proxy vote for Ching Chiao who is absent.

Jeff Neuman: Yes.

Glen Desaintgery: Jonathan Robinson?

Jonathan Robinson: Present.

Glen Desaintgery: Mason Cole?

Mason Cole: Here.

Glen Desaintgery: Yoav Keren?

Yoav Keren: Yes.

Glen Desaintgery: Stephane Van Gelder?

Stephane Van Gelder: Yes.

Glen Desaintgery: Thomas Rickert?

Thomas Rickert: Yes.

Glen Desaintgery: John Berard?

John Berard: I am here.

Glen Desaintgery: Zahid Jamil?

Zahid Jamil: Here.

Glen Desaintgery: Brian Winterfeldt?

(Stacy King): This is Stacy King for Brian Winterfeldt.

Glen Desaintgery: Thank you very much, Stacy King. David Taylor is on mute. He is in his car. Osvaldo Novoa has not yet joined us. Avri Doria for Bill Drake?

Avri Doria: Yes, I'm here.

Glen Desaintgery: Robin Gross for Wendy Seltzer?

Robin Gross: Present.

Glen Desaintgery: Mary Wong?

Mary Wong: Yes, I'm here.

Glen Desaintgery: Rafik Dammak? Rafik has sent us a message to say that he will not be on the call. Has anyone his proxy?

Robin Gross: He's on Skype asking for a dial out and if he could get a dial out.

Glen Desaintgery: He's being dialed out to. When we dialed out to him, he said that he was not joining the call.

Man: Robin, can you ask him for a number for a dial out, please?

Glen Desaintgery: I'll do that. I've just seen the message from him and we'll dial out again.

Man: Okay, great.

Glen Desaintgery: Okay. Konstantinos for Joy Liddicoat?

Konstantinos Komaitis: Present.

Glen Desaintgery: Wolfgang Kleinwachter? I think he might be on mute. Lanre Ajayi?

Lanre Ajayi: Present.

Glen Desaintgery: Carlos Aguirre?

Carlos Aguirre: Present. Here.

Glen Desaintgery: Alan Greenberg?

Alan Greenberg: Here.

Glen Desaintgery: Hanchuan Lee has sent his apologies. He can't be on the call. For staff we have Liz Gasster, David Olive, Kurt Pritz, Margie Milam, Marika Konings, Berry Conn, Brian Peck, Jaime Hedlund and have I left off anybody?

Man: No.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben?

Glen Desaintgery: Sorry. Wolf-Ulrich Knoben, you are on. Have any of you had a message from Osvaldo?

Man: No, I'm sorry.

Glen Desaintgery: Okay. Thank you very much. Over to you, Stephane.

Stephane Van Gelder: Thanks, Glen. Thanks for doing that. Welcome everybody to this special meeting of the GNSO council that we've called to look at one specific item which is a carry item from our Costa Rica agenda and where we looked at emotion on the Red Cross Olympic committee names. We'll be looking at that again today. Before we do, let me just ask if there are any statements of interest that need updating at this time. Hearing none, let me ask if there are any requests for amendments to the agenda.

Avri Doria: Can I ask a question on statements of interest?

Stephane Van Gelder: Yes, but you'll have to speak up. Is that Avri?

Avri Doria: Yes, it is. This is Avri and I would like to ask a question about statements of interest.

Stephane Van Gelder: Yes, please do.

Avri Doria: Okay. The question I have is I am wondering - and part of this question is for now and perhaps part is for later - whether it has been asked and recorded, whether any of the participants either in the council or the drafting or the parties they worked for had any involvement in possible future applications for names that were similar or related to the names under discussion at this meeting? Thank you.

Stephane Van Gelder: No, that has not been asked. We won't be asking that of the drafting team because that's the drafting teams' prerogative, but we can ask that of council. I have no problem with it myself. Would there be any opposition to us doing this? Hearing none, Glen, can you just go through and ask everyone the question of whether they are in any way involved with possible applications or names through the program and names that might be impacted by item two on today's agenda.

John Berard: Excuse me, this is John. I got dropped off halfway through Avri's question and I don't know what she asked.

Stephane Van Gelder: Did you hear my repeat of it?

John Berard: I did not. I just got back on, I'm sorry.

