Transcript GNSO Council Teleconference
31 October 2013 at 11:00 UTC

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on page http://gnso.icann.org/en/group-activities/calendar#oct

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House
Registrar Stakeholder Group: Mason Cole, Volker Greimann
Yoav Keren- joined late,
gTLD Registries Stakeholder Group: Jonathan Robinson, Ching Chiao, Jeff Neuman – absent apologies, proxy to Ching Chiao
Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House
Non Commercial Stakeholder Group (NCSG): Maria Farrell, Joy Liddicoat, Magaly Pazello, Wolfgang Kleinwächter, Maria Farrell, David Cake, Wendy Seltzer
Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers:
Alan Greenberg – ALAC Liaison
Patrick Myles - ccNSO Observer

ICANN Staff
David Olive - VP Policy Development, Marika Konings - Senior Policy Director, Rob Hoggarth - Senior Policy Director, Mary Wong – Senior Policy Director, Julie Hedlund – Policy Director, Berry Cobb – Policy consultant, Lars Hoffmann – Policy Analyst, Carlos Reyes – Policy Analyst, Glen de Saint Géry - GNSO Secretariat, Cory Schruth – Systems Engineer

Coordinator: Today’s conference is being recorded, if you have any objections you may disconnect at this time. Please go ahead.

Glen de Saint Géry: Thank you very much.
Jonathan Robinson: And welcome to today's GNSO Council call. Welcome especially to those, I guess, on particularly awkward time zones although that happens to the best of us sometimes. I know on the West Coast it's very early. I'm not sure who else is suffering. But welcome everyone regardless of the time zone you're on.

And welcome to ICANN staff and councilors alike in particular Marika, who I hear has managed to join us in spite of being on holiday. So thanks, everyone. Let's commence immediately with a roll call please, Glen.

Glen de Saint Géry: Thank you, Jonathan. Jeff Neuman is absent and he has given his proxy to Ching Chiao. Ching?

Ching Chiao: Present.

Glen de Saint Géry: Jonathan Robinson?

Jonathan Robinson: Present.

Glen de Saint Géry: Mason Cole.

Mason Cole: Present.

Glen de Saint Géry: I do not yet see Yoav Keren on the call but perhaps he will join later. Volker Greimann.

Volker Greimann: Present.

Glen de Saint Géry: Thomas Rickert is not yet on the call either. Zahid Jamil?
Zahid Jamil: Here.

Glen de Saint Géry: John Berard.

John Berard: Here.

Glen de Saint Géry: Brian Winterfeldt.

Brian Winterfeldt: Present.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Present.

Glen de Saint Géry: Osvaldo Novoa is not on the call yet. Maria Farrell.

Maria Farrell: Present.

Glen de Saint Géry: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: I'm present.

Glen de Saint Géry: Wendy Seltzer is on the way to her office and she will join us a bit late. David Cake.

David Cake: Present.

Glen de Saint Géry: Magaly Pazello.
Magaly Pazello: Present.

Glen de Saint Géry: Joy Liddicoat.

Joy Liddicoat: I'm here.

Glen de Saint Géry: Wolfgang Kleinwachter.

Wolfgang Kleinwachter: I'm here.

Glen de Saint Géry: Lanre Ajayi.

Lanre Ajayi: Present.

Glen de Saint Géry: Jennifer Wolfe.

Jennifer Wolfe: Present.

Glen de Saint Géry: Alan Greenberg, ALAC liaison.

Alan Greenberg: Present.

Glen de Saint Géry: Patrick Myles, ccNSO liaison.

Patrick Myles: I'm present.

Glen de Saint Géry: And for staff we have David Olive, Marika Konings, Mary Wong, Julie Hedlund, Rob Hogarth, Berry Cobb, Lars Hoffman, Carlos Reyes, (Tori Schults), our technician, and myself Glen de Saint Géry. Have I left off anybody? May I just remind you please to say your name before
speaking for transcription purposes? And thank you, Jonathan, it's over to you.

Jonathan Robinson: Thanks, Glen. Our second item on the agenda, as usual, is to call for any updates to Statements of Interest so I'll call for that right away please if I could call for any updates to the Statements of Interest.

Hearing none I'll move on to 1.3, that is the opportunity to review or amend the agenda. Any comments or input on the agenda please?

John Berard: Jonathan, this is John Berard.

Jonathan Robinson: John, go ahead, please.

John Berard: Is Thomas just late coming to the meeting or has he sent his regret today? Because I do want to hear - I think our discussion on the protection of IGO and INGO names is important going into Buenos Aires.

Jonathan Robinson: Thanks, John. Good point. Actually I will ask staff now to please reach out to both Thomas Rickert, who I have no indication is not intending to intend the meeting, and Yoav who I had every indication prior to the meeting that he was planning to attend. So I'm slightly concerned that one or both of them has been caught up by at least the change to - of the clocks. Thanks, John. So hopefully we can get Glen to reach out to...

Glen de Saint Géry: I will do that.

((Crosstalk))
Jonathan Robinson: ...to the call as soon as possible. Any other comments on the agenda?

All right hearing none I'll go on to 1.4 which notes the status of the minutes from the previous Council meeting as per our Operating Procedures. And they have in fact been circulated.

Right, moving on to Item 2 then which is an opportunity to provide any opening remarks and/or review the projects and action list. I've got a couple of comments and input on the action list and then I'll solicit any others.

The first item deals with our planning for Buenos Aires. And we'll come to that later in the meeting. The next item deals with the prospective GNSO review, which as you will be aware, was proposed to be postponed and then public comment was taken and there's now been a decision to commence with that review next year.

I have been in contact with Ray, who is the Chair of the Structural Improvements Committee of the Board, to talk with him about his intentions there. They are working on it at the moment and as far as I understand it looking at a structure for all of the reviews going forward of which, as far as I understand the GNSO review will be the first.

So I think it's work in progress. I hope we'll be able to hear more from Ray and/or the Structural Improvements Committee in the next few weeks ahead of Buenos Aires and be able to talk about this a little more on the weekend session. So that's my update on that. And you'll see that that's pretty much reflected in the action item on that point.
As far as the next item is concerned there's BGC recommendation on reconsideration request 13.3. I think we've pretty much dealt with all of that and in particular I would like to draw your attention to the fact that, you know, we did originally write to the Board Governance Committee. And most significantly in the output from the ATRT2 the - someone help me here, I believe it's the draft report that's up for public comment at the moment.

In any event they specifically deal with a recommendation - I think it's 9.2 - to deal with the review or a revisiting of the reconsideration processes. So my opinion is - and if I don't hear any sort of contradiction to that that this item is largely and substantially dealt with. So I think we can strike this off the reconsideration request. We've got the attention of the - the appropriate attention of the new gTLD Program Committee, the Board and the ATRT on these items.

((Crosstalk))

Jonathan Robinson: So moving on then to other items in the action list, the PDP improvements; I'll just draw your attention to the fact that Marika has updated that table and we'll come back to that again with - on the ATRT2.

And then on the next item, which is dealing with the charter for the SCI, the Standing Committee on Improvements to the GNSO. Well, we have that item on our agenda but a reminder here that the open item in that is primarily, at least going forward, is all about whether or not the decision making methodology is changed there and that's in and around the consensus and that's something we still need to deal with.
Finally we have an item on policy issues surrounding string confusion which, again, we'll come to in the course of the main agenda.

So I think that's a whistle stop tour through the action list and the key items. I'll pause here and ask if there's any comment or input on that - on the action list as it stands and the updates and the plan to remove Item 3 is the BGC recommendation reconsideration request point.

Okay hearing none I think we - and we can move on to the next item in the agenda. We don't have any items for the consent agenda. And I know that there is...

((Crosstalk))

Coordinator: I'm sorry, there is a problem activating the card. Just a moment and I'll transfer you to a team member...

Jonathan Robinson: I'm sorry, we had an interrupt on the line there. That looks like it's...

((Crosstalk))

Jonathan Robinson: ...if we move on to the next set of items which is the motions before the Council. I know, having had discussion outside of this Council meeting that Yoav has a substantial point to make on Item 4. And so I propose to defer discussing that until we've dealt with the other motions and other - such that we can give Yoav the opportunity to join the call.
As I say, I don’t have an explanation for why he is not on the call at this stage. So I suggest we move ahead to Item 5 which is the motion on the adoption of the thick Whois policy development process. So this is our second motion. I’ll just wait until that becomes shared on the Adobe.

Right, so this is the adoption of the thick Whois policy development process final report and recommendations. A motion has been made by Volker Greimann and seconded by Brian Winterfeldt. So if - Volker, if you go ahead, please, and make the motion.

Volker Greimann: Just a second; let me draw that up. Sure, read all the whereas as well?

((Crosstalk))

Jonathan Robinson: ...sufficient for you to just read the resolve clauses unless anyone has any objections.

Volker Greimann: Hearing none. "Now therefore be it resolved that the GNSO Council recommends to the ICANN Board of Directors the adoption of Thick Whois recommendations as detailed in section 7.1 of the Final Report," with a link to that report.

"Second, the GNSO Council shall convene a Thick Whois Implementation Review Team to assist ICANN Staff in developing the implementation details for the new policy should it be approved by the ICANN Board."
"The Implementation Review Team will be tasked with evaluating the proposed implementation of the policy recommendations as approved by the Board and is expected to work with ICANN Staff to ensure that the resultant implementation fulfills the intentions of the approved policy recommendations."

