

**Transcript GNSO Council Teleconference
13 June 2013 at 11:00 UTC**

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<http://audio.icann.org/gnso/gnso-council-20130613-en.mp3>

on page

<http://gnso.icann.org/en/group-activities/calendar#jun>

and on the same page the Adobe Connect chat transcript may be viewed:

<http://gnso.icann.org/en/meetings/transcript-council-13jun13-en.pdf>

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House

Registrar Stakeholder Group: Mason Cole, Yoav Keren, Volker Greimann – absent proxy to Yoav Keren

gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching Chiao

Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Zahid Jamil, John Berard, Osvaldo Novoa, (joined late after votes) Brian Winterfeldt, Petter Rindforth

Non Commercial Stakeholder Group (NCSG): Maria Farrell, Joy Liddicoat, Wolfgang Kleinwächter, Magaly Pazello, David Cake, Wendy Seltzer – proxy to Wolfgang Kleinwächter,

Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers:

Alan Greenberg – ALAC Liaison

Han Chuan Lee– ccNSO Observer

ICANN Staff

Margie Milam – Senior Policy Counselor

Marika Konings - Senior Policy Director

Rob Hoggarth - Senior Policy Director

Julie Hedlund – Policy Director

Barbara Roseman – Policy Director

Berry Cobb – Policy consultant

Brian Peck – Policy Director

Carlos Reyes – Policy Analyst

Lars Hoffmann – Policy Analyst
Glen de Saint Géry - GNSO Secretariat
Alexander Kulik - Systems Engineer

David Olive - VP Policy Development - Apologies

Man: Please go ahead. This afternoon's (council)'s this call is now being recorded.

Glen DeSaintgery: Jonathan, would you like me to do a roll call?

Jonathan Robinson: I'm sorry, apologies. I was on mute. Good afternoon or hello and welcome to everyone to our 13th of June 2013 meeting. Yes, please Glenn, if you would start with the roll call.

Glen DeSaintgery: Thank you. Jeff Neuman.

Jeff Neuman: Yes, I'm here.

Glen DeSaintgery: (Ching Chao).

(Ching Chao): Present.

Glen DeSaintgery: Jonathan Robinson.

Jonathan Robinson: Present.

Glen DeSaintgery: (Mason Cole).

(Mason Cole): Here.

Glen DeSaintgery: Yoav Keren

Yoav Keren: Here.

Glen DeSaintgery: (Unintelligible) and he's absent and he has given his proxy to Yoav Keren. Thomas Rickert.

Thomas Rickert: Present.

Glen DeSaintgery: (Benny Jamil).

(Benny Jamil): Present.

Glen DeSaintgery: Thank you. John Berard.

John Berard: I'm here.

Glen DeSaintgery: (Ron Winterfelt).

(Ron Winterfelt): Present.

Glen DeSaintgery: (Unintelligible).

Man: Present.

Glen DeSaintgery: (Unintelligible). I don't think he's on the call yet. (Unintelligible).

Man: Present.

Glen DeSaintgery: Maria Farrell. I don't think she's on the call yet. Wendy Seltzer is absent and has given her proxy to (Unintelligible). David Cate. Not on the call yet. (Mason Besenelt). Not on the call yet. Joy Liddicoat.

Joy Liddicoat: Present.

Glen DeSaintgery: (Wolfgang Kleinwachter). Not on the call yet. (Unintelligible).

Woman: Present.

Glen DeSaintgery: Jennifer Wolfe.

Jennifer Wolfe: Present.

Alan Greenberg: Alan Greenberg, ALAC liaison.

Alan Greenberg: Present.

Glen DeSaintgery: Hanchuan Lee, (ccNSO) liaison. I believe...

Hanchuan Lee: Present.

Glen DeSaintgery: I believe...thank you Hanchuan. And from staff, we have apologies from (David Arlis) and we have on the call Marika Konigs, Julie Hedlund, Rob Hogarth, (Unintelligible), Brian Peck, Harry Cobb, Lars Hoffman, (Conrad Fayette), (Unintelligible), (Liz Shane) and myself, Glen DeSaintgery. Have I missed anyone? May I remind you all to say your name for transcription purposes, please? And thank you Jonathan, over to you.

Jonathan Robinson: Thank you Glen. It's Jonathan Robinson and welcome again everyone to our council meeting. So my Item 1.2 on the agenda is to call for any updates to statements of interest. If there are any updates, please let us know now.

Hearing none, I'll seek any input or comments on the agenda and we've had a request from (Jeff) online to give some substantial time to Item 6 which we've managed to do. Are there any other comments or input on the agenda?

Thank you. Hearing none, I'll move on to 1.4 which is to note the status of the minutes from the previous meeting and commit those to the record. Moving on to Item 2 then, which we will briefly review the action list for open items.

Now, the substance of the action list is actually covered by additional items on the agenda. As far as I can see, the only item that is not covered on the action list, it doesn't come up later on our agenda, is this outstanding requirement to write a letter on behalf of the council to (John Francois Barill) of the expert working group on directory services.

You will notice, if you've been through your council emails, that I did put a draft to the council list and whereas I don't expect substantial edits, I'd very much like some form of confirmation if that's on track, because sometimes as a lapse we originally plan to send it out.

So any comment or input that that meets the requirements or how it should be tweaked to meet the requirements would be appreciated by me and then I just have to send it off in short order.

As for the remainder of the items on the action list, we cover all of the other items later in the agenda, so I'll pause briefly to see if there are any other comments or questions on that and otherwise simply commit to dealing with the items later in the agenda as they come up.

(Jean): Hello Jonathan. This is (Jean). Can I speak?

Jonathan Robinson: (Jean), please do.

(Jean): Thank you Jonathan. I'd just like to echo and to agree what's been seen on the action items regarding the ledger which we have talked about the ledger in the Beijing meeting. I've sent around a kind of a rough draft.

The purpose and the context of the letter was actually to get the staff, especially the staff who's in charge in the IDN issues, to have some action taken on the implementation for the IDN GTLD and also the variant delegation.

It seems that the action that we are seeking for, they have picked up some items which have some of updates and later this month there will be two workshops - sorry, two Webinars to be organized related to this issue.

So I kind of - I agree with the (board) that this letter may no longer be necessary but the council, however, should still keep an eye on this - the progress of the IDN GTLD delegation. So thanks.

Jonathan Robinson: Okay, so thanks (Jean). That deals with Item 1 then and that essentially nailed that. And so Glen and Marika, if you're tracking this, I mean, I think what we're saying there is that the events have overtaken the need to send out a letter but we'll keep an open action item which says council to, along the lines of council to retain a close watching brief on implementation issues relating to IDN TLDs.

Thanks (Jean). All right, consistent with (Jeff)'s request, I'm going to keep any other remarks very brief. We also have a project list which we customarily review which is a more detailed list. I don't intend to go through that in any detail but to simply give the council the opportunity to comment or question any updates or changes for open items on that list.

So I'll pause for a moment to make sure that if anyone does have any comments or input on that list, then please fire away. All right, so we will commit to that updated project list to the record. You will see that it was sent around to the council in both redline and clean format.

I think that's a useful way of doing it and so at least you can quickly scan the redline format and should be able to be up to date with all relevant council activity or council related activity in the appropriate detail as well as being aware of the more rapid action items covered by the action items list.

John Berard: Hey, Jonathan, this is John Berard.

Jonathan Robinson: John, please go ahead.

John Berard: I just want to make sure that council has seen my note yesterday or the day before yesterday on the ccNSO council meeting. Attached to it was the draft, an unlikely change comments that the ccNSO has on the cross community working groups (unintelligible) so if you haven't seen that I would recommend it here to your reading.

Jonathan Robinson: John, your audio quality is not good, I'm afraid. I did hear that you were making reference to your email on the (ccNSO) and the attached item related to cross community working groups. I'm just not sure what action is being suggested we take, so if you could just try and repeat that please.

John Berard: I don't know if this is any better but I just wanted to bring people's attention to the attachment to the ccNSO council notes I got two days ago.

Jonathan Robinson: Yes, thank you John. I support (that as well). Thank you. At least on conference for the comprehensive approach it's very helpful to see exactly what's going on and the liaison work you're doing from my point of view and I suspect whoever is in the council is much appreciated.

If there are actions to be taken, please nudge us and push us and I will encourage the rest of the council to track that email and the thread that follows from it. Thanks John.

So hearing no other comments on either the action list or the project list, clearly we've got - I'm just going to make a couple of remarks about the remainder of our agenda.

Today we've got a substantial item coming up in Item 6 which is being put on our agenda to look at elements in and around the reconsideration request. (Jack will) introduce that and will come to that but I'd just encourage everyone to keep the discussion focused as some substantial issue (unintelligible) that the council has been significant and out of time on in the past. And we just - the proposal is on the agenda with some quite specific points to discuss. And so I'll come back to the when we talk with (Jeff).

The other thing that's on my mind is that as we head up to Durbin, I'd really encourage counselors to be as engaged as possible on the list with elements of the agenda or any element of substance so that we are - you know, we've been a little quiet, all of us on the list, so just to - if I could ask that everyone steps up a gear in terms of their engagement with the council activity so we're as well prepared and able to make as much of the Durbin meeting face to face as we can.

There's been good progress and we have meetings on schedule with the GAC, the ccNSO and the board and we'll be picking up on this. I've reached out to both Steve Crocker and Heather Dryden of the ICANN board and GAC respectively and we'll be talking with them and through the council with the kind of items we want to cover.

And so really I'll contain myself to that except to say that I think finally the council has been a good conscience, in a sense, and this is what seems to come up in Item 6, as to bringing the broader community, during our role, bringing the broader community back to recognizing the richness of the multi stakeholder approach and the value of it.