Stephane Van Gelder: Okay, she asked if we could have a declaration of interest on councilors on whether they would be impacted by possible applications

or names that would be themselves impacted by item two on today's agenda.

John Berard: Okay, thank you.

Stephane Van Gelder: So I asked if there was any opposition to doing a quick roll call of councilors and asking them that question and no one spoke up, so we're about to do that.

Glen Desaintgery: Jeff Neuman?

Jeff Neuman: I have no interest nor any knowledge of any application that is in any way similar to any of which is being applied for.

Glen Desaintgery: Thank you and for Ching Chiao, do you perhaps know?

Jeff Neuman: I don't know on behalf of Ching.

Glen Desaintgery: Okay. Jonathan Robinson? Jonathan, are you back on? Mason Cole?

Mason Cole: No. No interest.

Glen Desaintgery: Yoav Keren?

Yoav Keren: No, nothing.

Glen Desaintgery: Stephane Van Gelder?

Stephane Van Gelder: No. I'm not planning to apply for a string that would be impacted by them and I have no knowledge of anyone that is.

Glen Desaintgery: Thomas Rickert?

Thomas Rickert: No.

Glen Desaintgery: Zahid Jamil?

Zahid Jamil: Ditto as to Jeff's very eloquent statement - no.

Glen Desaintgery: John Berard?

John Berard: No.

Glen Desaintgery: (Stacy King) for Brian Winterfeldt? Do you perhaps know?

(Stacie King): I do not.

Stephane Van Gelder: Just ask the individuals.

Glen Desaintgery: David Taylor?

David Taylor: Yes. Nothing at all.

Glen Desaintgery: Osvaldo Novoa? He has not yet joined us.

Stephane Van Gelder: Glen, sorry. Can you ask all of the people that are on the call? So (Stacy) has not given the answer for herself.



Glen Desaintgery: Okay. (Stacy)?

(Stacie King): Yes, I did. I have no conflict.

Glen Desaintgery: Thank you. Wolf-Ulrich Knoblen?

Wolf-Ulrich Knoblen: No.

Glen Desaintgery: Avri Doria?

Avri Doria: No, I don't, nor do I know of any.

Glen Desaintgery: Robin Gross?

Robin Gross: No.

Glen Desaintgery: Mary Wong?

Mary Wong: No.

Glen Desaintgery: Rafik Dammak?

Rafik Dammak: No interest.

Glen Desaintgery: Konstantinos Komaitis?

Konstantinos Komaitis: No.

Glen Desaintgery: Wolfgang Kleinwachter?

Wolfgang Kleinwachter: No.

Glen Desaintgery: Lanre Ajayi?

Lanre Ajayi: No.

Glen Desaintgery: Carlos Aguirre? Carlos? Alan Greenberg?

Alan Greenberg: No conflict.

Glen Desaintgery: Thank you, Stephane. There are no conflicts of interest.

Stephane Van Gelder: Thank you, Glen. Just for the record, Jonathan Robinson is saying on the chat that he has no knowledge of any applications. Thanks. Any further questions on either statements of interests or requests to review or amend the agenda, please? Hearing none, let's move onto item two and have a look then at the motion that was deferred from the Costa Rica meeting. Can I first of all ask the proposer, Jeff, to either read the motion or tell us if anything has changed, or both?

Jeff Neuman: Yes. If it's okay, I'm not going to read the motion again. It took a lot of time at the Costa Rica. Nothing has changed at this point, although I understand there may be some amendments that are being proposed. At this point, the motion is what it is.

I'm sorry - there are two changes. I'll address that and I don't know if they have been posted yet on here, but I have proposed changing the first result clause, which is actually on Adobe right now. It now says, "Result of the GNSO Council adopts the following three

recommendations of the drafting team." What it used to say is that it was resolved to accept the recommendations that were posted on that link from the March 2nd announcement, but there have been some changes from Costa Rica - some changes that were recommended by members of different stakeholder groups and constituencies.

The second change is at the end because the last part of the motion did used to say - what it says now is, "Resolved as the GNSO submits this proposed solution for Board consideration and adoption of its next meeting as recommended solutions to implement Board resolution, 2011.06.20.01 for implementation in the first round of Mujitildy applications." It used to say, "To adopt at the March 16th meeting of the Board in Costa Rica." Obviously that has come and gone, so I took that out and just revised those two provisions. With respect to the motion, that is all that has changed. There are some friendly amendments that we can go over.