"If the Implementation Review Team identifies any potential modifications to the policy recommendations or need for new policy recommendations, the Implementation Review Team shall refer these to the GNSO Council for its consideration and follow-up, as appropriate."

"Following adoption by the ICANN Board of the recommendations, the GNSO Secretariat is authorized to issue a call for volunteers for a Thick Whois Implementation Review Team to the members of the Thick Whois Working Group."

Jonathan Robinson: Thank you, Volker. It's customary to move on to discuss the motion now. And I understand that you may have some form of update for the Council in the form of a couple of slides or something to kick off the discussion, is that correct?

Volker Greimann: Yes, that's correct.

Jonathan Robinson: Okay great. Why don't you go ahead and provide that update or that input and then on the back of that we can call for any other comments or questions to discuss this. Thanks, Volker.

Volker Greimann: Next slide please. Okay here we go. Mainly I don't want to go through what the previous updates that the Council has already
received on the work of the working group. Just as a brief summary the working group was mainly concerned with the question of whether thick Whois should be made a general recommendation for all the gTLDs and that if the registries that are currently under thin Whois should also manage the Whois in the thick way, i.e. in a registry-controlled way.

The working group has deliberated the advantages and disadvantages of thick versus thin Whois and has come to the conclusion that thick Whois would be - a general adoption of thick Whois would be preferential to the variation at this time.

Recently, as an update to the previous updates, we have reviewed all the comments that have been received. We have achieved full consensus on the report and the recommendations and published our final report on October 21.

With the recommendation that the provision of thick Whois services with consistent labeling and display as per the model outlined in specification 3 of the 2013 RAA should become a requirement for all gTLD registries both existing and future.

Next slide please. We have taken into consideration, since the last update, a couple of new issues which are included now because of the public comments and (unintelligible) notification of the ICANN Board.

We have undertaken - we have requested that the ICANN staff undertake legal review of law applicable to the transition of data from thin to thick Whois models especially with the background of privacy issues that may be at stake.
During that model because the working group recognized that it did not have sufficient legal expertise to make that determination itself and that would be mainly an implementation issue rather than the policy issue so this was delegated to staff to initiate a legal review and make that.

Next slide please. Finally the next steps. The GNSO Council should consider the recommendations. I think everybody has had the opportunity to read up on the recommendations in the final report. And if and when it's adopted there should be public comment prior to Board consideration. And that's what I have.

Jonathan Robinson: Thank you, Volker. Can I call for any discussion or questions on the motion or the subject matter of the motion? Any comment or input on this thick Whois PDP final report and recommendations?

Thank you, Volker. I'm hearing none so I think we can take this...

Alan Greenberg: It's Alan. My hand is up on my side, I don't know if it is on your side.

Jonathan Robinson: It's just come up now. Alan, there was a minor delay. Please go ahead.

Alan Greenberg: Oh, it's too early in the morning for the hand. There was - on the working group there was significant discussion about the recommendation to request a legal review. And the feedback we got at one point was that at some level the kind of legal review the group was asking for was beyond the scope of what ICANN legal services could likely do in a reasonable time and at a reasonable cost.
And I guess I'd like some input from ICANN staff as to why this version is now acceptable. I'm just a little bit worried that we are asking for something which is going to trigger a very long and complex process. And do we have assurance that that is not the case? Thank you.

Jonathan Robinson: Is anyone in a position to respond to this sort of - I guess Alan's question on the efficacy of the process of the legal review in and around this transition? Any comments? Thank you, Marika, go ahead please.

Marika Konings: This is Marika. Maybe just, you know, because I think our main concern before was (unintelligible) general counsel to (unintelligible) as to being a legal review they could give us the (unintelligible) or do we need to engage a third party to look at this.

Also, the working group looked at the information that has been provided to the EWG and there's already quite essential information in the books about (unintelligible). And so from our perspective I think that's something we can build on and hopefully indeed that will be (unintelligible) unless of course, you know, (unintelligible) further investigation.

But I think at least the language that's currently written (unintelligible) specifically asks the Office of General Counsel to take such a (unintelligible) because we tried to explain that's not really within the remit of the general counsel to, you know, provide legal advice to third parties.

They look more at, you know, are the policies in direct contradiction with policies (unintelligible) ICANN as a corporation aspect that need to
be (unintelligible) not the kind of legal review I think that working group (unintelligible). So I hope that (unintelligible).

Alan Greenberg: Thank you.

Jonathan Robinson: Thanks, Marika. The audio was a little broken up there. I think I understood you to be saying that you had reasonable comfort that something could be done within the scope of the wording as it stands. But it is quite clear that this is not within the scope of ICANN's internal legal function.

Are there any other comments or question before we take this motion to the vote? I'll pause a moment for - to see what comes up in the Chat. And if there is nothing more substantial then we will go to vote.

All right so I hear no other comments. I see no other hands in the Adobe and so let us take this to a vote. Let me try a voice vote and see if there are - is anyone intending to vote against the motion? Is anyone intending to abstain from the motion?

Hearing no comments to vote against and no to abstain I'll ask for all those in favor to say Aye.

Man: Aye.

Man: Aye.

Woman: Aye.

((Crosstalk))
Jonathan Robinson: Thank you. Glen, if you could record that there were no votes against, no abstentions and therefore those present have voted the motion.

Glen de Saint Géry: Thank you very much, Jonathan. And I just would like to note that Osvaldo Novoa and Yoav Keren are not on the line as far as I know nor on the Adobe Connect.

Jonathan Robinson: Then they - it is possible that they can - that for this particular subject that absentee voting is possible so I think we should reach out to them and, for the record, obtain a record of their vote so if you could please do that that would be great.

Glen de Saint Géry: I'll do that, Jonathan. Thank you.

Jonathan Robinson: Right, moving on to the next item then, that's Item 6 on your agenda which is to approve the charter for the Standing Committee on GNSO Improvements Implementation.

And that motion is made for us by Wolf-Ulrich who is himself a member of the Standing Committee. Wolf-Ulrich, I think if you could please make the motion by providing any brief comments on the background and moving through the resolve clauses that would be great.

Wolf-Ulrich Knoben: Yes, thank you. Wolf-Ulrich speaking. So we had this item with regard to the Standing Committee of Improvements and Implementation several times on the Council agenda.
And you know that while the content of that motion is regarding the amended charter of the standing committee the background was because of there was a change in the leadership of the SCI and with that change also we were thinking about, okay, after two years whether the charter is still up to date with regards to the tasks and with regards to the task, well, already done and to be done in the future.

So we revised that charter and with regards especially to task and to the election procedure for the chair and the vice chair. I'll (read) out two major items. And we were discussing the decision making process, as you know. And this - since we could not find a consensus, let me say, on the - to amend or to leave the decision process as it was then we - then we turned to the Council and asked for input from that side.

So this is still an open item to be discussed and to feed back to the SCI with regard to the decision making process. We have the two alternatives to decide either the working group model - along the working group model or with full consensus as it is at the time being.

So this part regarding the decision making process is that in the charter still open let me just read for you this paragraph in the charter which means decision making unless otherwise determined by the SCI members committee decisions will be made by and in brackets there is still full consensus process. But as a comment to that which is under consideration by the GNSO Council as described in the GNSO Working Group Guidelines.

So this is the paragraph which is still in the charter and which would mean if we now here on the Council, wouldn't come to a decision with regards to that consensus process we can do that. We can discuss it
and we can also insert what we mean, what should be inserted and we can do that.

Or if we kind of cannot come to a decision then it would be open until the Council has discussed that and the term would leave in brackets. So now let me read just the resolved of this motion.

It says, "The GNSO Council thanks the SCI for its work to date and, second, the GNSO Council approves the revised SCI charter at," and there is a link, "...which will replace the previous charter effective immediately upon adoption of this motion."

And third, "The GNSO Council appoints," and then in brackets, "confirm name as the GNSO Council liaison to the Standing Committee on GNSO Improvements Implementation."

That's the motion. Let me just comment to the third part of the motion appointing a GNSO liaison to the SCI. There is no name, not yet, in front of. I would say - that's my personal proposal - that since the Council is to be seated there will be new Council from Buenos Aires the Council should take into consideration new members of the Council from Buenos Aires by naming a liaison.

And personally so it's my personal suggestion for that to suggest as the liaison then Mikey O'Connor. But this is my personal suggestion. There may be others, other SCI members also members to the Council and it's open, well, to suggest any name.
Jonathan Robinson: Thank you very much, Wolf-Ulrich. That's a good point actually. And although we could put a liaison forward at this stage if there was a volunteer it may well be appropriate to wait until we have the new Council in place and see if anyone either is particularly appropriate or particularly keen.

So if existing councilors could bear this in mind but let's perhaps take that until such time as we are 100% clear on who the new councilors are going to be post Buenos Aires and speak to complete that square brackets with a volunteer.

And just to remind everyone that it would be good to resolve this decision making process one way or another. So I guess that leaves us with two open items relating to this area of work and that is the liaison and the decision making process.

John Berard, I see your hand is up. Please go ahead.

John Berard: Right. So I wonder if you can help clear up some confusion that I have now - that has now (unintelligible). So when we first discussed turning the SCI into a real standing committee, as opposed to just one in name, which is thoroughly confusing to the naked eye, it was because we felt a need for continuous improvement of the policies, practices and procedures of the GNSO Council.

