

GNSO Council Chat transcript 20 December 2012

Marika Konings:Welcome to the GNSO Council Meeting of 20 December 2012

David Olive:Welcome All

Joy:hi all

Jean-Francois Baril:Dear All, Very pleased to be invited to this call

Jeff Neuman:I am here....sorry

Jeff Neuman:I missed the call

Mason Cole:Welcome Jean-Francois.

Jeff Neuman:Quick question: Is there any update on the non-contracted parties house election of the Vice Chair?

wseltzer:Thanks Jeff, we've asked the Ombudsman to help us mediate the issue, since it's still unresolved.

Wolf Knobens:things are smoothly moved

Jeff Neuman:Ombudsman? IS this a formal complaint or just an informal call for help?

wseltzer:not a complaint, a request for help resolving disagreement.

wseltzer:Thomas, please add me to the group

Jeff Neuman:Margie - Is that posted?

Margie Milam:yes

Jeff Neuman:Can you provide the link?

Margie Milam:

<http://www.icann.org/en/news/announcements/announcement-2-07dec12-en.htm>

Thomas Rickert:@Wendy, will do!

Jeff Neuman:Thanks!

wseltzer:thanks Thomas!

Ching Chiao:thanks Julie

Marika Konings:David Cake has joined the call

wseltzer:January meeting?

John Berard:Has anyone gotten their letter from the Beijing organizers required (at least from the U.S.) for entry?

wseltzer:Berard, I got one from ICANN, and was told I needed another from CNNIC, who replied with a request for information.

Volker Greimann:I got mine from ICANN

John Berard:I filed that China request over a month ago.

Ching Chiao:for Visa -- i'd strongly suggest that you go for regular tourist visa

John Berard:Well, I live about three blocks from the consulate, so I shall wander over there after our meeting!

John Berard:there, of course, not "they"

Jeff Neuman:I will second this motion

Brian Winterfeldt:Thank you Jeff.

Alan Greenberg:Most parliamentary rules allow a motion to be "reconsidered" which is functionally the same (in terms of outcomes) as resubmitting.

Osvaldo Novoa:I think this is a very particular case in which the councillor wanted to position to be reconsidered and couldn't do it due to the fact that other councillors had to leave before the end of the session. The crucial point is that the votes should reflect the councillors position.

Joy:Losing a vote is not a "procedural obstacle" ...

Jeff Neuman:Joy - Isn't the substance what is important?

Joy:yes it is Jeff

Jeff Neuman:If the group now supports something it didn't before, then what is the problem?

Alan Greenberg:Agree with Jeff. The responsibility of the GNSO is to guide policy and procedural issues should not impact the substance of that policy advice.

Jeff Neuman:After all, how many times has changes to whois been brought up and voted down over the last 12 years

Jeff Neuman:Both in favor of IP owners and Free speech advocates

Joy:wolf I am happy to help with thta

Joy:Yes Jonathan

Wolf Knobon:thanks Joy

Jeff Neuman:Or the issue of rights protection

Volker Greimann:I would like to state that my position on this motion has not changed from the last time the motion was voted on. The comments I made at the time of the vote apply to this motion as well and I would like to incorporate them into the records of this deliberation by reference.

Joy:That is a good reason for SCI advice

Zahid Jamil:that's a limited cooling off period and that would be the max i'd be comfortable with - thanks yoav

wseltzer:I voted NO. I'm going to drop and call back in, since my audio seems to be working poorly.

Joy:Magaly is not on the call

wseltzer:Not all of them.

wseltzer:Amendment: Drop RESOLVED 1

wseltzer:thanks

Alan Greenberg:In lieu of a role call, one could use the adobe connect checks and crosses, augmented by a role-call for those not on adobe.

Jonathan Robinson:Thanks Alan

Zahid Jamil:yeay! at last

wolfgang:@Glen My battery went down. Can you call in under *49-171-6324889?

Marika Konings:Wolfgang, I've asked the operator to call out to you

wseltzer:wolfgang, can you vote here?

Jeff Neuman:Does Wolfgang's vote affect the outcome?

Jeff Neuman:If not, lets just record the vote later and move on?

wolfgang:what is the vote now? About the motion?

wseltzer:Motion

Zahid Jamil:yes do u vote in favor of the motion?

Joy:yes Wolfgang

Joy:we are voting on that motion

Jonathan Robinson:Wolfgng. Pls vote here

Alan Greenberg:Who voted no except for NCSG?

Zahid Jamil:sorry who voted no?