I do want to also say that the drafting team did in fact meet last week on the 21st to discuss the comments that we have received to date. The drafting team spent some time discussing those comments and based on the comments, had come up with ideas on how this resolution could be revised. The drafting team was tasked with going back to their constituencies and stakeholder groups to see if their constituencies or stakeholders or AC's would accept some of the changes. I have not heard back from any of them, so at this point, the motion is the way it is.

Stephane Van Gelder: Thanks very much, Jeff. Before I open it up for discussion, Carlos, I believe you have a request.

Carlos Aguirre: Okay, thank you, Stephane. I have a motion of information. I was seeing the agenda and I'm feeling uncomfortable with some of the agenda and I consider it the very bottom point that has to do with the formality of this act. The point is that in the first paragraph mentioned, this agenda was established according to the GNSO councilors, blah, blah, blah, blah, of course this is needed. ICANN when mentioned in the motion with personality and names in the second paragraph, this motion will defer from the (unintelligible) time constraining body in action under the organization. This motion is being considered today a GNSO item.

My information is about the last phrase as this motion is being considered today as an emergency item because I was sitting in the operation and I can see the expression "emergency item." I don't know if in the hour operating persons is the finest expression of the emergency item. On the other - what means emergency item? When we can consider an issue of emergency item? The last question is, is this really an emergency item? Please, if some of you can respond to my question and my information, you are welcome.

Stephane Van Gelder: Thanks, Carlos. Who are you asking the question to or the questions?

Carlos Aguirre: You or Jeff or whoever can respond.

Stephane Van Gelder: Well, let me as Chair respond that there was a request in Costa Rica in the council meeting that we had to do a meeting sooner than the next scheduled meeting. There was an agreement where there was no opposition to that request when asked, and the council

decided as a group to go ahead and schedule the meeting that you are participating in today. This is what has come out of it.

As far as the drafting of the agenda goes - because this is an exceptional meeting, this is not something that is usually on the monthly agenda that we have, so I put all of the text under emergency item when I drafted the agenda for today's meeting. You can call it special meeting, you can call it exceptional, you can call it different or whatever, I don't think the actual word has any significance beyond us trying to draft an agenda for this meeting.

Carlos Aguirre: Thank you, Stephane. My concern is not about the special meeting concept. My concern is the emergency item concept. What is an emergency item and where is it defined in our operating rules? Thank you.

Stephane Van Gelder: I believe I just explained that. As for where it's defined - because I've explained to you - it was a term I've used and it's not defined in the rules and it doesn't need to be. The council is at validity to decide that it wants to meet at a different time than the officially scheduled time if it is approved by the council as a whole.

Carlos Aguirre: It's my point of view that we need to change our agenda when they say it is considered an emergency item. Thank you, no more than that.

Stephane Van Gelder: Thank you, Carlos. Mason, you have a question?

Mason Cole: I do. I know the point was made in Costa Rica that there was concern that the motion not be considered or passed or failed on procedural grounds. I know that we have some people absent on the call who

have not submitted a proxy and my question of the Chair is whether or not - what would be an appropriate voting procedure to handle this motion in the light of the fact that we don't have all councilors present?

Stephane Van Gelder: I don't understand your question. We have quorum, so we can proceed with a vote.

Mason Cole: Well if there are others wishing to vote who don't have the opportunity to do that because of the short notice of the call, could the vote be held...

Stephane Van Gelder: Are you asking if we can allow for absentee voting on this?

Mason Cole: Well, I guess that's one way to do it. If that's how you want to put it, sure.

Stephane Van Gelder: Glen, do we have any absentees here that don't have proxies or temporary alternates?

Glen Desaintgery: The only person I see at the moment, Stephane, its Glen - is Osvaldo.

Stephane Van Gelder: Okay.

Glen Desaintgery: I do not see Osvaldo on the call and I have not received anything from him.

Stephane Van Gelder: Okay. So can I start - because I don't have time to look it up now and I can't remember it off the top of my head - can somebody

look up the rules for absentee voting in this regard so that we can determine whether we need to call out to wait for Osvaldo or not?

Margie Milam: Hey Stephane, its Margie. I have the operating rules if you would like me to read what absentee voting can apply to.

Stephane Van Gelder: Okay then, Margie.