The idea was that this would be groundbreaking because we would be creating a committee that is a creature of the GNSO Council but that the need for continuous improvement was so important that we felt we wanted to take that step.
In that instance, or if that's the case, and please correct me if I'm wrong, then we don't really need a GNSO Council liaison because the committee itself is a creature of the Council as if it were a committee of the Board.

So I'm a little confused that we're - that we're using the wrong metaphor here. And, you know, it's not a working group; it is a committee of the Council. Certainly in using - with (unintelligible) on the Council but focused specifically to deal with requests from the Council for review of our policies, practices and procedures. So I guess I'm a little confused and would love for someone to help clear up.

Jonathan Robinson: Wolf-Ulrich, I see your hand is up probably in response to this. Please go ahead.

Wolf-Ulrich Knoben: Yes. Wolf-Ulrich speaking. John, you are right I think in both - on both sides. So as we described and what we wanted here from the Council to establish or to fix that committee as a committee of the Council that's okay for the okay.

On the other hand from the committee's point of view I think it's just the role of a liaison here is to been seen as a - somebody who is, you know, a - who is on both parts, who is on Council and on the committee and who can, if it comes up at the Council, some questions with regarding to the committee or with regarding to some tasks which would be provided to the committee could immediately refer and could reflect on that and could answer on that.

So I don't see - so that's my understanding of the role of this liaison and so more from a practical point of view. Thanks.
John Berard: And if I might? You know, my view is that because of - if my recollection is correct and I say that the chair of the Standing - of the SCI ought to be a member of the Council and therefore obviate the need for a liaison but that's my view; just one man's opinion.

Wolf-Ulrich Knoben: So that's definitely not the case. And if you look at the charter and the voting - the procedure of election of the chair so there is no need seeing that the chair of the committee should be a member of the Council. So that's not the case. So as you can see also Ron Andruff at the time being as the chair, he's not a member of the Council. So this is the situation so there is no need to be as chair as member of both parts. Thanks.

Jonathan Robinson: John just - it's Jonathan speaking. I guess my perspective on this is that if one makes a reference to something like the Board where the Board has sub committees those sub committees with specific functions are typically made up of Board members.

In this case this is not a subcommittee of the Council but rather a separate group chartered by the Council with a specific function. I agree with you, closely related to a drive to produce ongoing improvement.

So to that extent, in principle, at least although I would hope it would be unlikely, the SCI could comprise of - substantially of members outside of the Council. And to Wolf's point, there's a requirement for someone who we can rely on from the Council who would always be that conduit in place. So that's the difference I would see to, you know, a subcommittee or some other analogous body.
Zahid Jamil: Jonathan, this is Zahid. I'm not on the Adobe, can I get in the queue?

Jonathan Robinson: Please go ahead, Zahid, there's no one else in the queue so go right ahead.

Wolf-Ulrich Knoben: Yes...

Zahid Jamil: Thank you. I just wanted to say that I think this recalling back of course for transparency, as you know I've sort of put my name forward if there is a need for a liaison because I will not be on the Council as of Buenos Aires.

There's two things come to mind, 1, someone who needs to be intimately aware of how the GNSO works; it has to be somebody who is able to work with existing councilors and the Council itself. And the amount of time that has to be devoted to this activity will require that person to work closely or at least listen in and be available to the GAC to take back questions.

And I think that, as you said, Jonathan, is a very different role in the SCI which looks at improvements, etcetera. And I think there is a distinction to be made there - or have there.

So that does need to be someone who will be available to take these, you know, issues back and forth between the GAC and the GNSO. It has to be someone who is very intimate with how the Council internally works. I'll leave it at that, thank you.
Jonathan Robinson: Zahid, thanks. I think there may be - we may be talking slightly across purposes here about two different roles...

Zahid Jamil: Oh I'm sorry.

Jonathan Robinson: Currently the topic is on the liaison from - to and from the GNSO Council to the Standing Committee on Improvements not...

((Crosstalk))

Zahid Jamil: I apologize, sorry.

Jonathan Robinson: No problem. It's something which is - I mean, we do need to discuss further at some point that liaison to the GAC. And so - and it hasn't gone away. Unfortunately we haven't made a lot of progress on that but let's not go down that route for the moment. Now I think we're talking about the liaison to the SCI.

So, Wolf-Ulrich, I see your hand is up.

Wolf-Ulrich Knoben: Yeah, thanks, Jonathan. Well, just for clarification what the SCI (unintelligible) so the SCI is - if you look at the charter is responsible to review the effective functioning of the GNSO procedure - GNSO procedures and Working Group Guidelines. So there is a role not just with regards to the Council, as you said, Jonathan, well, it's chartered and it's to be chartered by the Council. But it has a role with regards to the GNSO - GNSO procedures, GNSO Working Group Guidelines.

So that is why the members come from the GNSO not just from, you know, the Council. And there is no need seen so that the leader of this
group, of this committee, is the one who is - who should come from the Council. So the understanding is he should come from the GNSO. Thanks.

Jonathan Robinson: Okay. Thanks for that input. I don't sense that we can - that it will make a substantial difference now. I mean, we have the charter in its current form. There's clearly two items within the - both the - one within the motion, that is the liaison and, second, within the charter itself to resolve which is the decision making.

But we had decided that we would move ahead with voting on the charter in any event and continue to consider an ideally resolved one way or another as soon as possible this issue on the decision making.

So I'm not seeing any other comments or questions coming up in the Chat in which case I - okay, Wendy, I see your comment on the Chat is the decision making isn't resolved. I think, Wendy, there's a - my understanding is there's a position in the charter which reverts to the default and the default is the previous decision making process.

And we have accommodated a future change subject to a Council decision on that. So I don't think that precludes us voting on the charter which retains the previous decision making process subject to a future Council-initiated change.

Wendy Seltzer: In that case I will just put...

((Crosstalk))
Wendy Seltzer: ...in that case I'll put on my - on the record that I - and I believe the Non-Commercial stakeholders support full consensus and would not want to see that changed. So I'm not sure why we have the reference to pending potential future changes.

Jonathan Robinson: Thanks, Wendy. As you see Wolf put in there - in the Chat that the default voting is on full consensus. We just didn't go through any form of formal decision making to close that item so it's something which is technically still open. And I think it's something I would like to bring to a head but we're not in a position to do that right now.

I take your point and it's great that you have put that on record. And I'm sure you'll bring that up as and when we look at the possibility of changing this. All right so noting that point from Wendy - Wendy, your hand is still up so, you know, thanks very much.

If I could move to now vote on the motion to approve the charter; this requires a 50% of both houses. So I think we'll take this as a - and we'll take this as a recorded vote. So, Glen, if you could take a roll call on the vote for this I would appreciate that.

Glen de Saint Géry: I will, Jonathan, thank you. Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen de Saint Géry: David Cake.

David Cake: Yes.

Glen de Saint Géry: Maria Farrell.
Maria Farrell: Yes.

Glen de Saint Géry: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen de Saint Géry: Mason Cole.

Mason Cole: Yes.

Glen de Saint Géry: Wendy Seltzer.

Wendy Seltzer: Yes.

Glen de Saint Géry: Ching Chiao for Jeff Neuman.

Ching Chiao: Yes.

Glen de Saint Géry: Thomas Rickert.

Thomas Rickert: Yes.

Glen de Saint Géry: Magaly Pazello.

Magaly Pazello: Yes.

Glen de Saint Géry: Ching Chiao for yourself.

Ching Chiao: Yes.
Glen de Saint Géry: Zahid Jamil. Zahid?

Zahid Jamil: Sorry, I was on mute. Yes.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Yes.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Yes.

Glen de Saint Géry: Osvaldo Novoa is absent and there is no proxy for Osvaldo as far as I know. Joy Liddicoat. Sorry, you did say yes.

((Crosstalk))

Glen de Saint Géry: John Berard.

Joy Liddicoat: I actually hadn't voted but I will vote yes.

Glen de Saint Géry: Thank you. John Berard.

John Berard: Yes.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Yes.
Glen de Saint Géry: Yoav Keren is absent and as far as I know there is no proxy for Yoav. Lanre Ajayi.

Lanre Ajayi: Yes.

Glen de Saint Géry: David Cake. Wolfgang Kleinwachter.

Wolfgang Kleinwachter: Yes.

Glen de Saint Géry: So we have a total of six yes votes for the Contracted Party House taking into account that Yoav Keren is absent. And we have 12 yes votes for the Non-Contracted Party House taking into account that Osvaldo Novoa is absent. So the motion carries, Jonathan.

Jonathan Robinson: Glen, can you just check before closing it that - if Yoav has now joined the call or not?

Glen de Saint Géry: I will check. And I - he's just joined this moment. So may I take the vote from him?

Jonathan Robinson: Yes, I think so.

Yoav Keren: Yes, sorry. Guys, just let me know what I'm voting on.

Jonathan Robinson: Yoav, this is the on the motion to approve the charter for the Standing Committee on GNSO Improvements Implementation. And so the question is whether to approve the modified charter and all that that entails.

Yoav Keren: Okay so this is - I am voting yes.
Glen de Saint Géry: Thank you very much, Yoav. So we have, in the Contracted Party House now, seven positive votes - seven yes votes and in the Non-Contracted Party House we have 12 yes votes. Osvaldo Novoa, as far as I know, is still not on the call. So the motion passes, Jonathan. Thank you.