And I think that has been appreciated but we've also got now a golden opportunity to look forward and introduce positive forward looking activity from the council and the kind of work that we can be kicking off.

So hopefully that will be about setting an effective agenda for future council initiatives as well as keeping an eye out from where things are going wrong. All right, let's move on to the next item. Let me just check this room. Maria certainly has had trouble with the audio. I'm assuming that no one else is having difficulties and hopefully in calling out to Maria we will resolve that.

Next item on our agenda is what I hope will be a relatively straightforward motion which is to adopt the proposed modification of the GNSO operating procedures. So Wolf Ulrich, as the maker of the motion, if you could proceed to present the motion to the council please.

Wolf Ulrich: Yes, thank you Jonathan. So the motion is about - as you talked about the deadline for submission of reports and motions to the council. And it - okay, I'm reading (Jeff)'s results because we have to start that before and the result is important, I think, that GNSO council adopts the (unintelligible) operating procedures including the clarification of the deadline for the submission of reports and all motions.

See - and the link is provided. And secondly (resolved), the GNSO council instructs staff to update any other sections in the GNSO operating procedures that are related to submission of reports and/or motions to ensure that these are consistent with a new provision, that reports and motions should be submitted to the GNSO council and includes on the agenda as soon as possible but no later than 23 hours

and 59 (unintelligible) the time it's received on (the day), ten calendar days before the GNSO council meeting.

So that's a motion. And I would like to add especially to the second (unintelligible) is resolved that includes all GNSO (operating) procedures related and reports including also the PDPs or other (policies) (unintelligible) and response is to look at this now. So that's it.

Jonathan Robinson: Thanks, Wolf Ulrich. That'll be - we'll remember that this came up in the (unintelligible) and that's something that we refer to the standard (TNS) improvements and it's really a tidying up of existing procedure. Are there any comments or discussion points on this motion?

Hearing none and seeing no hands raised in the chat room, I propose that we - this requires a simple majority of both houses and I propose that we move to take a voice vote on this. So if I could ask all those in favor to please say yes now.

Man: Yes.

Woman: Yes.

Man: Yes.

Man: Yes.

Woman: Yes.

Man: Aye.

Man: Yes.

Jonathan Robinson: Are there - is there anyone who is not in favor of the motion? Is there anyone who would like to abstain from the motion? Thank you all, so Glen, the motion is there and carried unanimously.

Glen DeSaintgery: Thank you very much Jonathan. I just want you to know that Wolfgang Kleinwachter, I don't think was on the call at the time of the motion. We are trying to call out to him and get him on the call. Thank you.

Jonathan Robinson: Thanks Glen. Item 5 is the second motion on the agenda for the council today. And this is the initiation based policy development process on transliteration - translation and transliteration of contact information. It was something which was deferred at our previous meeting and it's now a motion that we should vote on.

So given that we have seen the motion before, I suggest, Ching, that you simply bring us to the result clauses in making the motion. So if you could please (go ahead) with that. Thank you, Ching.

((Crosstalk))

Ching Chiao: So the results, the GNSO initiates a PDP on the issues defined in the final issue report, (celee) on the translation and transliteration of contact information. A working group will be created for the purpose of fulfilling the requirements of the PDP.

The GNSO requests staff to commission a study on the commercial visibility of translation or transliteration systems for internationalized

content data which is expected to help inform the PDP working group in its deliberations.

Jonathan Robinson: Thank you Ching. We'll proceed now to hear any discussion or comments on the motion. And I see I have Petter's hand up in the connect, so Petter, fire away.

Petter Thanks. Well, (I guess we're) in good order. First, I thank (Zander) for the updated info I recently got and although I know that it's mentioned that the working group has consistently reiterated that the outcome of this work should be subjected to a formal PDP, I've still not seen any official communication about that.

But I also note that the expert working group is almost concluding its draft report and that will be presented to the community at the Durbin meeting. So in short, I see, and obviously see no reason to vote on anything else, and yes, and accept those.

Jonathan Robinson: Thank you Petter for that comment. Did you see my draft letter to the expert working group on the list for which I'm seeking affirmation and confirmation that that is what we intended originally, especially as events have developed?

Petter Was that the latest - when did you send it?

Jonathan Robinson: Within 24 hours ago approximately.

Petter Yes.

Jonathan Robinson: Yes, so okay, good. That will go off I hope later today, conditional on no significant objections or challenges from within the council. Any other comments or input on this motion? Thank you. Glen, if you could call (unintelligible) on this, please.

Glen DeSaintgery: I'll do that for you Jonathan. John Berard.

John Berard: Yes.

Glen DeSaintgery: (Unintelligible).

Man: Yes.

Glen DeSaintgery: (Unintelligible) for Wendy Seltzer.

Man: Yes, and I have to apologize. I was in a traffic jam and I'm late so I missed the discussion and the decision on the previous motion. I don't know whether I can add my voice and vote later or how to proceed. I'm very, very sorry for this. But in this case, yes, for motion and Item 5, my vote is yes.

Glen DeSaintgery: Thanks you (Unintelligible). Maria Farrell.

Maria Ferrell: I vote yes.

Glen DeSaintgery: Joy Liddicoat. Joy, are you on mute?

Joy Liddicoat: Can you hear me?

Glen DeSaintgery: Yes, thank you.

Joy Liddicoat: I vote yes. Thank you.

Glen DeSaintgery: You vote yes.

Man: Hi Glen. Yes. Yes.

Glen DeSaintgery: Jeff Neuman.

Jeff Neuman: Yes.

Glen DeSaintgery: (Unintelligible).

Man: Yes.

Glen DeSaintgery: (Unintelligible).

Man: Yes.

Glen DeSaintgery: (Unintelligible).

Man: Yes.

Glen DeSaintgery: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen DeSaintgery: Osvaldo Novoa. Osvaldo is not on the call, I believe, so he will be noted as absent. Yoav Keren.

Yoav Keren: Yes.

Glen DeSaintgery: Ching Chiao.

Ching Chiao: Yes.

Glen DeSaintgery: Jonathan Robinson.

Jonathan Robinson: Yes.

Glen DeSaintgery: (Unintelligible).

Man: Yes.

Glen DeSaintgery: Wolfgang Kleinwachter, for yourself.

Wolfgang Kleinwachter: Yes.

Glen DeSaintgery: Magaly Pazello.

Magaly Pazello: Yes.

Glen DeSaintgery: Volker Greimann who is absent and Yoav Keren, will you please vote for him as you have his proxy?

Yoav Keren: Yes.

Glen DeSaintgery: David Cake.

David Cake: Yes.

Glen DeSaintgery: Have I left anyone out? The motion passes. You - almost unanimously. There was one person absent in the (non-contracted party house). Seven vote in favor in the contracted party house and eleven vote in favor in the non-contracted party house.

Jonathan Robinson: Thank you Glen. Thank you (Wolfgang) for your apology earlier and just for the record, the previous motion was carried. So moving on then to Item 6 which is a substantial item put on the agenda by Jeff Neuman and Jeff's requested that he have the opportunity to present that. I'm happy to defer to him and let him introduce the topic. So Jeff, please go ahead with Item 6, a discussion item on the reconsideration request from the non-commercial stakeholder group relating to the decision on the trademark clearinghouse. Jeff.

Jeff Neuman: Okay, thanks Jonathan. Can everyone hear me okay?

Woman: Yes.

Jonathan Robinson: You're a little soft, Jeff. It's clear but a little soft.

Jeff Neuman: Okay, I'll try to speak up a little bit. So I want to apologize in advance because I'm going to read some (unintelligible). I've actually tried to prepare some remarks. And then I'll actually send this around to the group after this topic.

So I just want to reiterate something that Jonathan had said earlier. The purpose of this discussion is not to address the substance of the trademark plus 50 proposal or to discuss whether ICANN followed the appropriate process in coming to that decision.

And I don't want this topic to be taken as a desire to interfere with the ultimate decision of the board governance committee to uphold the trademark plus 50, but the purpose of bringing this up is really to address the - what a number of us view as the overly legalistic aggressive and flawed rationale used by the board governance committee to justify this decision.

Many of us believe - and I've talked to a number of people on the council offline - that if this rationale is allowed to stand and ultimately set precedent, that the GNSO's role in the multi stakeholder model, and in fact, the role of the entire community, Internet community, the role that they play in ensuring the stable and secure operation of the Internet's unique identifier systems will have effectively come to an end.

Instead, there'll be a movement of this movement to a system (that those) employed by ICANN, the corporation and its board of directors can act unilaterally without any meaningful checks and balances.

So I want to first address kind of the positive of how this - sorry, there's a lot of interference - the positive of how this could've been decided and how this probably wouldn't have been such a big issue with most of us.

So this - as many of you know, the standard for reconsideration is that any person may bring a request for reconsideration or review of an ICANN action of inaction to the extent that he or she has been adversely affected by one or more staff actions or inactions that contradict established ICANN policies or one or more actions or

inactions of the ICANN board that have been taken without consideration of material information.

I do want to pause for a second and just say that the bylaws have actually been amended. And, in fact, they were amended officially, I think it was six days before this reconsideration request was filed.

But for some reason, we're still using the December 2012 bylaws as opposed to the April bylaws for this reconsideration request, so there's a couple - there's some wording that has changed but essentially most of it's pretty much the same.

And I believe that the board could've just said that there's no established policy with respect to this issue that was brought up and, you know, some wouldn't have been happy with that decision obviously but most likely we wouldn't be here discussing this issue at this point in time.

But the board did not just say that there's no established - that's BDC, not the board. They didn't say that there's no established policy. Instead, they used this as an opportunity to make a statement on how they really view the multi stakeholder model and who ultimately controls the policies and decisions that are made.