Zahid Jamil:Thanks

Marika Konings:Up on the screen is the draft that was circulated to the Council list by Mason

Mason Cole:Thanks Marika

wseltzer:no, even if *members* of each SG participated in creation of a strawman, they can't substitute for the policy functions of Council

Volker Greimann:Regarding the suggestion of new processes: I firmly oppose the replacement of the current policy making process in favor of lobbying for maximum demands

Volker Greimann:The multistakeholder model would die as a result of that

wolfgang:Indeed it is about maximum demands. ICANN is also a lot of compromise, of give and take and not about 100%

Volker Greimann:Agree 100% with Jeff

Volker Greimann:ok, not 100%

Volker Greimann:we need to do both

Thomas Rickert:We need implementation oversight and meetings can help that, but policy making shall not be circumvented or avoided because it appears cumbersome.

Jeff Neuman:Thanks. I just want to be clear, because like usual I will get lots of phone calls after this meeting. My comments were not on whether I support or do not support the strawman, but frankly just on whether the GNSO should be responsible for the discussions.

Jeff Neuman:If it is policy, the bylaws mandate that it go through the GNSO community

Thomas Rickert:@Jeff: Re the bylaws, the level of consultation shall be linked to the importance of an issue. Thus, for matters such as this with far reaching impact, a very thorough community consultation is needed.

Thomas Rickert:Just wanted to add that while echoing and supporting your remark!

Jeff Neuman:Article X, Section 1: There shall be a policy-development body known as the Generic Names Supporting Organization (GNSO), which shall be responsible for developing and recommending to the ICANN Board substantive policies relating to generic top-level domains.

Brian Winterfeldt:I want to clarify that my point was that we should wait for full input from the community before giving our reply to Fadi.This is supported by Fadi's communication to the Council that Jonathan forwarded earlier today.

Jeff Neuman:Brian: If we believe that the issues involve policy (or some of the issues do), then our reply does not have to wait for the public to comment on the policy. We can say something like, the GNSO will review the public comments and get back to you with how we will handle this issue.

Jeff Neuman:The GNSO can ask that the Board wait until we go through our processes before acting on policy (if in fact we believe there are policy issues)

Zahid Jamil:Right you are

Wolf Knoben:I think drafting the letter and discussing within the respective communities is a parallel process

Ching Chiao:I recall when Fadi called for the small group meeting, it was time he tried to understand what's TMCH and what's need to be fixed, not what to be added as ways to implement TMCH

Zahid Jamil:so this is the problem - on the council we are now taking extreme positions in what we draft simply because we know some consitiuencies dont support it

Joy:no Zahid: the problem is some members of council are trying to negotiate policy change outside the Council

Zahid Jamil:Thats what bodies doe - negotiationoutside with constituencies to come to decision making bodies to pass them with consensus - isnt that what Parliaments do?

Wolf Knoben:Zahid, we've all our package and history. This is not a problem, it's just reality

Jeff Neuman:But, in governments, there are separation of powers (at least many governments)

Jeff Neuman:in the US, the executive branch cannot write the laws

Mason Cole:So if our SG approaches Fadi with a strawman to remove the TMCH, and say that's a part of implementation, would that be okay? Or is that a settled policy issue

Brian Winterfeldt:I thought we are seeking guidance on what is policy vs. implementation - people seem to be asserting this is all policy while at the same time admitting that we do not have a full picture on how to distinguish between the two.

Jeff Neuman:So, some senators can lobby the president, but still needs to go through the legislature to write the legislation

Jeff Neuman:So Zahid - feel free to lobby the Board...but it still needs to come back to the GNSO if it involves policy

Zahid Jamil:yes but when they agree outside there should be good faith voting on agreement - otherwise the US congressional system wouldnt work right? commitment on voting to be done is how legislation gets through

Jeff Neuman:But the voting is still done by the Senate/House and not the President

Zahid Jamil:Its not lobbying the President - its lobbying other representatives where maybe the PResident helped facilitate

Jeff Neuman:Zahid - feel free to discuss/lobby the rest of the GNSO on your positions

Zahid Jamil:Isnt that why Fadi has asked the Council

Jeff Neuman:But, in the end IF it is policy, it needs to be through the GNSO.

Joy:Jonathan: I hear a lot of agreement with the draft letter and the only a few opposing it:another option is to let those opposing simply prepare their own views as an appendix

Ching Chiao:I agree with Jonathan's approach

Zahid Jamil:so how can one trust any negotiation now - no point cos by the time it comes to voting it changes - so we all get pulled to extreme positions

Brian Winterfeldt:According to Fadi the majority of the strawman proposal is supposed to be implementation - not policy. That is why the long list of considerations brought to the table by the BC/IPC were widdled down to this proposal which is very narrow in comparison to all the issues originally on the table.

Brian Winterfeldt:the table.