Jonathan Robinson: Thanks, Glen. If you could put that into the record as such. I understand absentee voting...

Glen de Saint Géry: Yes.

Jonathan Robinson: ...is not possible on this so the record of the voting will stand as it's now recorded.

Glen de Saint Géry: Yes. Thank you.

Jonathan Robinson: Next up is Item 7, a motion which deals with the charter for Proxy and Privacy Services Accreditation PDP Working Group. We have this motion made by Brian Winterfeldt. And as I understand it we have yet to have someone second this motion. So if I could call for a second to the motion on the charter for the Proxy and Privacy Services Accreditation PDP please?

Volker Greimann: I second it.

Jonathan Robinson: Could you identify yourself, please?

Volker Greimann: Volker Greimann. I am seconding this motion.
Jonathan Robinson: Thank you, Volker. So, Brian, if you could proceed to take us forward with making the motion.

Brian Winterfeldt: Certainly. The Registration Accreditation Agreement, or the RAA, is the contract that governs the relationship between ICANN and its accredited registrars as well as the terms of maintaining accreditation to register domain names.

Although the RAA has been the subject of substantial negotiation and revision between ICANN and RrSG a final 2013 RAA was finally approved on June 27, 2013 by the ICANN Board of Directors.

However, the ICANN Board resolution initiated the RAA negotiations also initiated a GNSO issues report and PDP on any remaining issues. Now the negotiations are concluded on September 18, 2013 ICANN Policy staff delivered that report clarifying and identifying any unresolved RAA issues, namely privacy and proxy services accreditation.

Indeed, during ICANN 47 in Durban South Africa ICANN’s Director of Registrar Programs (unintelligible) most of these issues we felt were better subject to a PDP were related to the privacy and proxy service specification in the RAA. The accreditation and regulation of privacy and proxy registration providers is important to registry operators and registrars who wish to provide such services as well as brand owners who arguably can be said to hold proxy registrations through their corporate registrars and trademark council.

Upon review of the report and consideration during the October 10, 2013 GNSO Council conference the Council debated options for
adopting or amending a draft working group charter provided by the ICANN staff alternatively whether the draft charter is amended or not. It will appear before the Council for a vote during the teleconference.

So that's basically kind of a summary of what we wanted. So I will go ahead and read - so I just need to read the whereas or should I read the - the whereas portion?

Jonathan Robinson: Brian, I think it's - we're working on reading simply the resolved clauses. You've given us some good background there. And I just make a personal note of thanks for the pragmatism shown to recognize the draft charter as prepared by staff in spite of the fact that I know some on the Council have reservations about this method. It does provide a pragmatic way of moving forward fast, which is of course another consideration in all of this.

So, Brian, please go ahead and read the resolve clauses.

Brian Winterfeldt: "The GNSO Council approves the Charter and appoints blank as the GNSO Council liaison to the RAA Privacy & Proxy Services Accreditation Issues PDP Working Group. The GNSO Council directs ICANN staff to issue a call for volunteers for the PDP WG no later than seven days after the approval of this motion."

"Until such time as the working group selects a chair for the working group and that chair is confirmed by the GNSO Council, the GNSO Council liaison to the working group shall serve as the interim chair."
Jonathan Robinson: Thanks, Brian. Can I call for any comments or discussion on the motion? I see I've got Volker and Alan in the queue so please go ahead, Volker Greimann.

Volker Greimann: Yes, Volker Greimann speaking. As you might know this is one of the topics that we, during the negotiations with ICANN staff for the new RAA, felt that this was nothing that should be decided in the bilateral discussion and therefore requested that this be delegated to a PDP.

As for the form in which this charter has been drafted originally we had some reservations because it didn't undergo the formal PDP drafting process and was, in fact, prepared by staff.

This was a bit of a concern. But talking to all the parties involved I think we feel that this is something that we can get behind as the Registrars. As you also know we have currently in the RAA a temporary specification which only applies to services offered and provided by registrars and its affiliates.

This would - the accreditation program as it's chartered to be drafted now, would potentially replace that and bring a solution that would be applicable to the entire marketplace. And this is also something that we actually desire as Registrars, a level playing field and rules that apply to everyone who is selling domain names.


Alan Greenberg: Thank you. The resolution makes reference to this being the last of the unresolved issues. That's a reference to the issues that came out of an
ALAC GNSO committee or group that was struck after the 2009 RAA was created.

And I'll note that this is the last of the items deemed high priority. There were other items that came out of that committee that were not deemed to be in the high priority category that still potentially could and may in the future be resolved. So I don't know whether the resolution needs to be reworded but it should be noted that this is not the last of the unresolved items, it's the last of those deemed high priority. Thank you.

Jonathan Robinson: So thanks, Alan. Are you actually suggesting that the motion should be reworded or are you happy that it's simply recorded that that is the last of the high priority items?

((Crosstalk))

Alan Greenberg: My preference is that it be changed because in the future someone may look at this resolution and not necessarily delve into the background. The documents that have been produced are a little confusing because the - in preparation for this issue report that is driving this all of the recommendations of that committee were reviewed and discussed.

And it's less than - I had a discussion with Margie on this past week. And it was less than clear to both of us why some of the other items were not there. So, yes, I would prefer to see it reference as the high priority. If that's not friendly to both the motion - the mover and the seconder I accept that but it would be preferable.
Jonathan Robinson: Can I ask for a response from either the - from Brian as the maker of the motion? I see your hand is up, Brian, so please go ahead.

Brian Winterfeldt: Brian Winterfeldt, IPC. I would definitely consider that a friendly amendment.

Jonathan Robinson: Volker, as seconder of the motion are you able to respond to that as well please?

Volker Greimann: Yes. No objections from my side either.

Jonathan Robinson: Thank you, Volker. Thank you, Brian. So, staff, if we could record that the motion we are now voting on has that amendment to the last of the high priority items. And, councilors, if you could note that that's what you are voting on - that motion as per the friendly amendment proposed by Alan.

Alan Greenberg: Jonathan, technically I can't propose that so let's presume it's proposed by the - by the - one of the movers.

Jonathan Robinson: Understood, Alan. Brian, if you could confirm that you are happy to basically compose that as a friendly amendment to your own motion?

Brian Winterfeldt: Yes.

Jonathan Robinson: Thanks. Just getting that on record.

Alan Greenberg: Thank you.
Jonathan Robinson: All right I see no other hands up then in the - oh, Wendy, I see your hand has come up. Please go ahead.

Wendy Seltzer: So I have some concerns about this despite some of my changes being incorporated into the draft charter. In particular the scope of the charter seems quite broad and is requiring people joining this prospective group to do a lot of work and giving them scope to do some things that I think would be quite dangerous in privacy and proxy accreditation.

I would oppose many of the - giving them the power to adopt requirements along the lines of some of the things that are countenanced in the many questions in the draft charter.

So I would be much more comfortable with a more narrowly-scoped group that, you know, we could both assure would conclude in finite time and finite resources from its participants and that we have some reasonable understanding of what we expected to come out on the other side matching expectations that privacy and proxy services would continue to be able to protect the privacy of registrants not just give up information at the drop of a hat.

So I'm still uncomfortable with the proposed draft charter and would prefer to see the product of a drafting team that could narrow it.

Jonathan Robinson: Thanks, Wendy. Are there any other comments or responses to Wendy's input please? I note also that we need - Alan, is your hand up from previously? If so...

Alan Greenberg: No, I'm sorry, that's a mistake.
Jonathan Robinson: All right so I see I've got Mary possibly in response to this. Go ahead, Mary.

Mary Wong: Thanks, Jonathan. It's not so much a response but by way of background and reminder for everyone - and I know I've said this elsewhere before - but just two things. One is that as, I think many people know, ICANN itself has already committed to creating a privacy and proxy accreditation program. That was done prior to this (unintelligible) be a chance for the GNSO to contribute to creating that program, what it should look like, what features and so forth.

And of course the other point is that - it's something that Volker said that there is a spec in the current RAA or the new RAA but that expires so there is a drop dead date for this. So I just wanted to remind the Council of those two background facts. Thank you.

Jonathan Robinson: Thanks, Mary. I hope that came across clearly to everyone. There was a slight hitch in the audio as you spoke. We have a - we have a charter that's been drafted by staff, I mean, we've taken a pragmatic approach. We've modified it. I hear Wendy's concerns but I think we've been round that cycle.

And I guess my thought on this is that I would believe we should proceed to still vote on the charter but encourage active input into the PDP working group in order to shape it in - and of course deal with the kind of concerns that Wendy has raised. So I'll pause for a moment to hear if there are any other comments or input and failing that I suggest we vote on the charter as it stands.
Maria.

Maria Farrell: Thanks, Jonathan. This is Maria. If this motion is carried I would like to volunteer as a GNSO Council liaison to the working group.

Jonathan Robinson: Thank you, Maria. I just - that would be great. My only reservation is whether you are going to - I hope this - but I understood that you may not be continuing on the Council post Buenos Aires so that would be my only reservation.

Maria Farrell: No, it's Maria again. I'm - just have finished one year of what I think is a three-year term so I will be continuing.