It's also worth noting that the new section of the bylaws, Section 2.15, now affirmatively states that board governance committee determinations are final and are intended to establish precedent for future actions.

So it's not like this is an offhand one, you know, one-off decision. The bylaws now officially state that whatever was decided here is going to set precedent for the future.

So what did the board governance committee, in my view, do wrong here? Well, first, I wanted to say that there's really a lack of respect shown to the party that brought the request for reconsideration. So the board governance committee uses a litigious and disrespectful tone throughout the entire decision.

The BGC uses common litigation terms like, well, in support of their argument or declares the party defending the action or declares that their arguments are, quote, "Without merit." And these are very common, if you're in litigation, these are very common litigation tactics intended to undermine the credibility of your opposing parties.

But this really should never be language used by the ICANN board in dealing with any one of its institutional structures, no matter who that is. It's okay for the board governance committee to disagree with the position that's raised but I don't think it's okay to use this as an opportunity to mock or undermine those who have volunteered so much of their time, energy and resources defending ICANN's very existing, purpose and mission of ICANN.

The board governance committee also dismisses arguments by the non-commercial stakeholder group by engaging in a legalistic wordplay. They say things like, well yes, the staff said that it could be considered policy but, you know, saying something, quote, "Could," be policy is not really saying that it is policy.

So, look, it's clear to the world what was meant when that statement was made by the CEO. If the CEO makes a mistake in making a statement, let's own up to it. Let's be responsible. Let's tell the world, now look, I made a mistake when I made that statement. Make a correction and move on.

Don't engage in a legalistic debate as to what, you know, the term could be actually means in order to try to rewrite history. We should expect more from an entity that's charged with protecting the public interest.

I want to turn to the merits now and what some of the problems, at least in my view, are. I think the first problem is that despite note being essential to the decision of whether the ICANN was in contravention to existing policy. There's a large focus on whether was it, in fact, policy or implementation of an existing policy?

Rather than stating that the non-commercial stakeholder group is unable to show a violation of existing policy and really ending the debate there, it states that if any- it states that the ICANN action - even if the ICANN action contravenes on previously exi- sorry, let me go back a step her and let me get this right here.

It basically states that the ICANN action may have contravened a previous implementation of a policy and therefore, since that's not policy itself, then that's okay.

And we believe that there're a number of flaws with that. First, the recommendation assumes, which we believe wrongly, that if ICANN

action involves implementation of existing policy, then there's really no need to follow any sort of multi stakeholder process.

In fact, if it's implementation, the board governance committee asserts that ICANN staff and the board is basically free to act however it sees fit. And, of course, who's the ultimate arbiter of whether something's implementation or policy? The ICANN staff and board and there's no mechanism for appealing.

There's no mechanism for challenging and there're no checks and balances on that. So stated differently, if the ICANN staff or board believes that something is implementation, no one can challenge that assertion.

There's no obligation for ICANN staff or board to listen to the GNSO or even the community for that matter. And we believe that this is wrong. And for this reason we believe it's a rationale needs to be struck from the entire decision.

Even if something is implementation that should not be a reason to circumvent the multi-stakeholder model.

It's true that different processes and procedures may be applied but this doesn't mean that you should be free to ignore the rest of the community but by the way may have more - much more experience and knowledge in the subject matter than the staff or even the board.

Second problem is with respect to the role of the GNSO. And this is really where I think we need to pay some attention.

With respect to the role of the GNSO the board governance committee essentially argues that if the GNSO asks or takes any position in a manner outside of a formal policy development process there is nothing that requires the ICANN board or staff to adopt that action.

And technically, you know, that's true. But it goes even further than that. And it states that even if staff or the board acts in direct contravention to a GNSO act or position that's outside of a formal PDP there's not even a requirement that the board even consults with the GNSO.

So if the GNSO goes through its bottom-up processes and takes a position or gives advice -- and we all know how hard that is sometimes -- the Board Governance Committee states that the board's free to completely ignore that advice without even engaging in any dialogue with the GNSO.

And just to remind everyone according to the bylaws the GNSO is the body that's responsible for developing and recommending to the ICANN board substantive policies relating to generic top-level domains.

The GNSO should not allow this to stand even if what the BGC is legally technically correct in accordance with their current bylaws.

There's no reason why we should not have been afforded or be afforded the same treatment and respect as the GAC gets when they recommend policy or they give advice to the board whether we give this advice through a formal PDP or not.

We've been - we've taken great lengths and as the chair of the PDP Working Group for number of years we spent a long time discussing the fact that the

GNSO should be able to act without using a policy development process.

And while it's true there is a different standard that's applied by the board if it's outside of the PDP that doesn't mean that the ICANN board or staff should be free to completely ignore what the GNSO has to say.

And this is why I've recommended and many of you've seen this email that the GNSO proposed to the ICANN board a change to the bylaws requiring that the ICANN board at a minimum consults with the GNSO - again that's the body of the bylaws responsible for developing and recommending substantive policies related to gTLDs if the ICANN board is going to take an action that is not consistent with the documented GNSO actions, statement advice or position, if it does take that act that's in contravention that it must consult with the GNSO.

And due to time there's a number of other flaws in this decision I'm sure that'll get brought up by others on this call. But due to time constraints I just, you know, this is what I'm formally asking for.

I would ask to the ICANN board that even if or here I guess it's the new gTLD Program Committee, even if you adopt the ultimate outcome of the BGC's recommendation to reject their reconsideration request you throw out completely this rationale.

To the GNSO council I'd ask us to move forward with making our views known to the board and to formally recommend changing the bylaws to respect the GNSO's role within the ICANN structure and to respect the multi-stakeholder model.

And to the Accountability Transparency Review Team I'd ask them to review the accountability measures including the reconsideration process which I believe to date has demonstrated that it's a meaningless accountability mechanism.

In the last ten years there have been 15 decisions, all have been - all have denied reconsideration.

There was one incident where they denied reconsideration but ultimately made a change to the bylaws. And it had to do with the timing of the posting of minutes.

But other than that there's nothing even remotely representing a granting of a reconsideration request. And even that was not granted.

All a reconsideration looks at is whether a process was followed or if an action contributes an existing policy.

But I asked the council and I asked the board that what if the board or ICANN staff on the substance just plain gets something wrong? There's absolutely no review, no accountability, no challenge mechanisms and no checks and balances.

So I guess that's my presentation for now. I'll send around these notes. But I really think and firmly believe that this is something that we need to speak up on.

We need to ask for this rationale to be thrown out even if the ultimate outcome is maintained. And we need to reassert our role in the multi-stakeholder process.

Jonathan Robinson: Jeff it's Jonathan, in my capacity as chair. So thank you for a coherent and clear presentation. And I think you've laid the scene out very clearly.

I think what I have heard you propose on the back of those arguments is essentially two outputs, one to the board stating the position of the GNSO in and around this rationalization and the floors as you - and the arguments presented and second a communication with the ATRT 2 team on the reconsideration process.

So I'd encourage counselors to now come in on both any views or support or comments or questions on these.

And in fact the agenda in many ways puts these into the two separate boxes. So it'll be quite useful if you make it known that, you know, obviously stating your name as you would normally do but also that you - if you are responding to point one or two under Item 6 and so that will be helpful.

Does anyone have anything to add even if it is just simply in support of the proposal that Jeff has put to the council? I've got Maria's hand up followed by John. So let's go first to Maria and...

Wolf Ulrich-Knoben: Jonathan

((Crosstalk))

Jonathan Robinson: ...and others joining the queue and others joining.

Wolf Ulrich-Knoben: Yes Jonathan, it's Wolf speaking. I'm out of Adobe. May I get in the queue?

Jonathan Robinson: Yes please. It looks like you've come in then as far as I can see after Thomas Rickert. So I have...

Zahid Jamil: And I - if I could be in the queue as well. Thanks Jonathan.

Jonathan Robinson: Is that Zahid is it?

Zahid Jamil: That's right. It's Zahid yes.

Jonathan Robinson: So Zahid I've got you after Brian then. So I've got Wolf Ulrich coming after Thomas and Zahid after Brian.

Maria Farrell: Thanks Jonathan, it's Maria. I just wanted to support and thank Jeff Neuman for all you have to say and to really to reiterate to everyone else on the council that from the NCSG point of view the reconsideration request was about the policy - oh sorry, my apologies - - was about the process rather than the substance of this issue.

So I know that the GNSO council has varying opinions on TM50 and the scope of it. And really this - the issue that we're looking at now and that we strongly support Jeff's definition of the issue is what are the repercussions for the multi-stakeholder model broadly and for the GNSO more specifically?

And just to also mentioned that the NCSG is planning to write to the board to request meeting of further discussion on this topic and on the process and implications for the multi-stakeholder model.

And we would really - we'll make our letter available to other members of the community and really encourage anybody else who wishes to, you know, to either support it or to be involved or to participate in any meeting that the board may have with us if we actually succeed in securing one.

We just think that this is an issue that is far broader it repercussions than the specific substitution policy issue that initially gave rise to it.
Thank you.

Jonathan Robinson: And I've just got one quick clarification question for you so that we get this on the record.

When you talk about this meeting and the discussion here you'll be talking about the process that led to the 50 names issue rather than - and I heard clearly your support for Jeff on the particular point that we're focused on now.

But just to make sure what you propose to talk to the board about the - that process if you like. And that is that led to the decision that under - that preceded this reconsideration.

Maria Farrell: Actually let me - I should be a little more clear than I was. Thank you. Our requests to the board for a further discussion is really about what is the board's role in respect to the reconsideration request and not - and particularly even the policy, that sort of off-road policy process that

led to the TM50 decision. We really are focusing in on the reconsideration request how - on what the implications are for the multi-stakeholder process.