Wolf Knoben:I learned at ICANN that you can work in "different capacities"

Jeff Neuman:Brian - some of it I believe is not policy

Jeff Neuman:But some is

Joy:there may be other options as well but i would not want Council to water down its otherwise strong statements simply because those responsible for the strawman proposals oppose council writing to Fadi about it

Mason Cole:Brian, I love you brother, but come on. Really, if I asked Fadi to remove an RPM from new TLDs, would that be "implementation?"

Zahid Jamil:This just means that no one should compromise - they should always remember that people may renege or water down stuff - so its best to always come from and maintain extreme positions - not I think a workable Council for the future

Zahid Jamil:@Mason - so if strawman is policy then the lottery shouldnt have taken place last week and it should have been sent to Council right?

Joy:Zahid: what is not workable is having constituencies try to operate outside Council on policy matters and then prevent Council from writing to Fadi about it - it's extremely self-serving: hence the question on conflicts of interest on the Council list...

Zahid Jamil:but is isnt policy - extending deadlines are not policy.....

wolfgang:I like Jeff's draft letter

Mason Cole:Zahid: All due respect...I have a hard time seeing it as compromise when many of the same requests were dealt with and negotiated four years ago by everyone in the community, including in many cases the IPC. Plenty of compromises.

Mason Cole:I know we'll agree to disagree on this

Zahid Jamil:@Mason - so was the lottery last week policy?

Mason Cole:I know where you're going. We can make the same argument with the RAA :)

Thomas Rickert:Jeff +1

Joy:I also agree we should write before year end

wseltzer:+1 to Jeff

Zahid Jamil:so basically the term policy is fluid - so saying we wont do something cos its policy, is a matter of convenience

Mason Cole:I agree that we should be expedient with our reply.

Volker Greimann:Agreed: 80% of the Strawman was discussed and dismissed previously by the community. This process is the policy equivalent of going to the other parent when the first answer is not the one that was desired

Alan Greenberg:GNSO time-frame may be reasonable, but they do not monitor our mailing lists so at the very least, the Chair should inform them of what is going on and the timeline. Otherwise silence will be treated as no action.

Volker Greimann:going=going

Thomas Rickert:will you put the proposals that were made on the mailing list into an updated draft? I would prefer not to make my proposals again in this call to save time.

Jeff Neuman:Alan...you should state that

Zahid Jamil:@Mason - thanks - maybe we should speak

Mason Cole:Anytime, Zahid
Zahid Jamil:there's still hope :)
Alan Greenberg:All that is needed is a heads-up, no mention of content need be included
Joy:@Mason and Zahid: brotherly love ;-)
Mason Cole:Zahid: virtual hug :)
John Berard:When was the "Process for GNSO Endorsement of Nominees to the ATRT" adopted?
Wolf Knoblen:John, in 2010
John Berard:Thanks!
Zahid Jamil:@joy - it think thats Brian - :)
wseltzer:Can we please have an end to the reading of slides to us?
John Berard:Wendy, is there NO limit to the windmills at which you will tilt?!?!
wseltzer:some of them are just pinwheels, they should fall easily :)
Jonathan Robinson:All phones except those speaking on mute please
Jeff Neuman:I agree with Wendy. We should require all slides at least 24 hours in advance and not have them read to us
Jeff Neuman:We should be expected to come prepared
Jonathan Robinson:Thanks Wendy & Jeff. Fair point.
wolfgang:My understanding is that the 1000+ pages of study have cleared the situation. Do we need really new efforts "to understand the issue better"? We understand the issue. It is a political issue and we have conflicting interests.
Jeff Neuman:Not to mention that the "designing new directory services"has a major price tag for existing and new registries
Jeff Neuman:without necessarily a tangible benefit
Alan Greenberg:Leaving call now to move to ALAC meeting, 1.75 hours into it. ;-)
Thomas Rickert:I had informed Jonathan that I can do an extra 30 max. Really need to leave now. Sorry for this, Thomas
RobH::-)
Yoav Keren:All - have to drop off. Happy holidays to everyone
Jeff Neuman:I need to leave as well. Thanks to all.
Osvaldo Novoa:Sorry, but I have to go to another meeting. MERRY CHRISTMAS to all!!
Brian Winterfeldt:Happy Holidays everyone!
John Berard:I must depart; too bad, was looking forward to the discussion about my volunteering to be liaison to the ccNSO
Joy:Please aim high, rather than low :-)
Volker Greimann:Aim high for individual registrant privacy rights, that is
Joy:indeed Volker
Ching Chiao:happy holidays everyone!
Volker Greimann:enjoy the holidays
wolfgang:Happy holidays and see you in 2013
David Olive:Thank You and Happy Holidays