Jonathan Robinson: Apologies, I got a wire crossed somewhere so that's great. Thank you for volunteering then. And I don't know where I got that from but great, that's good news. And thank you for volunteering. So unless we have any other volunteers I suggest we accept Maria's gracious offer.

All right, great. Can we please move this motion to a vote? And given that it may be contentious I suggest we take a roll call on this one as well please, Glen.

Glen de Saint Géry: Thank you, Jonathan. Osvaldo Novoa is not here so he's marked as absent. Jeff Neuman - Ching Chiao will you please vote for Jeff?

Volker Greimann: From what I hear that Ching Chiao has currently problem with staying connected due to an earthquake where he is.

Glen de Saint Géry: Oh. Can we have another proxy or is that not allowed?
Jonathan Robinson: Glen, while your colleagues on the staff consider that I suggest we move on through the roll call and come back to Ching...

((Crosstalk))

Glen de Saint Géry: Thank you.

Jonathan Robinson: ...rejoins us and/or there is an alternative.

Glen de Saint Géry: Magaly Pazello. Magaly? Magaly, are you on the line?

Magaly Pazello: Yes, I am here.

Glen de Saint Géry: Thank you. Wendy Seltzer.

Wendy Seltzer: Regretfully yes.

Glen de Saint Géry: Maria Farrell.

Maria Farrell: Yes.

Glen de Saint Géry: Lanre Ajayi.

Lanre Ajayi: Yes.

Glen de Saint Géry: John Berard.

John Berard: Yes.

Glen de Saint Géry: Brian Winterfeldt.
Brian Winterfeldt: Yes.

Glen de Saint Géry: Wolfgang Kleinwachter.

Wolfgang Kleinwachter: I would with yes but I would encourage all members to take Wendy’s comments into consideration.

Glen de Saint Géry: Thank you.

((Crosstalk))

Glen de Saint Géry: Yoav Keren...

Jonathan Robinson: Glen, can you call Ching’s vote while he’s present please because I understand...

Ching Chiao: Yes.

Jonathan Robinson: ...he’s now present and therefore it would be worthwhile...

((Crosstalk))

Glen de Saint Géry: Thank you. Ching Chiao, will you please vote for Jeff Neuman?

Ching Chiao: Yes, I vote for yes. Thank you.

Glen de Saint Géry: Thank you. And for yourself your vote?

Ching Chiao: Yes as well, thank you.
Glen de Saint Géry: Thank you very much, Ching. Zahid Jamil.

Zahid Jamil: Yes.

Glen de Saint Géry: David Cake.

David Cake: Yes.

Glen de Saint Géry: David, are you on the line?

David Cake: Yes.


Joy Liddicoat: I abstain.


Thomas Rickert: Yes.

Glen de Saint Géry: Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: Yes.

Glen de Saint Géry: Mason Cole.

Mason Cole: Yes.

Glen de Saint Géry: Volker Greimann.
Volker Greimann: I vote yes.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Absolutely yes.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Yes.

Glen de Saint Géry: So we have seven positive votes in the Contracted Party House. And in the Non-Contracted Party House we have 11 positive votes, 1 person abstained and 1 person is absent. So the motion carries. Thank you, Jonathan.

Jonathan Robinson: Thank you, Glen. Thank you, councilors. And thank you again for your pragmatism...

((Crosstalk))

Jonathan Robinson: ...all bear in mind when either working on this working group or taking the work forward that reservations expressed in the discussion on this.

Good, we have left one of the earlier motions off to deal with because I understood from conversations outside of the Council meeting that there was substantial input that Yoav in particular wanted to make and others may join him so that is Item Number 4. So I'll call councilors to please go back to Item 4.
It's a motion that was in fact made by myself to approve the charter for the Translation and Transliteration of Contact Information and so let's move to that item now.

Yoav, I see your hand is up. Please go ahead.

Yoav Keren: Thank you, Jonathan. First of all I want to apologize for being late. There was a change in the clock in Israel this weekend. It just did a mess in my calendar. In any case regarding this charter I spoke a little about it when we asked for the deferral in the last Council meeting.

As I said, the - of course in general we are not against the motion but we feel that it is - the charter is currently not complete. It's not wide enough. It kind of limits, in its wording, the work of the working group.

Although, our words there are saying it's not limited but, as we know in many cases when it’s not specifically stated things are not being covered. And we think there are a few issues that should be added to the charter.

Just to explain maybe in general what we're referring to so - the questions are kind of very specific. And we think that it's important to know - to add whether translation and transliteration of Whois data is needed at all. What are the benefits of that? Is it desirable? And to actually understand what will be the benefit to the entire community and at the same time what's going to be the cost for it. So if it's a very small benefit and a very high cost then maybe we just don't need that.
Then there's also - or currently it states that the working group should decide who should bear - hello? Hello?

Jonathan Robinson: Go ahead, Yoav. We...

((Crosstalk))

Yoav Keren: Yeah, sorry. Yeah, okay. Who would decide who would bear the cost? And we think that everything should be discussed here in this PDP. So, you know, what are the options? Who should bear it? And getting to the details. And then only who should decide later. And this is - okay, suddenly a very important issue if there is going to be a significant cost.

Should it be mandatory for all domains or only for the registrants coming from certain countries? Maybe only for specific registries, IDN registries or for specific registrars. There are different options here. These issues are not stated in the charter.

Will it be required for existing domains? If yes, at what circumstances? What will be required from the registrars in terms of the Whois validation? Now there's going to be Whois in different languages. Is it actually feasible? Maybe it's not possible to do validation that way. So these are very important questions that we believe the working group of the PDP should discuss and should be added to the charter.

And what I suggest is that, Jonathan, maybe you can withdraw the motion and then - so we send it back quickly to - a little more work of the working group - of the drafting team and then vote on it in our next meeting in Buenos Aires. I think that will be the fastest way to make
the change and still keep this going, you know, in a few weeks. Thank you.

Jonathan Robinson: Thanks, Yoav. Speaking in my capacity as chair, you'll know I'm pretty passionate about trying to improve the way in which we do things, the speed with which we work and the efficiency with which we deal with things. And in fact that was one of the reasons why I agreed, in my capacity as a counselor, to put this motion onto the Council's plate in the first place.

Hearing your concerns, and having discussed it with you and thinking as maker of the motion and hearing your concerns, I am certainly open to do that. Before confirming that, though, I'd like to hear from Ching, who's hand is up and in case anyone else has a response to this.

But so hearing any comments on your input here. I see there's quite a queue coming up. So, Ching, Maria, Alan, Volker all in the queue. Let's hear from you in that order. Ching please.

Ching Chiao: Thank you, Jonathan. Let me start by saying that the Registry Stakeholder Group, we had a chance to - once again to review this charter. And at this point we would like to make our - just make sure that we offer our support to this PDP.

But also at the same time, we a share similar concern brought up by Yoav. My personal feeling - and also some years working on the areas of IDN and also the IDN-related issue is that I think moving forward with this motion - this PDP - actually signifies the Council - at the Council level we are helping the - in particular the IDN gTLD applicants
to make sure that, I mean, they don't work on a (unintelligible) and for them into the operational risk.

I won't go into much of the details of that. Introducing new, I mean, ideas and also incorporating languages into the DNS system does require a lot of considerations from different stakeholder groups.

So although the Registry would like - really like to move forward with this motion we share the - we share similar concerns that Yoav has brought up and look forward that in the next few weeks we can all work together and work with in particular the drafting team to make sure that this motion can be introduced in the Buenos Aires meeting. Thanks.

Jonathan Robinson: Thanks, Ching. I'll just, before going to Maria in the queue, I'll emphasize that there are not weeks but it's probably days, it's around 10 days before we have to get a new motion before the Council so this is really extremely urgent if we are to make any modifications as proposed. Maria.

Maria Farrell: Thanks, Jonathan. It's Maria here. I really appreciate that, you know, these are very significant issues that the Registrars have raised. And I've got a lot of sympathy for them. But I do also want to raise the fact that the drafting team has done a considerable amount of work on this issue and I understand that since last month's deferral there hasn't been any contact with them to discuss it and modify any of their work.

So, you know, if we do decide to defer than I would like to be sure that there's going to be some positive and proactive steps taken to work with the drafting team given that they've done quite a lot of work on this
already. And, you know, we all want to see it work in a fairly efficient way. That's all.

Jonathan Robinson: Thanks, Maria. That's a very good point. And, you know, this speaking, I guess, in my capacity as chair, I'm reluctant to see things that slow down the process. And you are right, we should indeed be making direct reference to the drafting team. If the Council's role is ultimately to either approve or express significant concerns just to be absolutely clear what I understand is being proposed is not a further deferral.

But I am being asked in my capacity as maker of the motion to withdraw the motion and potentially resubmit the motion based on a modified charter in consultation with the drafting team. And this obviates the need for obviously the Council to attempt to do any redrafting which I think would be inappropriate. So that's what's being proposed by Yoav is that I, in my capacity as maker of the motion, withdraw it and then potentially resubmit it based on a revised charter.

I'll go to you, Alan, next in the queue.

Alan Greenberg: Thank you very much. Related to what Maria said, I deeply regret the fact that when you accepted the deferral last time you said that the issue should be raised on the mailing list so they could be discussed and other parts of the Council could understand what the concerns were. And that didn't happen. And I think that's very unfortunate. It's added an extra several weeks to the process with little benefit.
I would like to hope that if you follow the request and resubmit it that that resubmitted motion is not eligible for another deferral, otherwise this is going to go on, you know, essentially forever.