Jonathan Robinson: Okay that's helpful. So that's more in and around item - as part two of Item 6 in our agenda. And the NCSG will be taking that up themselves as well as any actions the council takes.

Okay next in the queue I've got is John Berard.

John Berard: I hope that this selection works. But I was - I just want to confirm something that Jeff said that if for some period of time, for some great number of requests that none of ever been granted what was - can you remind me Jeff of the particulars there?

It sounds rather startling that there would be that number of different kinds of requests from different members of the community and that none would rise to the level of being granted.

Jeff Neuman: Yes so I...

((Crosstalk))

Jonathan Robinson: (Unintelligible) do you want to respond?

Jeff Neuman: I - sure. So I went back the last ten years and I could've gone back more because I think all of them were rejected prior to that as well.

But yes in the last ten years there's been 15 decisions. There were a few reconsideration requests that were filed - very few that were withdrawn. Not sure what the reasons why they were withdrawn.

But the ones that actually came to a decision which was probably all but two of them, every one of them was denied. And even the one where they actually ended up changing the bylaws the request was quote, denied without merit but they made a change to the bylaws anyway.

So it shows again kind of the overly legalistic attitude and approach that are - that's taken to the reconsideration request.

Again instead of saying oops we made a mistake or sorry we made a mistake it's no, we were completely right. We did make a mistake. We never make mistakes but we're going to make the change anyway. So that's indicative of what's happened.

John Berard: Thank you Jeff. Well I would be in favor of moving forward for clarity's sake. Personally I both understand and am concerned about the (executiveorcation) of ICANN's decision-making. But it might be that some of our time in Durban needs to be devoted to a subject of discussion on that matter with members of the staff and the executive.

Jonathan Robinson: Thanks John. So really just to capture that I mean Jeff's existing proposal is that a - that the council makes a representation in and around part two of Item 6 to the ATRT to John I hear another, a supplementary proposal that this is a topic of discussion in Durban with either board and/or senior staff.

John Berard: And might - and consider it a supplemental proposal. But really it's, you know, I'm just casting my vote that this is something that I think the council should be devoting some time and effort to.

Jonathan Robinson: Yes. And I hear you on that John. Thank you. Alan?

Alan Greenberg: Thank you very much. It's Alan Greenberg speaking. I'm going to be a little careful and which hat I'm wearing or which hats I'm wearing when I make these comments.

The first one is as the only person on the meeting today who's a member of the ATRT. And I'm speaking not on their behalf because obviously I haven't consulted with anyone.

But I would strongly suggest that Jeff or any other counselors who feel strongly about this make a submission to the public comment forum or directly to the ATRT or a member of the ATRT for distribution.

And I would recommend the same if either any of the constituencies stakeholder groups or the council itself decides to act on this to put something in writing that's really important.

And lastly you - the council will be having a meeting with the ATRT in Durban. If this is an important issue make sure it's discussed.

So I want to highlight that the ATRT can only work if people make presentations and present the issues to the group.

The second comment is on my personal behalf. It may well become a new act position. It certainly hasn't been discussed to date.

On the substance of what Jeff was talking about there's been a lot of debate whether this particular issue is implementation of policy. I would claim it doesn't matter.

ICANN has spent the last five years working on the implementation of the new gTLD program. There was an almost infinite number of consultations and discussions with the community.

And if nothing else that sets a precedent that implementation is not the sole domain of staff. Otherwise they would have gone away, implemented once and never come back and told us about it until the final applicant guidebook was issued.

Implementation may not be subject to GNSO purview under the bylaws. But implementation is of issue to the community. And it cannot be done unilaterally by staff and board. And I think that's a really important issue. We need to get off of the implementation versus policy discussion and simply back to the multi-stakeholder model and what we do. Thank you.

Jonathan Robinson: Thanks Alan. So I - and just to make sure we keep this on the track that I would like to because I want to know and understand the outcomes and the outcomes of the council and counselor support.

I heard you speaking essentially in favor of what Jeff was proposing around Item 6 part one and encouraging submissions to the ATRT to if that is strongly felt by the council in and around Item 6 part two.

So I would encourage anyone responding to both talk about any views you have on this but in particular also to comment and the outcome or the action required which of these two proposals that Jeff is made.

I've got Thomas and then...

Alan Greenberg: Jonathan just for the record I also noted it's not only council but individuals.

Jonathan Robinson: Yes, no. I (unintelligible)...

Alan Greenberg: Voices known to ATRT. Thank you.

Jonathan Robinson: Understood. I was just focusing on what action outcome for the council. But certainly I understand...

Alan Greenberg: Thank you.

Jonathan Robinson: I understand that you made that point as well. Thomas Rickert?

Thomas Rickert: Thanks very much Jonathan. And I have one quick comment and then a question for Jeff.

My comment is - and this is what I would like to go on record with is that I think that we need to ensure that the community's not bypassed whenever convenient.

I know that a lot of people have said this on numerous occasions but I think it can't be emphasized enough that if we allow for the GNSO

consultation to be eroded that ultimately erodes the multi-stakeholder pro - a model that put ICANN and such at stake.

For Jeff the question I have is are we really fixing the issue if we're just asking for consultation if some action is actually contravening statements previously made by the council?

Guess we're more looking for having a say in or being consulted and meeting up being the council with the communities such whenever important implementation matters are a concern because as you rightfully said -- and Alan has backed this up -- there is no clear demarcation between policy and implementation which is why people have chosen to add in policy and implementation.

So isn't it rather something a little bit bigger that we're looking for? So while I very much sympathize with the approach I'm wondering whether we can achieve what we are trying to achieve for a couple of months now with what you're suggesting?

Jeff Neuman: So Jonathan can I respond to that?

Jonathan Robinson: Please do Jeff.

Jeff Neuman: Yes. So I think we're asking for two things. Number one is -- and Alan may have said some of it right -- whether it's policy or implementation it doesn't matter. It still should be a multi-stakeholder process and still a bottom-up process regardless of whether something is classified as policy or implementation.

I don't know where or how the train got off the tracks but somehow the ICANN staff and board got us focused on whether some thing's policy or implementation. And if you take a step back it really doesn't matter.

It may matter as far as, you know, what burdens or what processes need to be followed in getting to a decision. But it shouldn't matter with respect to the multi-stakeholder process.

So yes, that's something that I think is bigger but in this instance when you're talking about a bylaw change I don't want to go on record as saying that whatever the GNSO says has to be adopted by the ICANN board no matter what. I think that's kind of foolish and I don't think that's right either.

But I do think that just as the board has a requirement in the bylaws to consult with the -- GAC -- and I chose my words carefully -- I actually used the exact words that are in the bylaws with respect to what the board owes to the GAC in cases where it takes an act - where the board makes a decision or will make a decision that is not consistent with GAC advice.

I think the same respect should be shown to the GNSO since the GNSO is not merely an advisory body but is the party charged with -- and I quoted the word -- is responsible for the development of substantive policies with respect to gTLDs.

I think the board needs to show that same respect and consult with the GNSO community if it's going to take action that's not consistent with GAC advice - sorry with the GNSO whether we call it advice, whether we call it a policy statement, whether we call it an act.

Whatever we call it, I just don't want to see it limited as the Board Governance Committee does in its decision that basically Board Governance Committee says that the only time that the board has to show any kind of respect or consult with the GNSO is if it's an action taken through a formal PDP.

And that's just not right. That's not the way the multi-stakeholder process should be. And it seems like a matter of convenience and, again, not respect to the bottom-up process.

Jonathan Robinson: Thanks Jeff. So there's - there are two proposals just to remind everyone. One is to strike from the record that existing rationalization notwithstanding what the outcome might be of the reconsideration process and two, a proposal to modify and the bylaws.

Before I move to Brian who's in the queue I've got Wolf Ulrich that is in-between Thomas Rickert and Brian so Wolf-Ulrich if you could make your views known and then we'll be moving back to Brian Winterfeldt.

Wolf Ulrich-Knoben: Okay yes thank you. Well I was going on to make similar comments as John and Alan was with regard to the ATRT 2 and fully in support of that. So (unintelligible). Thanks.

Jonathan Robinson: Thank you. Wolf Ulrich. Brian Winterfeldt you're next in the queue.

Brian Winterfeldt: Thank you. Brian Winterfeldt, IPC. I guess I would like a little help better understanding Jeff's arguments. From what I've seen I know

we're focusing kind of on the process that happened. I'm just not sure I'm grasping exactly how the multi-stakeholder model is in jeopardy.

It seems to me that various stages of public comment took place around the decision and that the GNSO council was consulted.

So, you know, I think I counted - I mean I think there were 27 or more comments that were in support of this being implementation and in support of the decision before ultimately on March 20 the memorandum came out and made a determination that this was implementation.

Jonathan Robinson: Brian it's Jonathan. I have to step in here. This is very specifically what we are attempting not to discuss. This is not the issue of whether that the trademark plus 50 was policy or implementation.

That's an issue - you're right, that's been well worked. An outcome took place whether or not we - various members of the council, the council as a whole agreed or disagrees with it.

This is very specifically about that process then being referred to the reconsideration for reconsideration.

The reconsideration determinations being made. The rationale for supporting that reconsideration determination is the area where the problem exists. And that's what we're discussing here now.

So we are not seeking. And it's really important that we're not seeking to open up the issue of whether or not the trademark plus 50 was policy or implementation.

So that - I - forgive me for coming across here a little at the end but it's
- I really feel it's strongly that we want to focus in on that.

So if Jeff can try and remind us I hope that that's clear Brian. And let
me just give you a chance to respond to that and then if necessary for
Jeff to say something before we continued on the queue.

Brian Winterfeldt: Okay. So even though so the council was consulted but all we're
talking about is the fact that the BGC gets to make the determination
for the reconsideration. And that's what we find problematic because
then they're the arbiter of what's appropriate?