Margie Milam: Sure. Under the operating rules, you can have absentee voting to initiate a policy development process, to approve a PDP recommendation, to recommend amendments to the operating procedures or to fill a council position. Those are the four areas where absentee voting is permitted and it doesn't look like this vote would fall in that category.

Stephane Van Gelder: Yes. That's what I thought, so Mason, do you have your answer?

Mason Cole: Yes I do, thank you.

Stephane Van Gelder: Any further questions before we go into discussing the motion itself?

Jonathan Robinson: Stephane, its Jonathan. Given the importance of this and we're all acutely aware of it and that Osvaldo's position may indeed swing this one way or another, which is clearly a concern, is there any way in which we can tolerate or vote to accommodate his - he may have a technical reason of why he's not on the call, but it's very difficult to know what the issue is.

Stephane Van Gelder: Osvaldo has just joined, Jonathan.

Jonathan Robinson: Oh, great. That resolves that then, thank you.

Stephane Van Gelder: Osvaldo, can you hear us? He has joined the meeting room.  
I'm not sure he's joined the call yet.

Glen Desaintgery: He's not on the call yet, Stephane. He's trying to join the connect.  
I'll ask him if he needs us to call out to him.

Stephane Van Gelder: That's great. Thanks. Any further comments? Okay, so let's go into the discussion of the motion itself, please. After Jeff's introduction, let me open it up to you and I guess the first question is asking if there are amendments? Jeff alluded to the fact that there might be. If there are and they've been sent in already and I've listed them, please identify them now so that we can update the text as required. Alan?

Alan Greenberg: Yes. I don't have the rights to make a motion, but I did send a suggestion to the list which essentially changes recommendation three to the simple statement that this is a recommendation that applies to first round only. There seems to be general consensus at this point that we are going to have to review this whether it's to make it more generic, to apply for other IGO's, to fix the problem of the Board doing a top down change or to simply look at the overall concept that it is going to be reviewed before the second round. We might as well just say it in this recommendation and I think that will make the overall motion more palatable to some people.



Stephane Van Gelder: Can someone suggest that as a friendly amendment if that's required? If Alan was kind enough to send some text around, that could be taken from the list.

Alan Greenberg: I can put it in the chat also if any wants.

Stephane Van Gelder: Okay, let's give people time to have a look at that. Jeff, you're next.

Jeff Neuman: Yes. I was hoping that someone from the drafting team would actually recommend this. I thought it was actually a good change, but there was text and I think Marika has it. Marika, can you propose the other text that we had on the drafting team? Do you have that?

Marika Konings: Do you want me to put that in the chat?

Jeff Neuman: Put it somewhere, yes, so people can read it. This is the text that the drafting team has discussed, which I think kind of addresses Alan's point about the review and I think since it was suggested by the drafting team as a whole, I think it actually makes some sense to substitute all of recommendation three for what we have here.

Stephane Van Gelder: Could this not be suggested as a friendly amendment? You can make one yourself, Jeff.

Jeff Neuman: Yes, I'd like to suggest it and get some thoughts. Obviously if it's going to turn people away from the motion, then I don't want to suggest it. I want to put it out there which basically says, "Protections must be reviewed after the first round and that review should include consideration of changing a language of general requirements rather

than naming specific organizations. In its proposal, the doc has recommended that the protections for the IFT and RCRC should not just apply during the first round of (unintelligible), but should be a protection afforded for all subsequent rounds. The drafting team recognizes that permanently granting protection to the IOC and RCRC may have policy implications that are our own work and consultations and those protections may be reviewed."

I'd like to actually propose that instead for recommendation three and then just go into a little bit as to why when the drafting team did review the comments - especially the comments from Avri and from others - also listen to the discussions and conversations from Wolfgang and some of the GAK members. We think changing it from the specific to the general in the future may be better accepted. I would propose going down that route. I would like to have a discussion on that.

Stephane Van Gelder: Okay. Were you reading from a text or was it...

Jeff Neuman: Yes. I read from the text and Marika just published it in the chat room.

Stephane Van Gelder: Great. Okay. I've not seen it yet, but that's great. Thanks. So people can actually see the text in the chat. Avri? Alan and Jeff, can you put your hands down if you've finished please? Thanks. Avri, please go ahead. Avri, can you hear me?

