

**Transcript GNSO Council Teleconference
10 April 2014 at 14:00 UTC**

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<http://audio.icann.org/gnso/gnso-council-20140410-en.mp3>

on page

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

Adobe Chat Transcript:

<http://gnso.icann.org/en/meetings/transcript-chat-council-10apr14-en.pdf>

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House Registrar Stakeholder Group: James Bladel, Volker Greimann

Yoav Keren - absent, apologies proxy to James Bladel

gTLD Registries Stakeholder Group: Jonathan Robinson, Ching

Chiao, Bret Fausett Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House Commercial Stakeholder Group (CSG): Mikey O'Connor, absent, apologies, Osvaldo Novoa, Gabriella Szlak, John Berard, Brian Winterfeldt, Petter Rindforth

Non Commercial Stakeholder Group (NCSG): Klaus Stoll, Maria Farrell, David Cake, absent, apologies proxy to Avri Doria, Avri Doria, Amr Elsadr, Magaly Pazello

Nominating Committee Appointee (NCA): Daniel Reed

GNSO Council Liaisons/Observers:

Alan Greenberg – ALAC Liaison

Patrick Myles - ccNSO Observer- absent, apologies

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

Glen de Saint Géry - GNSO Secretariat

Cory Schruth – Systems Engineer

Coordinator: Excuse me, this is the conference coordinator. I just want to remind parties that this call is being recorded. If you have any objections you may disconnect at this time. Thank you and you may begin.

Jonathan Robinson: Hello, everyone. Welcome to the GNSO Council call today, that's the 10th of April, 2014. Much appreciate those of you extending the time available and making yourselves available for this meeting at relatively short notice.

Glen, if you could proceed right away with a roll call that would be great. Thank you.

Glen de Saint Géry: I'll do that for you, Jonathan. Bret Fausett. I don't see him yet on the call. Ching Chiao.

Ching Chiao: Present.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Present.

Glen de Saint Géry: James Bladel.

James Bladel: Here.

Glen de Saint Géry: We have Volker - we have Yoav Keren who is absent and he has given his proxy to James Bladel and sent his apology. Volker Greimann.

Volker Greimann: I'm here.

Glen de Saint Géry: Thomas Rickert.

Thomas Rickert: Present.

Glen de Saint Géry: Gabriella Szlak. I do not see her yet on the call. John Berard.

John Berard: I'm here.

Glen de Saint Géry: Brian Winterfeldt. I do not see him yet on the call. Petter Rindforth.

Petter Rindforth: Here.

Glen de Saint Géry: Osvaldo Novoa. I don't see him on the call. We have apologies
from Mikey O'Connor. Maria Farrell.

Maria Farrell: I'm here.

Glen de Saint Géry: Avri Doria.

Avri Doria: I'm here. Thanks.

Glen de Saint Géry: We have apologies from David Cake who's traveling and he has
given his proxy to Avri Doria. Magaly Pazello. Magaly just joined...

Magaly Pazello: Present.

Glen de Saint Géry: ...the call now.

Magaly Pazello: Present.

Glen de Saint Géry: And so has Gabriella. Amr Elsadr.

Gabriella Szlak: I'm here.

Amr Elsadr: Present.

Glen de Saint Géry: Klaus Stoll.

Klaus Stoll: Present.

Glen de Saint Géry: Daniel Reed.

Daniel Reed: Present.

Glen de Saint Géry: Jennifer Wolfe.

Jennifer Wolfe: Present.

Glen de Saint Géry: I don't see Alan Greenberg on the call. And we have apologies from Patrick Myles. And for staff we have David Olive, Marika Konings, Mary Wong, Julie Hedlund, Rob Hogarth, Berry Cobb, Lars Hoffman and myself, Glen de Saint Géry with our engineer (Cory Schuss) who is looking after the audiocast for us. Thank you, Jonathan, and over to you.

Gabriella Szlak: Just a minute. Hello, everyone, this is Gabriella Szlak, I'm here.

Glen de Saint Géry: Thank you, Gabriella. And Alan Greenberg has just joined, Jonathan.

Jonathan Robinson: Okay thanks, Glen. And I note that in case you didn't pick it up
Magaly was also...