I would also request that if any changes are made that they directly address the issue of the alternatives to not requiring translation and transliteration. And that is given that we still have a 7-bit ASCII Whois system, regrettably it wasn't changed as it should have been many years ago, and there are ICANN requirements to post Whois information which is accepted from the registrants in IDNs. What are they proposing as the alternative?

And - because I don't think we can leave the whole issue up in the air past this PDP. So not doing anything without addressing how ICANN's regulations are to be followed I think is a problematic issue. And I'm speaking not on behalf of the ALAC but from the perspective of the ATRT who has looked into these details in some detail because of the Whois report where motions associated with this were quite high profile. Thank you.

Jonathan Robinson: Thanks, Alan. As a veteran of the process you'll be aware that the deferral is at the discretion of the chair and in that respect I note your comments, you know, and take them on board. Just to remind everyone that a drafting team is focused on the scope of the PDP not the outcomes so that's important in any related discussion around this.

Maria, is your hand up still from previously?

Maria Farrell: Oh I'm sorry, I'll put it down.
Jonathan Robinson: Thanks. Thanks, Maria, no problem. So seeing no other comments on this and hearing the concerns, which as chair I share. I think you know how - all of you know how passionate I am about trying to work as efficiently and effectively as possible and this is certainly not the most efficient process. But nevertheless it is - there really seem to be substantial concerns.

So as maker of the motion I'll accept the request to withdraw it and then as chair I will strongly encourage anyone on the Council - I understand that Ching and Yoav, you are both members of the drafting team - to put your full effort into getting this proposed modifications to the charter in shape as quickly as possible such that I or someone else appropriate can remake the motion in time for the deadline to consider in Buenos Aires for the sake of the work of the drafting team the Council and all of our efforts on internationalization.

So I accept the request to withdraw the motion and accordingly withdraw it. I think for formality’s sake I should also check - or for the sake of due procedure, rather than formality, I should check with Zahid as seconder of the motion that he is indeed happy for this to be withdrawn under the specific circumstances that have been presented. Zahid, are you still with us?

Zahid Jamil: Hi, this is (unintelligible). This is Zahid. That's fine.

Jonathan Robinson: Thanks, Zahid. I think I hear you confirming that acceptance. If you could double confirm...

((Crosstalk))
Zahid Jamil: Can you hear me? I said that's fine.

Jonathan Robinson: Okay thanks, Zahid. Thank you very much. So the motion is withdrawn. There's no further discussion and let's get on with working on this via the drafting team as appropriate as soon as possible.

Next up we switch to prospective improvements to the policy development process. And you will note, those of you that have been keeping an eye on this, that Marika has updated the table to provide reference points to the draft recommendations of the ATRT2.

So it's interesting to me when I looked at this, this strikes me that this is potentially an opportunity for relevant feedback from the Council, in fact, into the draft recommendations, the ATRT2 and perhaps subject matter for our discussion with them in - which is proposed for Buenos Aires. So it gives us an opportunity to directly engage with the ATRT2 on these points.

Marika, I don't know if your audio is sufficient - of sufficient quality that you want to make any remarks on this? Please let me know if you'd like to make any comments or input on this before I turn it over to any further discussion from the Council.

Marika Konings: Yeah, this is Marika. I hope my - is my audio okay? I'll just try and otherwise just interrupt or I can continue in the Chat or Mary can step in. I think the only thing I would like to point out is that the ATRT recommendations that are listed here are not the only ones that relates to the PDP; there are others there. So I would really like to encourage the Council to look at that report and specifically the section that deals with recommendations to the GNSO PDP.
The ones that I’ve picked out from the report are those that aligned were fairly similar or had some similarity to the ones that were - are discussing as part of this GNSO improvements effort so just to clarify that. And I think explained last time as well what I’ve done in the table, following the suggestion I think that came from Maria, I put in the recommendations in the table, provided already some feedback in there that was brought to us I think from two meetings ago.

Already indicated as well some possible changes as a result from that feedback and I'm looking at the proposed implementation. And I think it's really back on the Council’s table to provide further feedback and input on this to really see if - which ones, if any, you think we should move forward with to try out and see if things are, you know, options that will really help (unintelligible) improve the current - under the current framework for the GNSO PDP.

Jonathan Robinson: That's a good point, Marika. Thank you. There's an additional column which is possible changes based on Council feedback. There was the original proposed improvement in Column 1. There was the Council feedback in Column 2 and then possible changes in Column 3. So my opinion is - as chair is that this is something - this is a critical piece of work that I would like to share with others as much as possible.

And by others I'm thinking of within the broader community, the board perhaps, the GAC perhaps and start to advertise this concept of, A, our willingness to continuously improve and, B, what we're actually doing about it.
Maria, I see your hand is up. Please go ahead.

Maria Farrell:  Thanks, Jonathan. First of all I want to say - give personal thanks to Marika for the - I thinks she's crafted a really, really workable compromise and just a practical solution to my concern which was of staff being sort of the default option for drafting charters.

And I think what Marika has proposed is really sensible and a nice compromise. So want to just say thank you for that. And I withdraw my concerns. Secondly, I did wonder just in terms of where we're going with this and who we might be consulting, is there a role for the Policy Implementation Working Group on this?

I know they're just hitting the ground running at the moment and going to be going for a year so I wonder if it's worthwhile maybe to add a fifth column to this document saying who we might be talking to and when and even perhaps looking at what are the proposed improvements that we could start with straightaway.

For example, looking at increasing the pool of PDP working group volunteers which are items that might be - might need further consultation or at least discussion and socializing with other parts of the organization. Thanks.

Jonathan Robinson: Thanks, Maria and thanks for trying to - just with a way forward with this. Personally - and I'm sure Marika feels the same. It would be useful to try and make some concrete progress here. Alan, I see your hand is up.
Alan Greenberg: Just a quick comment as a member of the Policy and Implementation Working Group, we don't plan to be working for years.

Maria Farrell: Sorry, it's Maria. I heard it was one year - one calendar year to run but I could be wrong on that.

Alan Greenberg: Well I don't think one can predict these things but our intent is to work as expeditiously as possible.

Maria Farrell: Yeah.

Jonathan Robinson: John, I see your hand up. Is that - let's go to you.

John Berard: Right, so one of the things that strikes me is whether or not we could take a step or two that would play to the dynamics of human behavior. Part of what we're talking about here is accelerating the process without putting a deadline on it. Because of that our hands are a little tied.

But I want to focus on Item Number 4 where we require working group representative participants from each stakeholder group/constituency. And note that if - my hypothesis is that many working groups are slow because many quarters of the community are either unaware or over them without notice.

And so if we were to move to require active participation or at least active acknowledgment of non-participation the, you know, sort of the notion of the Heisenberg Principle, right, the system that is under scrutiny is changed, we might wind up taking advantage of human
behavior and getting people to focus more on the process and thereby accelerate it.

I realize it's more billiards than pool but I'll - I will take almost anything I can get to help accelerate this process.

Jonathan Robinson: John, just a comment and a question then. I mean, just to highlight that this document is about opportunities to streamline and improve. Now those may be different; they may be one and the same. As far as your suggestion what you're suggesting points us to how we might bring elements of this to a conclusion because that's clearly one key goal is to try and produce some concrete outputs from this.

I've got a number of hands...

((Crosstalk))

Jonathan Robinson: ...sure if - I've got Marika up for a while so I think I'll go to you next, Marika. Maria, I think your hand up may be up from previously so we'll go Marika and then wait and see where the queue goes next.

Marika Konings: Yes, so this is Marika. Thanks, Jonathan. Basically to Maria's comment on whether some of these items will be appropriate for Policy and Implementation Working Group I think if you look at most of these items they're really aimed at improving and streamlining the PDP as such. It's not really looking at the policy versus implementation questions which I think are the specific focus of that working group.
However, if you look at implementation or proposed implementation of these different items I think there was the idea, at least from a staff perspective behind these was that we would just try some of these out.

And should we see that that would really work and we believe it should become a standing practice I think then probably the appropriate vehicle would be the SCI who has, as its remit, to review the PDP at a certain point in time and then say look, these are some of the practices we've started developing that we think will be helpful to actually incorporate and formalize into the PDP manual. And they could then take that up as, you know, the standing committee task with that role.

So that may be a way forward of saying let's maybe see which ones of these we think we can just start trying out. Because I think as noted in the implementation guidelines none of these contravene what is in the PDP manual. The manual is written in such a way to allow for flexibility and make sure that there is ways of, you know, speeding up where you can and, you know, slowing down where you need to.

And then, again, if we see that certain practices are developing over time we may want to write them into the rules - into the rules, you know, through a body like the SCI for example.

Jonathan Robinson: Thanks, Marika. So your suggestion is that we experiment with these and then potentially refer them should they be seen to be working effectively to the SCI. Alan.

Alan Greenberg: Thank you. I just wanted to highlight a couple of the points that came out of the external report that was commissioned by the ATRT and
specifically that the problems associated with getting people to actually commit to work.

One of the issues was the vast majority of people who come in - new people who come into a PDP serve on one PDP and then are never seen again. And both those people and the - and some of the usual suspects, that is people who have participated in PDP after PDP, both tend to feel that their time is not well used on the PDP and that there are efficiencies and ways the process can be made more effective.