Avri Doria: Forgive me. This is Avri Doria. The question I have about the comments is in working groups, the comment practice has been that all of the comments were reviewed, were discussed, reasons were drafted as to why a particular comment was accepted, not accepted, especially when comments included language change

recommendations. I'm wondering - I don't assume that I missed the drafting team having put out such an output.

Is such an output on the way that basically reviews how each of the comments were discussed, each of the recommended wording changes were discussed and then disposed of? Is it the case that there was sort of a general question that everybody read the comment, does anybody want to change their mind? Oh, okay, nobody wants to change their mind, let's move on. I'm wondering what sort of documentation is coming out the drafting team on how they worked through the comments in the way that a working group normally works through comments. Thank you.

Stephane Van Gelder: Thanks, Avri. Jeff, is that something you can answer?

Jeff Neuman: Sure. There was a call last week. There is a full transcript that should be posted. Each of the comments were discussed. The drafting team felt like most of the comments did not raise any new issues that were not already discussed. There were a lot of comments on precedent and how this would set precedent for every other mark. That was thoroughly discussed by the drafting team during its numerous discussions throughout this whole period starting in November. The transcript is out there and it was discussed. If this group would like, we can formalize that in some writing if that helps, but it's all out there and it was discussed and it's all in the record.

Stephane Van Gelder: Great. Thanks. Alan?

Alan Greenberg: Thank you. Just a comment regarding the version that Marika posted and Jeff read out. The net result is identical to what I suggested. I do

prefer mine because it makes it explicitly clear that we are not doing anything for post first round, but that effect is the same and I'm not going to push the point if no one wants to move it. Thank you.

Stephane Van Gelder: Okay, so let's just get an idea of this proposed as a friendly amendment. Jeff, is that considered friendly?

Jeff Neuman Which one? Mine or Alan's?

Stephane Van Gelder: The one that is in the Adobe, which is yours.

Jeff Neuman: Yes, mine is considered friendly by me.

Stephane Van Gelder: (Unintelligible).

Man: For me, that's fine.

Stephane Van Gelder: So let's include that in the motion please. Any further discussion on the motion before we go to a vote?

Jeff Greenburg: Mary has her hand up.

Stephane Van Gelder: Yes. Mary?

Mary Wong: Thanks, Stephane. Thanks, Jeff. I'm not sure it's going to make any difference, but because I sent it around quite late, I just wanted councilors on the call to know that the NCSG policy committee filled in a statement of a comment and I've just sent it to the councilors on the list.

Stephane Van Gelder: Thanks for that, Mary. Any further comments? In which case, Glen, can I ask you please to do roll call vote on this?

Glen Desaintgery: Certainly, Stephane. I just would like to tell you that David Taylor has disconnected.

Stephane Van Gelder: Okay.

Glen Desaintgery: He did say he was in the car, so I have asked the operator if she can perhaps call back to him. I will start the vote now. Konstantinos Komaitis for Joy Liddicoat?

Konstantinos Komaitis: I'm abstaining.

Glen Desaintgery: Will you give your reason for abstaining after the vote, please?

Konstantinos Komaitis: Sure. Yes.

Glen Desaintgery: Zahid Jamil?

Zahid Jamil: Yes.

Glen Desaintgery: I didn't hear.

Zahid Jamil: Yes.

Glen Desaintgery: Thank you. Mary Wong?

Mary Wong: Abstain.

Glen Desaintgery: And you will give your reason for abstaining afterwards?

Mary Wong: Yes, ma'am. Thank you.

Glen Desaintgery: Brian Winterfeldt? Stacy King- sorry - for Brian Winterfeldt.

(Stacy King): Yes.

Glen Desaintgery: Wolfgang Kleinwachter? Are you on mute? I'll come back to you.  
John Berard?

John Berard: Yes.

Glen Desaintgery: Thomas Rickert?

Thomas Rickert: Yes.

Glen Desaintgery: Osvaldo Novoa?

Osvaldo Novoa: Yes.

Glen Desaintgery: Avri Doria?

Avri Doria: I will be abstaining and do have an abstaining statement to read at the end.

Glen Desaintgery: Thank you. Ching Chiao? Jeff, will you please vote for Ching?

Jeff Neuman: Ching votes yes.

Glen Desaintgery: Wolf-Ulrich Knoblen?

Wolf-Ulrich Knoblen: Yes in favor.