((Crosstalk))

Jonathan Robinson: ...Magaly and Gabriela were both present during the roll call.

Glen de Saint Géry: Thank you.

Jonathan Robinson: Background noise...

((Crosstalk))

Jonathan Robinson: ...if I could encourage everyone to make sure your microphone is
on mute. Thank you. That sounds good. All right so welcome again to
the call. Thanks very much to those of you who have participated at
short notice.

We originally set this meeting up in order to deal with a potential
confirmation of the Non-Contracted Parties House Board seat election.
And I'll come to that in just a moment.

As a consequence of having scheduled the meeting and other items of
substance having appeared on the, you know, on our plates, if you like,
our collective plates, since then it appears prudent to not wait another
four or five weeks before we got together in particular because one of
them is - one or both of them is arguably time-limited.

So let's call under Item 1.2 for any Statement of Interest updates and then under Item 1.3 for any comments or amendments to the agenda. So we can record, Glen, that there are no updates to Statements of Interest under 1.2 and no updates to the agenda as published.

We are still outstanding on the minutes from the previous meeting in Singapore which we'll get to work on right away. You have my ongoing apologies for somehow - I got stuck on the 27th of February minutes and it's not that I'm stuck doing something but I'm stuck doing nothing with them. So I apologize, I simply have to review them and then they can be published and I'll get to that right away.

As far as our action list is concerned I'm not going to take a lot of time on this. We're expecting to be joined by a guest in relation to Item 4 in a few minutes so I'll just cover off the key items here to the extent that they're not covered on the main agenda. First of all Item 1 is about planning for London. And Volker's going to take the lead on that. And you can expect to be hearing from him on-list and us discussing that at the next couple of meetings.

But a critical scene setter for that is to take input from councilors and GNSO participants on the Singapore meeting. We'd love to get feedback. And I know these things always come from commercial suppliers, conference organizers and all the rest of it but really if I could encourage councilors as much as possible and those in your community. So if can post those out to your stakeholder groups and constituencies there is a survey being provided.

And I think I'll ask Marika or Glen, staff, to please resend that survey link. I know you've sent it I think twice already but we've only - we've a

limited number of inputs back. We've had six councilors and two from the broader community.

We had very good community participation on the weekend sessions and I'd love to get more input. I know staff would - and I'm sure Volker would - anyone who's involved with organizing and planning these meetings depends on your feedback. So if you could think in terms of when you're providing that feedback it's really - at least in part about what items you might add, remove or revise that we saw on the - in particular the weekend agenda.

It's really focusing on making best use of that time. And so it would be great if you could not only do that yourselves, councilors, but also get it out into your respective stakeholder groups and constituencies.

There is ongoing work on the GNSO review. And I won't dwell on that at the moment. There's some - there's a note out for - seeking new volunteers to the team and refreshing and making sure that that group is set up to operate and work and that is going ahead.

And then I'll note that Osvaldo has joined us so if you could mark him as present.

And then the next item we've got on our action list is dealing with this - well it's strategy panels but really primarily our response - our draft response to the Multi-stakeholder Innovation Panel public comment period.

I've put out a draft and I've had a couple of good responses; from memory that was from (Sophia) and Amr but I may be mis-

remembering. But in any event it would be great if anyone else could comment or provide input. And I'll turn around another draft of that prior to us attempting to finalize that.

On the other items here we've got a couple of open items that are still in (train) one of which is the Internet Governance/INTA transition but that's something that's a substantial item on this agenda; an open item on a perspective SSAC liaison to the Council; our response to future meeting strategy is something which, Maria, I think you agreed to pick up. I know you've been away but just a reminder that that's an open item. And I think you may be working with one or more others to do that.

So I guess, Maria, the first thing to do is to maybe remind the Council that this is what we're going to do and just check who's in your sort of little drafting team or team to work with you on preparing that response.

And I see we've got James volunteering in the Chat but if you could just put out a note to the Council list, Maria, and make sure you put together whoever is going to work with you on that and actually clear on who the group is with you on that.

I note from the chat that Brian Winterfeldt has now joined us so welcome, Brian.