Jeff Neuman: Now let me Brian if I can step in Jonathan.

Jonathan Robinson: Yes. Go ahead.

Jeff Neuman: Brian I guess what I'm saying here is is not really - I want you to - what
I'm doing here is I'm looking at the exact words used by the Board
Governance Committee which will set precedent on future action.

It doesn't matter what the substantive issue is here. The Board
Governance (unintelligible) Committee says -- and I'm going to quote
from the decision -- there is no defined policy or process within ICANN
that requires the board or staff consultation, that requires board or staff
consultation with the GNSO council if the board or staff is acting in
contravention to a statement made by the GNSO council outside of the
policy development process.

Therefore even if staff's action here was in direct contravention to the GNSO council statement in a letter the bylaws requirements for consultation does not apply and therefore no policy can be violated.

So Brian I think what I'm really focusing on here is like in any legal decision I guess where you have not the specific issue but the law that's being set for future for the future.

And what the board is basically saying is whatever the issue is in the future the board or staff is free to do whatever he pleases even if it goes against the GNSO statement, policy -- whatever it is -- as long as even if it's in direct contravention to GNSO statement if it's free to act and there's no requirement to consult with the GNSO.

That's what I'm focusing on and not, you know, whether the Board Governance Committee should look at reconsideration requests or whether trademark plus 50 is right.

It's really the law that this is setting, the precedent that this is setting for future actions.

The Board Governance Committee could of done this in 50 different ways that would've been acceptable. Instead they chose to make a statement on how they view the multi-stakeholder process. And that's what can't stand. The rationale needs to be thrown out.

Brian Winterfeldt: So even though the council was consulted during the process that led up to the decision that was being put out for reconsideration you're saying because we are not consulted as part of the reconsideration process that's what you're taking issue as?

Jeff Neuman: No, no, no. What I'm saying is sorry - and maybe it's me not being clear. What I'm saying is that the Board Governance Committee is putting on record that in the future no matter what the issue is even if they - so sorry.

No matter what the issue is even if the board or staff want to go completely contrary to what the GNSO council does there's no requirements for consultation regardless of whether it happens here not.

Because what they'll do is they'll take this decision as precedent say well yes, maybe we consulted with the council on trademark plus 50 and that's debatable and I'm - I don't want to debate that. But even if we did it there the Board Governance Committee has set the precedence that we don't have to do that in the future.

Brian Winterfeldt: Okay so we were consulted. But what you're concerned about is the language in there that says in the future we don't necessarily have to be?

Jeff Neuman: I am concerned with the precedent that's set in the future we do not have to be consulted even if the board or staff want to act in direct contravention to what the GNSO council does, yes.

Brian Winterfeldt: Okay thank you. I hope I'm not the only person who wasn't completely grasping what your arguments were so I appreciate you walking...

Jonathan Robinson: I think Brian if it's any help I have had this benefit personally. I don't know whether others have of certainly discussing elements of this with Jeff and others. So I'm a little bit more warmed up. So but I hope that that's helped clarify it.

I had Zahid in the queue next after you Brian and then Wolfgang, Mason and David.

So Zahid?

Zahid Jamil: Thank you. That's right thank you. Can I just ask a question before? I had a comment. But Jeff what was that one line you read out that you said that basically said that the board has the ability to be able to override anything?

Could you just read that one sentence again because I think there was a qualifier there and it's - and the word was outside something. And I may be mistaken. Could you just read that again if you don't mind because I'm not...

Jeff Neuman: No, no. I can read it. It's outside of a policy development process. So they recognize - and I'll read it. They - the Governance Committee Recognizes that if the GNSO council decides something through a formal PDP that the bylaws mandate that 2/3 of the board has to, you know, vote to overturn it. It has to be sent back. And there are some form of consultation.

But what it says here is that there is no defined policy or process within ICANN that requires board or staff consultation with the GNSO council

if the board or staff is acting in contravention to a statement made by the GNSO council outside of the policy development process.

Therefore even if the staff action here was in direct contravention to the GNSO council statement in a letter the bylaws requirement for consultation does not apply.

Zahid Jamil: Right, so thanks. Thanks Jeff. I'm focusing on the words a statement outside the policy development process.

And I'm thinking that makes sense to me because of it was - they're not saying that they're going to go against the (policy) of a process outcome. What they're saying is that any statement outside the policy (room) process. But I could be wrong.

But let me come to the comment I was going to make and I'm a little confused. And I think you tried to sort of address this.

If we're challenging I think the reconsideration that's taken place my first question would be are we trying to review the decision that the board has made and whether that - whether we are an appropriate forum to do that? Do we have the mandate to do that?

Man: Zahid I'm not doing that.

((Crosstalk))

Jonathan Robinson: ...(unintelligible) just make sure we stay on track.

Zahid Jamil: Jonathan let me finish my...

((Crosstalk))

Jonathan Robinson: ...(unintelligible) request. Yes?

Zahid Jamil: Jonathan I know you tried to clarify but let me make my comment.

Jonathan Robinson: (Unintelligible).

((Crosstalk))

Zahid Jamil: So either we're trying to review the boards - right, thank you. Either we're trying to review the board's decision which is where I think the outcome will have to result of what we're trying to do number one.

Two are - or are we looking at a substance which is where everybody's concerned, what was the decision?

Because if we're looking at the substance and we've already sent a letter, we've done what we can do and it seems to me by sort of reviewing this issue again it sounds like taking a second bite of the apple is saying well now we want to say the same thing again because of the decision that was taken by the Board Governance Committee.

However the Board Governance Committee's mandate allows them to take that decision.

Are we the GNSO in a position to be able to review that decision? And is this the appropriate forum? That would be my question. But that's

completely separate from the qualifier that I think Jeff read out which is statement outside the PDP.

Jeff Neuman: Yes so Jonathan if I can respond to that.

Jonathan Robinson: Please do Jeff. You're a little faint.

Jeff Neuman: Yes sorry. So Zahid I am not saying that the GNSO council should have the ability to review the outcome of the Board Governance Committee decision. I'm not saying that we have the authority to do that.

What I'm saying here and what I said at the very beginning is that the Board Governance Committee I don't want to interfere with their decision. I don't want to interfere with trademark plus 50. I don't want to revisit the substance.

What I want is the rationale used by the Board Governance Committee, the rationale drafted by Jones Day, the lawyers to be thrown out even if the board...

Even if the Board Governance Committee just says we adopt the outcome which is to reject the reconsideration request, but we're not going to adopt that rationale. I think the rationale went way beyond what it needed to do and the rationale as it says in the bylaws is intended to set precedent for future action.

So again, not saying the trademark plus 50 should be revisited, not saying we should have another bite at the apple at that; what I'm saying is this rationale is in many cases irrelevant to the decision that

they made. It's making a policy statement with respect to how they view the role in the GNSO and that should be thrown out without consultation.

Does that make sense Zahid? I'm not saying the decision, the outcome should be thrown out; I'm saying the rationale they use should be thrown out.

Zahid Jamil: Thank you Jeff, but my response would be in fact with the question that I've asked. In effect that means if we're going to be looking into the rationale of the BGC we are effectively reviewing the BGC because if we're just going to discuss it with no end to it, then it doesn't matter.

But if we want an outcome are we discussing it because we want to review it, we want to write a letter, we want to in some way try and take some action? What are we trying to do here? And that's what concerns me. Do we have the mandate to do this?

Jeff Neuman: So I would argue that board I believe the Board Governance Committee did not have the authority to make the statements on the multi-stakeholder process that it made, that it basically raised arguments that were not even raised in the reconsideration request before it and therefore have not authority to actually issue that rationale.

But here's my problem Zahid; there is not appeal mechanism. There's no challenge mechanism. There's nothing that even allows us to - as you said there's nothing formally that - there's no accountability for the rationale used by the Board Governance Committee and that's a problem, right? It's basically the ability for ICANN through the Board

Governance Committee to make announcements through the set precedent without going through any process at all, any bottom of process. The Board Governance...

Zahid Jamil: I think Jeff...

Jeff Neuman: ...can say anything.

Zahid Jamil: I like the last point you made about - made Jeff which is that there is no review mechanism for a rejection or reconsideration. But then again that's not for the GNSO to do or the council to do; that would be for stakeholder groups or individuals who would be speaking to the ATRT just the way Alan described it.

You should - you know, we need to individually go to the ATRT or file those comments. But it wouldn't...

Jonathan Robinson: Just to remind everyone that there are three proposed outcomes of this discussion on the table at the moment before we move along in the queue. There are three proposed outcomes. The first is a letter which seeks to not overturn the decision of the reconsideration request, but merely strike from the record the underlying rationale because of the problems it presents.

The second is to write to and communicate with the ATRT 2 team in and around their concerns over the effectiveness of the duration, process as an accountability and transparency mechanism. And the third is just propose change to the bylaws which relates to the mechanisms by which consultation takes place with the GNSO. So

those are three very specific proposals. So that's what's on the table at the moment.

So I hope that helps keep us on that - those particular issues.
Wolfgang, you're next.

Wolfgang Kleinwachter: Thank you. Thank you very much Jonathan. First of all I want to thank Jeff because it's really brilliant Jeff and I want to thank you very much that you in a very crystal clear way come to the real point what's the challenge here.

Though it's not that we intervene into certain outcomes of decision made by other bodies; so it's about the whole procedure and the way and how the various bodies and constituencies impact in the process, you know, which has to be to a side which may be supported by everybody.

So I think your analysis and all the proposals are very clear and have my full support. In other words I support the letter; I support the communication with the ATRT and I support all the changes in the bylaws. And I think both elements Jeff had very clear. The risk here is that we're in a situation where one body unilaterally makes decision and ignores others. I think this is really basic point and so far this case could be - you know, has more or has a deeper meaning and goes far behind the substance of the very concrete case.