Glen Desaintgery: Lanre Ajayi?

Lanre Ajayi: Yes.

Glen Desaintgery: Mason Cole?

Mason Cole: Yes.

Glen Desaintgery: Jeff Neuman?

Jeff Neuman: Yes.

Glen Desaintgery: Jonathan Robinson?

Jonathan Robinson: In favor.

Glen Desaintgery: Wolfgang Kleinwachter? Are you on the line?

Wolfgang Kleinwachter: I am on the line. I abstain and give my reasoning later.

Glen Desaintgery: Thank you. Yoav Keren?

Yoav Keren: Yes.

Glen Desaintgery: David Taylor? David is still disconnected. Stephane Van Gelder?

Stephane Van Gelder: Yes.

Glen Desaintgery: Rafik Dammak?

Rafik Dammak: Yes please.

Glen Desaintgery: Robin Gross for Wendy Seltzer, please?

Robin Gross: Yes, I will be abstaining and would be happy to provide my rationale at the end.

Glen Desaintgery: Thank you, so we are just missing David Taylor. The operator is trying to call out to him. Would you like to - and she's getting a voicemail from David.

Stephane Van Gelder: Is that on his mobile?

Glen Desaintgery: Yes.

Stephane Van Gelder: Right. Yes, he's in the car, right.

Glen Desaintgery: He's in the car, yes.

Stephane Van Gelder: Can you ask the operator to keep on trying and tally up the votes that we have so far?

Glen Desaintgery: I'll do that.

Stephane Van Gelder: We may have to go back to him.



Glen Desaintgery: I'll do that, Stephane. So far, we have seven yes votes from the contracted party house. From the non-contracted party house, we have six yes votes and five abstaining. We are missing David's vote. It's 100% for the contracted party house in favor and the non-contracted party house; I can't give you the total.

Stephane Van Gelder: Did you say six?

Glen Desaintgery: Six votes in favor for the non-contracted part house and five abstaining.

Stephane Van Gelder: Shouldn't we have 13 votes?

Glen Desaintgery: Yes. We are missing David Taylor's vote.

Stephane Van Gelder: That only takes us up to 12 votes if it's six and five.

Glen Desaintgery: Yes, sorry. There should be six abstaining.

Stephane Van Gelder: Okay, so we do need David.

Glen Desaintgery: Yes. There are six abstaining and six votes in favor in the non-contracted party house.

Stephane Van Gelder: Okay.

Glen Desaintgery: The operator is still getting a voicemail.

Stephane Van Gelder: Let's give it another few minutes then. I'm sorry for the delay, but David's vote will be the deciding one. I think it's only fair that we

wait for a few minutes to try and get ahold of him seeing he was on the call in exceptional circumstances.

Rafik Dammak: Yes, Stephane, but it's 1:40 am here in Japan.

Stephane Van Gelder: No problem, Rafik. You can drop off. You voted already. If you need to drop off, we fully understand.

Glen Desaintgery: David, are you on the line?

David Taylor: I am, yes. Sorry.

Glen Desaintgery: What is your vote?

David Taylor: Yes.

Glen Desaintgery: Thank you very much. That gives us seven votes in favor and six abstaining for the non-contracted party house, so that's 53.8% in favor for the non-contracted party house.

Stephane Van Gelder: And we need 50, right? So the motion passes?

Glen Desaintgery: The motion passes. Yes.

Stephane Van Gelder: Okay. Thank you very much, everyone. Just looking at the rest of the agenda after that suspenseful agenda item there. Do we have any other business from anybody?

Jeff Neuman: We need the abstention reasons.

Stephane Van Gelder: We do need the abstention reasons. Sorry, the suspense got to me and I had a bit of a brain fade. Glen, could you please ask the abstainers for their reasons for abstaining, please?

Glen Desaintgery: I will indeed. Robin Gross, could you please give us your reason for abstaining?

Robin Gross: Thank you, yes. I'm abstaining from this because this entire process has been a complete circumvention of the multi-stakeholder bottom up policy development process. It's just been a sham of a proposal cooked out by a couple of lobbyists and shoved down the GNSO's throat, so that's what I'm abstaining.

Glen Desaintgery: Thank you, Robin. Rafik Dammak? Could you give us your reason for abstaining, please?