And then there's some ongoing discussion about how we manage the Council's being properly updated and any GNSO liaison to or with the work on IDN variants. And I'm sure we'll tidy that up in due course.

Are there any comments or questions on the outstanding actions? Yes, thank you John. Noted on it's NTIA transition not IANA transition. So if I could ask our compiler of the action list to modify that according to John Berard's point it's NTIA transition.

Any comments, questions? James, I see your hand is up. Go ahead.

James Bladel: Thanks, Jonathan. James speaking for the transcript. Going back to the Multi-stakeholder Innovation report - and I'm stretching my memory here a bit so, you know, please forgive me in public and then make fun of me behind my back for asking dumb questions.

But how relevant is this in the wake of not only, you know, the NTIA announcement but also this posting of a couple of days ago from ICANN? Do we need to take another refresh at that and ensure that that's compatible with some of the more recent developments or that it hasn't been overtaken by events?

Jonathan Robinson: And just to be clear, James, which posting are you referring to from a couple of days ago?

James Bladel: This would be the posting that ICANN posted a proposed draft process I guess you would say, process document, for public comment and how they kind of foresee the next two meetings shaking out as far as just, you know, the transition. And I want to make sure - I know they're not - they're only peripherally related but I just wanted to make sure that we're consistent across any comments that we might submit to that versus this MSI comment as well.

So I just - I just want to make sure everything is all lined out because in my mind, and maybe I'm alone on this, is there's a lot of moving parts, things are happening very quickly. And I'm not visible to the coordination efforts that may already be occurring.

Jonathan Robinson: Okay so I was going to take a stab at answering that but - and I see Alan would also like to make sure it is coordinated. Ching, would you like to come in before or after I make a stab at answering James's question?

Ching Chiao: Actually I'd like to talk about (unintelligible) so I'll just hold.

Jonathan Robinson: Okay if you can hold your place in the queue then, Ching, and we'll just deal with this issue. Let me tell you - give you my two cents worth on this, James. I don't think we heard an absolutely consistent answer in Singapore about the role and function of the strategy panels. That said, it wasn't - and this doesn't sound like a weirdly political answer - it wasn't absolutely inconsistent either.

What we heard was the strategy panels were convened - what I think we heard - was they were convened. They produced output. That output is available to the community to use as it so desires.

However, that output will ultimately be moderated or understood in the context of community feedback on that. We as a Council have particularly focused on the Multi-stakeholder Innovation Panel's work of all of the strategy panels, bearing in mind that some of the strategy panels focused on things like Internet governance and touched on all sorts of other areas. But we focused on this because it seemed to

directly potentially impact on the way in which we work. It seemed to come up closest to policy work.

So in my mind in one sense the work of the Multi-stakeholder Innovation Panel stands, to an extent, in isolation certainly from the Internet Governance issues largely but not entirely. I realize there could be a connection there. And I take your point fully that when writing any response and submitting any response to the public comment we should be mindful of any other work going on in the Council and perhaps more broadly in the GNSO in doing that. But nevertheless I think we can have a targeted and focused response to the work of the Multi-stakeholder Innovation Panel.

Where I think there's a slight very recent confusion is not so much in the two-day ago announcement that you referred to which maybe I'm missing something there but certainly there's a little inconsistency in that I think there's been an announcement that I haven't got a chance to read on the strategy process that's come out in the last 24 hours.

And really my understanding was that the strategy panels were both - the output of the strategy panels was both available to the community but also to - well the community and staff in formulating the strategic plan. Yet a draft of the strategic plan has now come out prior to public comment on the strategy panels.

So I'm aware of an inconsistencies there and that certainly came up, you know, speaking as a Registry Stakeholder Group sort of rep rather than as the chair I'm aware that that was raised in the Registry Stakeholder Group yesterday as a - or on list as a potential concern.

So that's my kind of interpretation. I don't know if I've - if that's raised the hackles or prompted a further response from anyone else who would like to put their hand up before we - and if, James, if that's perhaps...

((Crosstalk))

James Bladel: No that's helpful. Thank you, Jonathan. And I agree, it does seem like we're out of sequence here.