So it's a very simple question. And Maria had said in the beginning of this discussion, this issue goes (unintelligible). And I want to share one observation I have from the last couple of months; that on the one hand ICANN, in particular Fadi, Tarek and other people who

communicate with the outside world of ICANN use the multi-stakeholder model as the big innovation and the best alternative for Internet policy making on the global level.

They did it in Geneva. They did this in various other meetings, on national International level on the World Telecommunication Policy Forum. And so this is the big point which ICANN is making in the international debate, but at home inside ICANN. So we have not - we need clear understanding and clear procedures how the multi-stakeholder model works in practice. And so far, you know, this has a lot to do with the risk ICANN will take if they know the multi-stakeholder procedure's inside.

That means by moving forward as what is now criticized in our debate here by the Board Governance Committee and others, ICANN risks its own credibility that it mean if ICANN does not produce inside its own procedures, the model of the multi-stakeholder interaction. Then how they can defend ICANN against outside world and, you know, using the multi-stakeholder model as the big achievement and the big innovation.

So this is really a much bigger issue. This goes to the credibility of ICANN as a whole organization and we should take this into consideration if we move forward. But once again I support all this proposed action, the letter, the communication and the bylaw change.

Thank you.

Jonathan Robinson: Thank you Wolfgang. I've got Mason Cole next in the queue, followed by David Cake. And then we will draw a line under it.

Mason Cole: Thanks Jonathan; Mason Cole speaking. I just want to lend my support to Jeff's point of view as well. I'm concerned about this. I think in the current ecosystem ICANN's management has made it clear that it wants to move very quickly which is good.

There is the recognition on the part of the community and certainly on the part of staff and the executives that the PDP process is very slow. The GNSO processes are slow in general. That's bad for ICANN and for the community and I think it works against the staff's desire to be agile and to have a quickly reacting organization.

Part of the problem is the BGC decision is the handcuffs or attempt at least to handcuff the GNSO strictly PDP work and that's proven to be very slow. And maybe that's by design and maybe that's just a non-designed outcome of the rationale. I don't really think it matters, but I do know that we need to approve PDP to begin with and then set the community's expectations correctly about what the GNSO's role is.

So I do agree with Jeff that the GNSO is responsible for policy development. It can't really be any more plainly stated than it is in the bylaws that the GNSO is responsible for policy development for generic names. And working outside that process and going retroactively establishing new processes with the sort of twisted legal rationale very dangerous.

So I agree with Alan that the matter needs to be brought before the ATRT. I also agree with Jeff that the BGC and the GNSO should try to discuss this directly in Durban because I'm frankly not sure that it's

clear to the BGC what it's done. And Wolfgang is correct that in the end it's going to undermine ICANN's own credibility to us. So.

Jonathan Robinson: Thank you Mason. David?

David Cake: Your point, again my support to everything Jeff has said. There's some very, very - the substance, what had been said is problematic. The manner in which it's being constructed these as Jeff said legally - strongly worded as an adversarial legal judgment, legal brief that it contains completely innovative arguments nowhere mentioned in the process up to them which is certainly not really within the role of a reconsideration request.

And in particular I want to just make it clear to Brian and other people that are struggling with the value of this importance; it's specifically said that outside the PDP process the board can in fact ask the GNSO for its advice, then ignore it without giving a rationale and not have to - and that's perfectly fine. We really have to - and also ignore, you know, statements by its own, you know, CEO and so on.

But particularly the role of the GNSO is reduced to only the PDP process and other things strictly to find within the bylaws. We need to - none of us wants to do everything in the PDP process. We all understand what Mason said that we need to - we made some more innovative mechanisms and so on. And as Alan said it shouldn't matter whether it's policy or implementation.

If it's an outcome of a multi-stakeholder model it should be - it doesn't mean everything the GNSO says must always be accepted by the board, but certainly it must always be given at least the rationale - you

know, a strong rationale be expected. The idea that we treat it like the GAC I think is very important, has real strong merit. But as we move forward we're all trying to make the policy, those implementation more flexible to work on how - ways to deal with it.

And this idea that if it's declared implementation unilaterally by the staff, we can ignore the multi-stakeholder model, is totally poisonous to that idea. As Mason says, if we cannot - if doing something implementation can be done unilaterally by the staff and the PDP process is the only definer of what is policy, then the whole idea of the policy, those implementation will bring everything grinding to a halt.

And that's the bitter outcome. The worst outcome is that it will effectively undermine the entire multi-stakeholder model. So anyway just want to strongly support everything Jeff had said and we need to take this very seriously as I don't think the Board Governance Committee can really have understood the full implications and I hope that we can certainly convince them to remove these rationale.

That's all.

Jonathan Robinson: Thank you David. Thank you Jeff for bringing this to our attention.

Thank you for bringing it so coherently onto the agenda today. Thank you all for the way which you've conducted the response. I think this is a very useful way in which the council is acting as the conscious of the multi-stakeholder approach.

I like what David and Mason have said in that we need to turn some of this into some forward-looking activity. One part of that, one component will certainly be our work within the policy and

implementation working group. And it's incumbent on the council to not only act as the one that sticks our hand up and acts as the conscious, but starts to seek to improve and enhance the way in which we do our work on an ongoing basis in order to take things forward.

Jeff, as a proposer of this item, someone who has led the discussion, I feel I should offer you the opportunity since you've put your hand up for the last word. If I could also let Wolfgang, Mason and David know that your hand is still up. So if you could remove those from the queue and we'll defer to Jeff for a final word.

Jeff Neuman: Yes - well I don't know if this is a final word and others may want to respond. But I guess one of the things we've talked about is writing a letter. This issue was supposed to be up on the board agenda, at least a new gTLD program committee because it's only being considered by those that aren't "conflicted."

Remember a reconsideration request, a recommendation - sorry BGC recommendation does not have to be adopted by the board. So the next step is that it goes to the board for approval and the board has usually included these things in a consent agenda and approved it, pretty much rubberstamping it. It was on the agenda for two days ago, but after some of us complained because it was on our council agenda for today, they delayed until next week or maybe even the following week.

What I'd like to do is if we're going to draft a letter, I'd like to at least have Jonathan communicate with the board or the new gTLD program committee to let them know that we're going to be sending them a letter and that we want to talk about this issue in Durban and that we

ask them to hold off on making any decisions on this reconsideration request until such time that we are able to get them this letter and they are able to talk to us.

I know that may delay things a little bit for them, but I just think that if they go forward and adopt this, then we're really in a little bit of a bind. And again, once this is adopted, this will set precedent for further action. So I just want to bring that up that I'm not sure if anyone from the new gTLD program committee is listening to this call or will ever get word of what happened on this call.

I hope that they do. I hope that ICANN staff brings it to their attention, but if, you know, they may not and they may just go forward with the normal rubberstamp that they normally do with reconsideration requests.

Jonathan Robinson: Two points; one I think that - we've got a line (unintelligible). It's - we are not seeking to - it was very clear in this agenda item how it was framed; we're not seeking to change the reconsideration request. The whole focus was on the consequence of the rationale underlying it.

So but yes if it's helpful - I mean I heard three proposals from you to summarize this. I heard that there was a requirement to - a request to send a letter that deals with the concerns over the rationalization. There was a proposal to raise the effectiveness of the reconsideration process as an accountability and transparency mechanism, the ATRT 2. And there was a proposal on bylaws.

Brian, I see your comment in the chat. If you feel you were in some way unfairly cut off, I will respond to that and give you an opportunity to

say something more. My concern was that we could very easily be drawn into a discussion of the merits of the trademark plus 50 of the underlying issue of which we have discussed at length within the council, within other groups.

And it was very, very clear to me and I apologize if you haven't had the opportunity to have this made clear to you, but my understanding was very clear that we didn't want to go into that issue. And the issue was very much the consequences of the rationalization.

So Brian, I don't want you to feel that you were in some way cut short. I think we should give you an opportunity to if you have any final questions on this. But it was no intent to cut you short; rather that you just make sure that my capacity as chair focused on the particular Item 6 and that we didn't distract the council with the previous issue which was trademark plus 50. And I feel we've done a good job of that, so I'm sorry if you feel you were cut short. But please feel free to make any comment on record now.

Brian Winterfeldt: Thanks Jonathan. I mean I think that, you know, Jeff's arguments are interesting and I definitely understand them much better now. And I did follow what's on the list previously, but it frankly has been articulated in sort of different ways in different times over the list. And even today was presented in slightly a different way I felt like that what is presented on the list.

So I was really literally still trying to figure out exactly what we're discussing and I felt like I was just asking questions and I was trying to get to the substance of it. And I felt like I'm jumped on before - and I'm clearly - I was not completely understanding what he was saying. But

like we're not allowed to have a free discussion. And it's almost like everything's been so boxed in and if you stray from, you know, exactly what is expected or outside the point of what people want you to discuss; it feels a little bit like you're being censored or being jumped upon.

I was not trying to go off script; I was really trying to understand what we were arguing about and what the rationale was for what Jeff was trying to do. And that's what I was really trying to get at. And if I'm not understanding it, you know, I'm not the smartest person on the planet, but I'm just guessing maybe other people aren't totally clear either. So I apologize if it seemed like I was going off script; I was really not trying to. I was really trying to ascertain exactly what we were discussing and what Jeff's arguments were.

Jonathan Robinson: Thanks Brian. I apologize...

Zahid Jamil: Jonathan, this is Zahid. I'm not - Jon?

Jonathan Robinson: Who is that on the line? I've got someone on the line.