Rafik Dammak: I am abstaining to avoid the downfall of the GNSO council. Thank you.

Glen Desaintgery: Thank you. Wolfgang Kleinwachter, could you give us your reason, please?

Wolfgang Kleinwachter: I abstain because I think the first problem is it's not in my eyes in line with the bottom up transparent policy development process. The second reason is that it does not think through the invisible consequences such a decision has for other cases.

Glen Desaintgery: Thank you, Wolfgang.

Wolfgang Kleinwachter: Sorry, I have to leave now. I'm already on overtime. Thank you very much.

Stephane Van Gelder: Thank you very much, Wolfgang. We appreciate your time.  
Thank you.

Wolfgang Kleinwachter: Thank you. Bye.

Glen Desaintgery: Konstantinos, could you please give us your reason for abstaining?

Konstantinos Komaitis: Yes, of course. Thank you, Glen. First of all, I am against the substantial advice to these recommendations and haven't participated in the drafting team. One question that hasn't been answered, which I find pretty remarkably, is why the RPM's are not efficient and they're asking for more protection. Despite these issues, the substantial issues, these procedural flaws can also be identified in the process.

The idea that we need to push these recommendations and vote on them before the April 12th deadline - the drafting team was willing at least to bypass many procedural issues that constitute the court of eye institutional framework, so I am concerned that the drafting team did not even consider in detail the comments, did not even give consideration on them, so because I feel that this procedure will set a precedent and set a precedent within the processes, I will abstain from voting, thanks.

Glen Desaintgery: Thank you, Konstantinos. Avri, could you please give us your reason for abstaining?

Avri Doria: Yes, thank you. At the consultation with William Drake, the council member for whom I am a temporary alternate, I make the following abstention statement, "The process by which these special protections

for the IFRC and IOC have been established have been irregular from the start. Representatives of the American Red Cross, a component of the international federation of the Red Cross, both of which are members of the NCSG, did not propose these protections through GNSO processes, even though they held a seat in the GNSO council for two years. The special protections were also never proposed in any of the NCSG discussion forums or committees. While proposed by the Red Cross and comment statements on the draft application guide, the proposed changes were never proposed as GNSO policy issues while there was still time for a proper PDP. Changes to the policy were not recommended by the GNSO before the release of the application guidelines. Finally, once the Board got GAK advice and made the decision on the creation of new policy concerning a new form of reserve main, the GNSO's did not undertake a proper accelerated development process on the questions that the Board forwarded to the GNSO council. The GNSO council is now faced with a vote - or was faced with a vote - on a motion created by a drafting team which has never been through a PDP. Drafting teams do not have by laws or GNSO procedural authority to propose policy changes. Only a policy development process can revoke in such recommendations. Not only that, but the care of his drafting team chose to disregard the disagreement of one quarter of the drafting team's individual members when it indicated that the group had reached consensus. The drafting team did not reach consensus, but rather majority. Additionally, there is very little evidence that the members of the drafting team considered the comments other than to ask each other whether anything I had read had changed their minds. In the words of Bill Drake, this process has been end to end irregularity. This motion is ill legitimate and thus should not have been brought to a vote. In such a circumstance, I have no alternative but to abstain." Thank you.

Glen Desaintgery: Thank you, Avri. Mary Wong?

Mary Wong: Yes, Glen. I've been elected councilor for the NCSG and I have a number of reasons from our extension. One reason is that as stated by Bill Drake, or Avri as Bill Drake, which is the concern that a group can bypass GNSO processes all together and go directly to the Board. Other reasons have been expressed in numbers as are listed in discussions and in public comments to the drafting team. Finally, the (unintelligible) that were stated in the NCSG policy committee statement, which we actually believe would be a better ground for discussion for the second round rather than this round. Thank you.

Glen Desaintgery: Thank you very much, Mary. We have all six statements of abstention.

Stephane Van Gelder: Thank you very much, Glen. Thanks to you all. Jeff, is your hand still up?

Jeff Neuman: I just wanted to clarify that the drafting team chair has said that there was rough consensus within the group and not full consensus. Thanks.

Stephane Van Gelder: Thank you. Any further comments? Any other business? Hearing none, I would like to thank you all for your participation in this special call and we'll speak to you at our next normally scheduled call which is in a few weeks' time. Thank you very much everyone. Speak to you very soon. Bye.

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