And I think those are some of the issues that need to be looked at. And I think what Marika is suggesting of try things and maybe they'll work is probably the way to go forward on a lot of these things. You know, there are perceived problems; we have to start reacting to them and just not saying, sorry, that's the way we do business. So thank you.

Jonathan Robinson: Thanks, Alan. I've got Maria in the queue. And I'd like to close it at that point because I think we've got a couple - a few more items to get through and the clock's moving on. Maria, go ahead.

Maria Farrell: Thanks, Jonathan. It's Maria. Yeah, so I just wanted to suggest maybe that, you know, in six months' time or at some particular point, maybe the staff might just be to do a quick report to us on what have we tried in the meantime. And what's worked, what hasn't worked, what they suggest we should look at and inputting to the SCI so that it - so that we have at least just a sort of a trigger point in the process to revisit some of these issues, and then look at, you know, whether and how the SCI should become involved? Thank you.
Jonathan Robinson: It’s a good suggestion. So I think what we need to do then, hearing the various suggestions that are coming, I think we need to probably turn this into a series of actions that come out of it, and then conclude on that, and review them in six months’ time or so.

That sounds like a pragmatic way of dealing with things. So that’s helpful suggestion. That’s a useful conversation on that. And I think it marches us forward to a practical way forward. So I hope I’ve captured that adequately for your (unintelligible) for that particular item.

Closing off that Item 8 then, prospective improvements to the PDP, the next item deals with the policy issues around stream confusion. Now in some ways this item is in effect a placeholder because it depended on the - a dry squeak from the response we got to either our letter to the new (GGOD) Programming Committee and/or requests for advice. Thank you.

The letter from the new (GGOD) Programming Committee is up and while I’ve not got to read the whole thing, it’s a matter of record on the mailing list. But essentially the (GGOD) Program Committee acknowledges our concerns with relating to these outputs. And in particular, how they relate to the GNSO policy recommendations in the 2007 final report on the introduction of (unintelligible).

They highlight that they are actively looking at these outcomes. And on an ongoing basis, and they will continue to conclude that should they determine that advice from the GNSO would be valuable, that they’ll make a request at that time. So my reading of that is that there is with - - at least in relation to the current round -- there is not much more that we can do as a council on this. So on that basis, if in fact it becomes
closed, but of course before doing so, I'd welcome any comments or input on this.

Hearing none, I mean, so my view is that this - the council’s work or perspective initiation of any policy-related work -- I mean this is clearly an open item for the future. There is a limit to what we can do if we - until we hear a receptiveness from the new (GGOD) Program Committee. So I think that unless there’s any other suggestions to the contrary, I think we'll leave this item at this stage.

Okay. Thanks. Let’s move on to Item 10 then, which is an update on the IGO-INGO identifiers PDP process from Thomas Rickert and any discussion or input he is seeking on that.

Thomas Rickert: Thanks so much Jonathan. And thanks to all the counselors for allowing me to give you another brief update on the progress that we made without PDP working group. As you will remember, I have given updates previously to the council. And again, I would like to highlight the fact that we’re still in process of the public commentary.

So everything that I'm reporting to you today is a snapshot of the current status of our work. So it’s not final. And I guess that’s very important. For those who have observed the public comment period, they will know that the public or the response - the reply period is going to end today. So unless we get more public comments in the working group has reviewed all public comment that has been received so far.

And I would like to take the opportunity to state that the working group has taking public comments that we received very seriously. I would also like to go on record by thanking those that have taken the time to
read the graph and report and comment for their efforts. This is very much appreciated and important to what we’re doing.

We have actually reviewed each and every comment individually, and taken a look at what, if any, actions are required. I guess that there are two main things that we can deduct, at the moment, from the public comments that received.

And that is -- number 1 -- that we as a working group and I am more than willing to take my share of that, if not all of the blame for maybe at times not having been sufficiently clear with what the current status of thinking inside the working group is, which sort of led to comments that suggested that the commenter assumed that we would recommend that the main names existing registrations could be seized or taken away from registrants.

That was certainly not the case. Also there seemed to be the perception by some commenters that the working group was recommending that the acronyms of Internet Inter-Governmental organizations should be protected. And that is also not the consensus position of the working group.

So when it comes to the final report, I think - and we’ve discussed this at length during yesterday’s working group meeting -- that we need to be clearer with what our recommendations are. But at the same time, I think it’s important to stress that it is quite a challenge to go through all the recommendations that we came up with and that we’ve discussed as a working group. I think it’s 37 recommendations in total.
Now for the remaining couple of minutes of this slot, I would like to make an attempt and present the recommendations that currently reach consensus level inside the working group, and present those to you in an overview type manner. Please do bear in mind that you, nonetheless, should read all the recommendations on the table individually and digest those.

But I guess that -- or I do hope that -- in the next few minutes I will be able to convey to you that there is a general theme or a methodology that might make it easier for you to group the various recommendations and see what the group is actually up to recommend.

I should also state that we are currently working on a way to present the recommendations to the council. The wording that we chose to make it easier for the reader of the draft final report might not be appropriate to be used as a motion to the council.

For example, references made to reservations as currently included in Specification 5 to the Registry Agreement. But certainly we do not know whether Specification 5 will be Specification 5 of a future Registry Agreement.

So some tweaking of the language would need to be done anyway. So in essence, we need to make a distinction between top level and second level protections. And as far as top level protections are concerned, there is consensus, at the moment, that full name, exact match names of all four organizations -- (RCRC), (IOC), IGOs and INGOs - should be ineligible for delegation, and that there should be
an exception procedure to go along with that. So no further protections at the top level have reached consensus level.

The, as far as the second level is concerned, again let’s look at exact match full names of the organizations. First, and let’s look at reserving them in what is now Specification 5. And also let’s assume that this should be linked to an exception procedure so that the organizations in question can, themselves, register names that are on the reserve names list.

And such protection is contemplated to be granted to the (RCRC), (IOC) and IGOs, not to the INGOs. So again, this would just be the subset of three organizations’ exact match, full names to be put on the reserve names list.

Again, on the - at the second level, there is the recommendation to put certain strings in to the trademark clearinghouse as a bulk add to the Trademark Clearinghouse so that not the organizations themselves have to go and apply for it with the TMCH, but that is bulk added. As you know, the TMCH, as it stands, has two services -- Sunrise Service and the Claims Service. And the recommendation in question only deals with the inclusion in the trademark clearinghouse for the Claims Service, not the Sunrise Service -- so just inclusion in there and then the benefit of a 90 days’ claim service.

And the proposed recommendations would have to follow in beneficiaries that would be the (RCRC) acronyms -- as been asked for -- and additional full names, for example, National Societies of the Red Cross, Red Crest Movement. Also that would go for the IGO acronyms.
So again, it would be only the inclusion in the TMCH for the purpose of the trademark Claims Service and the INGO full names, so no acronyms for the INGOs. So that basically would be the recommendations that reached consensus for the individual organizations.

We then have one general recommendation that has reached consensus level. And that is opening up URS and UDRP for those organizations that can't currently use those. And for that recommendation, we would certainly need to tweak that or phrase it differently than you now find it in the version of the final report that you will hopefully know.

So we will only be able to recommend the initial report as requested for the initiation of a PDP. So that is, in essence, what the working group at the moment has a consensus level. There has been huge debate. Or I should say the biggest portion of the time -- we discussed -- actually went into the recommendation. Or the recommendation that was misunderstood to be granting rights to IGOs. Or I should better say their acronyms.

Because in the working group deliberations, it was my assessment as Chair that we would divergence on that specific recommendation. This was -- according to the consensus levels -- as depicted in the working group guidelines. And it was felt by some that divergence did not accurately display the level of support this very recommendation reached. Because they claimed that only the INGOs themselves had supported it.
So they were in favor of rephrasing the consensus level to something which they called consensus against. And I think that this difficulty of applying the consensus levels -- as they are in the working group guidelines -- has proven to be a hurdle for readers of the report or, you know, our difficulty in presenting the recommendations -- which have certainly caused some of the confusions there were.

So I guess apart from this difficulty inside the working group to reflect the working group views, I guess there are no substantial difficulties that the working group faced in determining or agreeing on a consensus level. So the set of recommendations that are presented to you -- unless something substantial changes according to the remaining public comments that might come in -- will most probably be what will go into the final report, and then be presented to the council.

I would like to conclude by asking counselors whether they can already envisage difficulties with meeting the timeline of us discussing this during the weekend session in Buenos Aires, and then taking a vote during our meeting in Buenos Aires. And should there be questions? Or should there be the need to discuss this further?

I, as Chair, would be more than happy to join you and your respective groups to hopefully clarify things. And I will also invite volunteering working group members to help with this task. Because certainly, as Chair, I can play my part. But the essence of the work is done by the working group members. And therefore, I would also like to invite them to participate in that process.

Jonathan Robinson: Thanks Thomas for that comprehensive update and for obviously all of your substantial work you’ve done within the working group,
which is evident by the complexity and the outcome. So really, I mean, the bottom line here is that this is going to come up all being -- as you currently anticipated -- in substantially similar form before the council for discussion on the weekend sessions, and voting on the Wednesday in Buenos Aires.