Zahid Jamil: Yes Jonathan. Sorry Jonathan, this is Zahid. I just wanted to say something. Can I say something?

Jonathan Robinson: Please do.

Zahid Jamil: Thank you. I'd just like to echo Brian's comment as well. I think the discussion has tended not just in this call, but even in the last Beijing meeting at times when someone wants to say something there has been a tendency to try to bring them back on track by interrupting what

they're saying. And I think rather than do that, once they've finished their statement, et cetera, it might be helpful to then again explain what is being said.

But, you know, cutting them off or letting them not close the discussion that they're sort of engaged in can tend to be a bit of a problem and it may give the misimpression, okay that maybe there's an attempted boxing in. But in fact that might not be. So I would just sort of echo what Brian said.

Thank you.

Jonathan Robinson: Yes and Zahid and Brian, I'll have to respond because I take that as a comment directly to how things are being chaired and how the conversation is managed. I mean - well I say two things really; one that there is no intent to box anyone in, but it is an immensely challenging job to try to campaign a discussion and focus the discussion with both the number of people we've got, the diversity of views and in particular when it's on pure audio, not in person.

So from my part I apologize if that's come across. I will take your comment on board, but the challenge for me is to try and keep us on a particular track, but not in any way to box in or restrict the conversation. So that's my immediate response. I'm happy to take it up with either or both of you offline, but you know, that's - let's take this up and, you know, I'll take it as a comment to continually improve and work on the way in which we manage these things.

And, however, we do have a couple of other items we need to get through and we've given this the substance of the meeting as was

requested. So I hope we have given it a full and proper airing and given more or less everyone the opportunity to have the reviews that they would like to have heard. And to Zahid and Brian, there was no intent to cut short your ability to present arguments, but rather to just channel the topic specifically on agenda.

So thanks for your comments. I appreciate both the critical and the positive comments that have come in.

Let's move on then onto Item 7 which is the next item on our agenda. Item 7 was to look at the forthcoming reviews of the GNSO and GNSO Council which is a board mandate, a board initiated review process and in some ways the wind has been taken out of our sails by a note you will have seen that went to the council list that indicates that the Structural Improvements Committee of the Board is thinking of pushing these reviews out somewhat and they're not quite as imminent as our interpretation of them was.

So really the question I've got for the council is what if any work should we be doing and if you'll remember in Beijing we began to anticipate that and consider the council doing some work of its own, partly on the back of the suggestion of I think it was Bruce Tonkin is that this has been done any body being reviewed consider undertaking some review work of its own. I can see some value in doing that still, notwithstanding then that we received it; it may shape slightly what we do. But I wouldn't mind any comment from counselors or any input.

And if there's none now, I'd certainly encourage you to pick it up on list. But let me pause for a moment and see if there's any comment or input on the - okay so Jeff says he hasn't seen that note. I thought I

forwarded it to the council. Can anyone confirm for me that they have seen it on the council list?

No one's seen anything? I thought I sent something. I apologize. Essentially what was said - then I'm going to have to figure this out in my email then if it hasn't been sent, but I received something very recently. It wasn't from the Structural Improvements Committee, but let me just figure it out and see.

Essentially it indicated that we were given - the note was indicated that the reviews were likely to be delayed by a number of months if not up to a year. So I apologize if that hasn't been sent. I did think it had been sent.

Rob Hoggarth: Jonathan, this is Rob. I'm happy to read it out. I found a copy in my inbox.

Jonathan Robinson: That would be helpful to save me trying to multi-task and dig through it. So if you could read it out, that would be very happy. That would be helpful. Thanks.

Rob Hoggarth: Thank you. This is a brief note to the GNSO chair and vice-chairs from Larisa Gurnick. She is working with Denise Michel on the organizational review efforts for the Structural Improvements Committee.

The note reads, "Dear GNSO chairs, the Board Structural Improvements Committee is considering postponing the GNSO review (potentially for a year) while it evaluates options for streamlining the organizational review process and considers relevant discussions

involving development of a new ICANN strategic plan. The Structural Improvements Committee expects to make a recommendation to the board in Durban and staff will keep you apprised of these developments." End of note from Larisa.

Jonathan Robinson: Thank you Rob. So what we've got is a pretty good indication of the likelihood of delay that we are anticipating. So really the question is maybe - I thought councilors were better prepared on the back of having seen that email, but the question in my mind is what if anything do we do to anticipate the forthcoming review given where we were at which was anticipating that such a review would kick off later in this calendar year.

And we're now getting a pretty strong indication that they may be as far as a year away. Is there anything that the council can do to undertake as far as our own review work of our own procedures or our own performance, or more broadly have to do with the GNSO review in advance of that? And there's really two options; we either decide that we would like to continue to on a part from doing some of our own work or delay even that decision until we've heard more in Durban.

John Berard, I see your hand is up.

John Berard: Thank you Jonathan. I look forward - I mean we're going to be in Durban in a month. I mean certainly I'm anxious to hear what the Structural Improvements Committee has to say. But I think even if we look no further than the earlier conversation we had about, you know, that Jeff instigated that there are probably matters that the ER concerned about that deserve our attention now.

I'm not so much concerned about when if any starts as when it finishes. And I - but I do think that there's plenty for us to jump into. So without having to rely on work from the Structural Improvements Committee. So I would suggest that we and the council move forward in assessing what we think ought to derive from a review, at least scoping out the issues that we want to address and then deal with them.

And then, you know, bolted to the overall program once it does get underway and reserve our decision until Durban as to whether we agree that it should be delayed at all.

Jonathan Robinson: Well John, just my understanding as just to be clear, notwithstanding the first point you made; it's not in our purview to initiate a review. We might have an opinion as to whether or not it should be delayed, but this is a board initiated review that comes from the bylaws.

So we have the opportunity to anticipate that review and there's - I think Bruce suggested we have the opportunity to undertake a form of review of our own that anticipates that review and does a self-review. And, you know, that's the issue at stake really is what action if any do we take in anticipation of a review whether it's to take place in a relatively short time or as it now appears a relatively longer time down the tracks.

I think this new information here, so clearly this is something which councilors will want to think about and we can cover this potentially as part of our agenda as well. I see no other hands now. I'll make sure that the note is forwarded to the list and then we can continue the

discussion as to what if any activity the council should take in advance of Durban, in Durban and beyond.

John Berard: Jonathan, this is John. Do you think we could at least on the list have a discussion of what we think - what issues are to be on our - the issues that we should consider to review at least within the scope of the GNSO, GNSO Council?

Jonathan Robinson: You mean now or in that discussion? In...

John Berard: To have a conversation online over the next month so that when we get to Durban we've got some collective sense of where we think our effort are to be focused?

Jonathan Robinson: Yes and I think I can help there. I had some helpful links being provided to me in discussions with Bruce and own words. So I will send those to the list as to what was done previously and I think that will help perhaps frame the discussion a little because I've been thinking about this in the background and I say I've been opposed to the previous review and what had gone on there because I want - if we were to go down this route I want to appraise myself of that.

One of the things that I'd like councilors to think about in whether you strongly agree with, disagree with or are neutral on, is whether we - I mean what typically happens in a board type situation is that there is - and I think the ICANN board has undertaken some of this type of work itself is whether we review our own performance via some kind of councilors in addition.

When I say - when I start to think about review work many of us think about review of processes; some think about review of structures and it's quite clear that from all of our discussions there seems to be a desire to improve potentially the efficiency with which we work and the throughput. But one of them might be, you know, on the quality of our work and the quality of how we work with one another.

So that's something to think about as well because that is standard in any kind of review of the board that I'm aware of is that there's some form of review of the individuals themselves and some kind of feedback as to individual performances as well. So that's something to think about whether that could form part of a self-review.

Wolf-Ulrich Knochen: Thanks Jonathan. A question comes to my mind, you know, if I - may I just hear that - about that note. So it brings me the feeling, you know, that now is that is spread over ICANN this information. Everybody is going to relax on that item. That means really has an interest right now to start any kind of review of the GNSO, may it be internally, may it be let me say a little bit followed by others.

I don't think that the board has an interest right now is that it comes down to they are doing this one because, you know, the work we have to do with the review will end with some recommendations which have to be accepted by others as well in order to not just define our work. So fine-tuning is what we can do every time, but if it comes to some structural or bylaws and related modification, so others have to decide. And why should they have right now the interest to think about that.

Then a decision has been taken or may have been taken in the future and we will hear that in Durban that the GNSO review is going to be postponed. Just a question from my point of view.

Jonathan Robinson: Okay thanks. Well let's -- thanks Wolf-Ulrich -- pick this up then further on list and potentially in Durban as well.

The next item is Item 8 which is an update on the discussion on the user experience of active variant TLD's and the IDM letter to the board. In fact the ID - the letter to the board that Ching dealt with under the action items and so that's really been removed in effect from a need to discuss that now. We've covered that much earlier on in the agenda.

The second thing is this question that's the request of the SO's and AC's to provide staff with any input and guidance on the implementation recommendations. Now I suspect that some of this activity is happening in the separate groups. The question is for the council is and I welcome any input on this, is there anything that the council itself wishes to do in response to this request from the board or do we think this is better handled in the different groups that make up the GNSO and therefore the council?

Ching?

Ching Chiao: Thanks Jonathan. Just my personal observation here about this implementation request from the board towards to how the ICANN staff should implement these user experience. It seems that from meeting of the recommendations and there's also another paper prepared by the staff in response - it's kind of analysis towards this implementation.

What I have found in quick words is that it seems that ICANN itself has kind of hold itself back about this implementation. It seems that they confess and also it seems to be showing lack of readiness to implement the IDN at the ICANN and also at the staff level based on various of reasons which has been disclosed at the report. And the immediate risk is that because we have already have a ccTLD IDN fast track and the "synchronized IDN ccTLD" has already been delegated.

So ICANN itself and also put us in a kind of a strange and kind of awkward position, meaning if we - it's kind of weird if we do things at this point. If we rush to do things we may do wrong. If we don't we do nothing, we can also put our self into kind of a mistake. So I will urge everyone to look at this analysis prepared by the staff and just - and my final updates here is that the registry has already worked with a number of applicants on just to response to the board request which is the deadline will be the 1st of July.

So the registry we have already. On the registry side we have already dealt with - I will urge everyone to get this issue back to your prospective groups. I'm not seeing the GNSO Council should we be able to reach any consensus by the 1st of July since we're only talking about two, three weeks down the road. But I really hope that each of the stakeholder groups can take initiatives individually.

Thanks.

Jonathan Robinson: So Ching, am I hearing that you're not proposing that this is handled in the groups and you are advocating that councilors take this back to their groups and that the - and ensure that the work is done is done there and the response are given, and that the council doesn't

take any action itself? Perhaps we could even write back as a courtesy and say we think this is better handled by the respective groups?

Ching Chiao: That's actually a good suggestion Jonathan. I assume that you as a chair, you can write a courtesy note back to the board saying that we talked about this at the council level and we encourage other stakeholder groups to provide their prospective feedback to the board. I mean knowing the registry has already worked on this.

Jonathan Robinson: Okay. I'm happy to do that. And hearing no other comments in favor or against I'm happy to proceed down that path.

All right, I think we need to move on and consider some items in and around the Durban meeting. Really this is something which we have a pretty comprehensive agenda. So Wolf-Ulrich, in discussing this we've got a relatively short amount of time now and if I could ask you to focus in on where there are questions for the council as to whether items of substance should be added to or left off the agenda, whether they should occur in any particular sequence.

So if you could focus us on the questions that you need council input on in and around the Durban agenda, rather than any, you know, sort of detail logistics. This is really about items of substance in and around the Durban meeting that we either need input now or in the near future, if you could flag that. Thanks Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes and thanks Jonathan. I'll do so. So let's focus on the weekend agenda and this is a structure in the way that more let me say internally discussions with regards to working group items and this is

going to be done on Saturday and the others with the external partners, board, GAC, Fadi and others, are scheduled on Sunday.

So one major topic is just in the beginning as we did in Beijing, so because in Beijing - there is some in session right now, but it's more the kind of about open discussions of essential items and for internal strategy. So the question here is - and we have also three half's of an hour allocated to that, that we have a little bit structure I think to that. So I would also ask that for input to that session which kind of items they should touch here.

In regards to the rest of the Saturday; so I am starting on getting in contact with working groups. There are some asking for more time allocated because they are more advanced; others are asking we are to step back maybe. So let's allocate. I also would like to ask you if you have a look to that what is to tell me or let me know what is of more interest to you, if there's something missing, if something is really outdated from your point of view, please be open to comment on that.

Then on Sunday, Jonathan as well mentioned in the beginning of the council meeting, we should really carefully prepare for the meeting with the CEO, (unintelligible) board and with the GAC. So all these meetings have been concerned by those entities and persons; so they are interested to exchange views on the specific items, but they are also waiting - expecting from us to see that gives them input in advance.

So far, so just what I'm going to do is with regard to that sessions we'll after this meeting put some items on the list for discussion and then ask for additional or removals or what else here you might think about

is of interest to you. This is the most important meetings and discussions about those meetings which is what is still open and not yet inserted is - and potentially to ATRT 2. And that's what I would like to ask here as well is that is of interest because we have been approached to hold a face to face meeting with them.

If that is of interest, then please let me know and I would like to put it into schedule.

Jonathan Robinson: Thanks Wolf-Ulrich. I mean I'd certainly be very keen to hear councilor's support or otherwise a meeting with the ATRT 2. I think we owe a response on that. As far as the board is concerned, if you recall when we met in Beijing the board let us set the agenda.

We were critical of where we saw problems in and around the multi-stakeholder model and I'd very much like - my thought is that if we do go at our meetings with the board and the CEO should - we by all means let's criticize things that are wrong, but I'd like it if we can find ourselves talking about some topics where we are actively taking key items forward like perhaps the policy and implementation.

It may be too early to talk about that without any substance, but at least indicating where we're headed. So yes, I'd like any guidance that councilors would like to provide about out sub-standard interactions with executive staff, ATRT 2 and GNSO board - with the board and even with the GAC.

Any comments or questions about these or shall we pick them up online? It looks like there's - not seeing any hands up at this stage, but

I would strongly encourage you to please provide any input you would feel you would like to make.

John?

John Berard Yes one small issue I wanted to raise; maybe it's right to have it on our agenda for Durban. We had a discussion in Beijing regarding finding a way to improve our collaboration with the GAC. There were different ideas raised back then why they're having a liaison or maybe have a committee of a couple of people from the GNSO and also people from GAC.

But practically nothing has been done since and I think we should try to move this issue further and not wake up in six - or six months or nine months and say, "Hey we've done nothing," and collaboration just became worse. So maybe we should have this for discussion in Durban.

Jonathan Robinson: Thanks John. That's a practical suggestion.

I should just say before we go to Wolfgang who's next in the queue that I have sent some interaction with - the way in which our discussions took place with the board - with the BGC, the board governance and recommendation - I'm trying to think of the - active - the group that is working with between the board and the GAC, the working group that is working between the board and the GAC in trying to improve the GAC's overall engagement in the process, and one of that was with the GAC's involvement with the policy process.

Marie can very kindly and hopefully prepared a schedule of where the GAC can interact with the policy development process at present. That has been circulated to the GAC, so there has been some dialogue and communication going on in the background which paves the way for good further discussion. But there hasn't been any further progress on this so-called liaison or reverse liaison, so you're right to put our collective sort of conscious on this and make us aware that that's something we can still usually pick up on.

Wolfgang?

Wolfgang Kleinwachter: Yes my finger goes in the same direction and because we had recently discussions about the GAC communicate from Beijing. And so it's partly confusing for the non-governmental constituencies in ICANN. And I was told by a number of governmental representatives sitting in the room it was done around midnight.

So some governments do not understand really what they decided in this very hectic night. So and but the conclusion from this confusion is that indeed what Jeff just said, you know, we have to have an earlier inclusion of governments into PDP's.

And so this was raised several times, but nothing has happened and Durban is a very good opportunity in referring to the let's say mixed reaction to the Beijing community that it would be interest of government not just to talk to the board which very often, you know, is not the starting point for PDP, but to talk more directly to the bodies like the GNSO Council in particular if it comes to a new PDP to bring, you know, positions from the government to the attention of the PDP

and to at least have a channel of exchange so that information can be transported.

I understand fully that one governmental member cannot represent the GAC as a whole in PDP or a working group, but we have to be innovative and we have to find channels where we can improve on this very practical level between the GNSO Council and the GAC better communication and coordination.

And the second point refers to the meeting with the board; you know, what becomes more and more clear now is that the strategy of internationalization becomes a clear issue for ICANN at least for the next two or three years. You know, with the new offices in Istanbul and Singapore and the engagement offices in various cities. I think next is Montevideo, plans also for Brazil or for Geneva and I think we should be informed what are the plans for the future and what does it mean for the various constituencies in the GNSO Council.

So I think the issue of internationalization should be one point among others when we have the chance to talk to Fadi and the board.

Thank you.

Jonathan Robinson: Thanks Wolfgang. That's clearly - I think that's a very helpful suggestion. In particular my sense in that internationalization strategy is very much being led, an initiative that's coming with Fadi. So that sounds to me like one that whilst it may be appropriate to talk with the board about it is certainly one that we should pick up with Fadi.

I was going to volunteer as well that I will put down a sort of summary of what ICANN as to how the sort of recent dialogue's gone with the GAC and where we've got to so far. And so that sets the scene as to what options there might be to your first point and how we can actually pick up from where we left. Because if you remember where we've come from is no meeting in Toronto, a constructive meeting in Beijing and with respect to the GAC and our opportunity now is to build on that further.

So yes I welcome us getting behind that and making something productive. But the fact that we've got the meeting is an achievement in itself; now we have to turn that into something effective.

Any other - Joerg and Wolfgang, your hands are still up. Is there anyone else that would like to make comments or remarks about the substance or should we pick the rest of the Durban items up online?

The ATRT 2 I haven't heard anything there about ATRT 2. So in the last minute or two I'd love to hear some support for the council meeting with them responding to that request to meet with the ATRT 2.

David Cake: What meeting?

Jonathan Robinson: I'm sorry; was that a question or a comment?

David Cake: That was me, David. Yes I'd support meeting the ATRT 2.

Jonathan Robinson: Thanks David. Any other comments as to whether this is good and effective use of the council time to meet with the ATRT 2 team?

We had a request for a meeting and I think Wolf-Ulrich, if you can help me here, but I think we have sort of sufficient flexibility in our schedule that we should be able to accommodate that.

Wolf-Ulrich Knoben: Yes well I can immediately respond to the request and offer some time slots, yes, so that we could come together.

Jonathan Robinson: Okay. Well I think you've got some provisional support. If you could encourage on list to get some further support, that would be great.

We're coming up to the hour, so I feel it's my duty to bring the meeting to a close now on the scheduled time. But thank you all very much for a constructive and thorough meeting and in particular for picking up well on that agenda item 6 which seemed to be substance of our discussion. And I look forward to talking with you all on list and of course meeting together in person in Durban in the not too distant future.

Thanks very much everyone and we'll bring the meeting to a close at this point.

Wolf-Ulrich Knoben: Thank you. Bye bye.

Man: Thanks.

Man: Thank you.

Man: Bye bye.

Man: Bye.

Man: Bye.

END