And you would very much like you hear or flush out any concerns or issues as soon as possible so that they can be dealt with as soon as possible. And I don’t need to remind everyone of quite - what a high profile issue this seems to have been or become.

Any comments, questions or input for Thomas? And thanks. I’m not seeing any comments. Thank you very much for that input. I guess just to further underline the requirement to be for all counselors to be as informed as possible -- thanks to Thomas’ input -- and to make sure that your relevant groups are such that you are in a position to vote on what is an unusually, multi-faceted output.

So please do take this as seriously and comprehensively as you possible can so we’re in a position to make an informed vote -- should that be appropriate in Buenos Aires.

Okay. That’s Item 10 on our agenda dealt with. And the final item, apart from our closing item of any other business for which I’ve had no current proposals to include items, is to deal with Item 11. That is the planning for Buenos Aires, including the weekend session, the meetings with the groups and I guess ultimately our second Friday meeting as well. So Wolf-Ulrich, I think I will hand over to you to raise any issues, concerns or points of information you would like to raise about the planning.
And I’ll take this opportunity, in case I forget later, to thank you once again for the effort you’ve made to date. And I’ll continue to do so to ensure smooth and effective functioning of our meetings in Buenos Aires. Over to you Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks Jonathan. So, yes. Well I’m going to focus on the weekend sessions. First, well I lost ADOBE. But I have that plan in front of me. So I can say we have almost a - the agenda ready for the weekend. I would say there is something as it happens usually to be shifted depending on schedule of others participating in our meetings.

But it’s more or less that’s what it is at the time being right now. So one open - but I have also confirmation as well from the GAC for its loss, from (unintelligible) and from the boat. And what you have to do is fill up this loss space (unintelligible), so would like to discuss this with those persons or groups, on the one hand.

So regarding the GAC, I’ve - the schedule itself is a little bit open still. But it may remain as it was before I put the last version together of the schedule. So it may remain as it was after the ICANN board on Sunday afternoon. But, you know, that’s just the question of scheduling between GAC and us.

There is one question which is open is to fill up those meetings with issues, with items. And the other question is we have a request from the ATRT 2, to meet the council. And there is - the ATRT 2 is not able to convene over the weekend. So, and then to meet the council, they were asking whether we could meet them at our - at one part of our Wednesday meetings.
And that is a question we should discuss and should find an answer. Is that of our interest? And with regards to other items we have to discuss no Wednesday, is there time enough to meet the ATRT 2 and to provide results to them? So that's it for the moment. Yes?

Jonathan Robinson: Thanks Wolf-Ulrich. Let me make one brief comment on the Wednesday meetings. It’s worth informing the council of what went on behind the scenes there a little bit. There’ve been some issues with when and how the council meets on a Wednesday -- both timing and location.

What we have agreed with the meeting organizers is that the council -- after a series of compromises that probably can’t go into now -- is that the council has a very good, high profile slot of two hours, right in the middle of Wednesday in the primary meeting function area. What that means to me is that puts some stress and emphasis on the content and quality of the council meeting.

I'd very much like to achieve a high quality, relevant content meeting for our public meeting. But in addition, we have a second, adjacent slot where the council, I mean, because typically the council meetings have been scheduled for three hours or even more at times. So we have a two hour slot in the main functionary, which will conclude the meeting, and then open up a second meeting to deal with administrative or other matters.

And there we have an opportunity, I think Wolf-Ulrich, that’s what we’re talking about, to meet with the ATRT as part of that second session. Personally, I think if that is the case I’m very receptive to that. So Wolf,
I hope I’ve got that right in posing the question in that way, and both providing the council with information on scheduling and posing the question. Could you just confirm that that’s what we’re talking about?

Wolf-Ulrich Knoben: Yes. You are right. That’s - maybe we should think about, you know, whether the ATRT is, you know, is issue which should be discussed, or discuss with them on Wednesday -- in our second slot.

Jonathan Robinson: Perhaps the initial guidance from the council is if anyone has any strong feelings either for or against the council meeting and engaging with the ATRT to - personally I’m in favor of looking at the ATRT to report. And to the extent as (Marica) touched on earlier, they are recommendations that impact on the work and activities of the council.

And the policy making processes within the GNSO seems highly relevant for us to meet with the ATRT 2. So any comments or points on support for that would be gratefully received. If agreed, Maria put us in that chat that we should deal with items before.

One other thought that I had there was to actually, perhaps, have an energetic counselor lead on this, and perhaps work -- either together with staff or together with one or more of the counselors -- to take a table of items that we could usefully discuss, and provide feedback, and if we do the prep work that in the next few weeks.

So I don’t know if there’s anyone who’s willing to volunteer to lead on the subject. That would be great if we could do that. I’ve seen others like the ccNSO do this quite effectively -- where one person takes the lead -- and both the EML, in discussion with the council. So are there any volunteers to lead on this? Maria, I see your hand is up. Go ahead.
Maria Farrell: Yes. I think I've talked myself into this one. I would volunteer if nobody else wishes to take it on, and would try to do so and actively and eagerly as possible.

Jonathan Robinson: Wonderful Maria. That would be great. And your near namesake (Marica) from staff has privately volunteered to me to help support that effort. So I think we could do something quite coordinated and structured here, which would be great. And that could lead - help lead to an effective interaction with the ATRT group. And that's great. So thank you very much for that. Any other comments? I see Wolf-Ulrich. Please go ahead.

Wolf-Ulrich Knoben: Yes. Thank you. Two comments Maria, thank you. Thank you for doing this. Are you going to - I expect that you are going also to share your ideas with - on the counselors so that we could comment that and maybe have some ideas? I would like to participate in that process. That's the first thing.

The other thing is I would like to draw your attention to the very first item we have on our agenda at the weekend. It's a Q and A session with regard to the applications for the council chair. And I think that I put it in front of that - of the whole agenda. Because I think that is a good initiator and all for to starting with, which is custom.

The overall discussion of council is that at the time being, you know, you have read that the contacted party (unintelligible) that Jonathan as well is applicant. And I, myself, I would like to ask my colleagues from the (unintelligible) parties house to get back to return to them, respective groups as well, since the deadline is now extended until the
5th of November, to put forward also the candidate for the chair from our house. Thanks.

Jonathan Robinson: Thanks Wolf-Ulrich. And if I guess I can comment that at the moment, I am nominated. And you will have seen I’ve accepted that nomination from the contracted party’s house.

I guess my understanding is twofold. One, it’s not absolutely necessary to have a special nomination. But certainly it’s good to highlight that that is now extended to make sure there is time should that be required.

And second, in the event that there is more than one, we'll have the Q and A session as we did before. And even if I am the sole nominee, I'll more than happily participate in that slot, and deal with it as a Q and A. So those are my thoughts and responses there.

What else is there on that? That second Friday session -- it's worth highlighting -- and the weekend sessions. There’s a couple of things that exist on our action items relating to the Buenos Aires meeting. And what we intended to do -- and I now think this -- the time is right to do so -- is invite the stakeholder group and constituency chairs, and of course, any other colleagues.

But we agreed in Durban to formally invite them to the weekend sessions to emphasize the fact that these are GNSO working sessions. And the broader participation in those weekend sessions, the more valuable they can potentially be. So I will commit to now putting that invite out as part of our action items.
And second of all, we said we would inform the stakeholder group and constituency chair that we were no longer expecting former updates at the start of the council meeting. But any written input would be welcome. So I’ll include that.

And then finally, I will remind the same group that we are hoping for -- and expecting -- that they will participate in the second Friday session, which is induction and orienteering session for the new council. So there’s an agenda being worked on at the moment. And it’ll come out very shortly now.

But just to remind counselors or inform you if you haven’t been so informed before, that that day will kick off with a meeting to include stakeholder group and constituency representatives -- in addition to the counselors -- such that we can get some broader -- as broad as possible -- into the views of the role, function and effectiveness of the council at the kick off to that meeting.

And following that we’ll work, as a council, for the rest of the day on through an agenda, and finish that off with a dinner, and then a final, overnight stay before making our separate ways on the Saturday -- at the end of that meeting. So I'm really hoping it's going to be a good meeting, and an attractive agenda that you'll all (unintelligible) even though we’ll be pretty worn out by the end of a week’s work.

(Joey), thank you. I see your note in the chat. We’re coming to a natural end anyway. So thanks for your participation. Do I have any comments on any additional business under Item 12 then, unless Wolf we haven’t concluded Item 11 for you. Have you got outstanding
questions on Item 11 -- the Buenos Aires meeting -- that haven’t been answered?

Are there any other items of additional business that needs to be covered in the meeting? All right. Well it then remains to be - to me to thank all of you once again for your participation. This meeting seems to come up pretty quickly after the last one. We’ve got through a number of items. I think we’re in pretty good shape heading towards Buenos Aires.

But please keep a close eye on the mailing list, contribute and in particular, anything that’s required for Buenos Aires or in advance of the motions coming up like this work with the drafting team or the recent admission of the motion on transliteration, translation, transliteration. Please contribute and participate as much as you possibly can.

I know all of our agendas get very busy and interrupt the meeting. Thanks all. See you in person in Buenos Aires, and on the e-mail list in the meantime.


Man:      Bye-bye.

Man:      Go with you Jonathan.

Woman:    Bye-bye.

Woman:    Bye-bye. Thank you Jonathan.
Man: Goodnight. Thank you.

Man: Thank you Jonathan. Thank.

END