Jonathan Robinson: With respect to the strategic planning...

((Crosstalk))

James Bladel: Yes, sorry, with respect to that last point you made, yes...

Jonathan Robinson: Yeah, I agree. So that's something we may want to make a note of as a sort of PS, an addendum in our response that, you know, here we are responding to a public comment period when the strategy plans are already out and our understanding was these were informing the strategy plan. So it is a little confusing.

Okay, are there any other comments in relation to that question of James's and that and/or the - that specific item before we move on to Ching? All right, Ching, go ahead.

Ching Chiao: Thank you, Jonathan. Actually just looking at the Adobe room on the action items missed (unintelligible) the Council also need to take action on one of the discussion we had is to appoint the representative - yeah, I'm sorry, the co-chair for the use of country and territory names.

We had the discussion at the weekend session and during the Council public meeting I actually put my name forward and understand that Brian from the IPC also sending a candidate so I guess that's also a missing action items which the Council need to act upon. Just a reminder here. Thanks.

Jonathan Robinson: Thanks, Ching. And that has been included in a revised version of the agenda that came out yesterday which you may not have had a chance to see or read right to the end of but it's at the very end of the revised agenda is...

Ching Chiao: Okay.

Jonathan Robinson: ...it's there so we will, I hope, come to it and tidy that up.

Ching Chiao: Perfect, thanks.

Jonathan Robinson: Good. That deals with Item 2 then. Item 3 is the consent agenda which is currently - if we could switch back to the agenda - contains no items. But I will just comment briefly that as per the original purpose of this meeting and there was a prospect of having a requirement for - to confirm the Non-Contracted Parties' House Board seat election.

As it turns out there is no requirement to have a meeting per se to confirm that. I mean, we would record that and note that as we would in a similar way if the Contracted Parties' House had made at the right time their election.

But really it - there may be an administrative component on my behalf of conveying that output on behalf of the Council but there is no

specific Council reaction - action required. It's simply a - the output of, in this case, the Non-Contracted Parties' House. And it's their election and their Board seat that we need to be aware of and note but not take any action to confirm.

That said we don't have a result there yet that's work in progress so as far as that's concerned there is no requirement to do anything at the moment.

John, we'll deal with your question in the chat anyway just going back an item or shall we come to that? Let me come back to that because we've got a couple of items that will be dealt with as Marika says with regard to MSI Strategy Panel. We'll come back to that in the final event.

So we're really now onto Item 4. And I'd like to check just to make sure that Martin Sutton from the Brand Registries Group has joined us at this stage. Martin, are you on the line?

Martin Sutton: I am, Jonathan, thank you.

Jonathan Robinson: Great. Thank you, Martin, and welcome. Let me just make a couple of introductory remarks then and we can move on with this item. So this item is Item 4. It's an opportunity to - it's a discussion item relating to so-called Specification 13 of the new gTLD registry agreement and the proposed incorporation of an additional clause.

Really by way of a very sort of sketch background there's clearly a policy that was put in place, a GNSO policy to introduce new gTLDs, which gave rise to the Applicant Guidebook. And on that basis

ultimately applications for new gTLDs were submitted. We then ended up with the base registry agreement and subsequent to that a proposed variation to that registry agreement which is now known as Specification 13 which was considered, put out for public comment.

Some public comments were made including, as from recollection, my understanding, many that were positive but one in particular that was negative and questioned it. The latest development in Singapore was that that comment from the registrars or a collection of registrars - I don't think it was from the - and someone can correct me if I'm wrong here - I don't think that was formally a position of the Registrar Stakeholder Group but it was a comment from a collection of registrars. And that was then subsequently withdrawn.

And on subsequent to that we received most recently a request from the New gTLD Program Committee telling us that, A, they had decided to implement the clause - the Specification 13 in a number of - containing various clauses.

But in particular they were concerned about the introduction of one element without further referring it back to us to check with the Council and the GNSO unless that clause be inconsistent with the letter and intent of the original new gTLD GNSO policy recommendations and in particular Recommendation 19.

And what the New gTLD Program Committee said to us in essence was, "Respond within 45 days or we will go ahead. We will default to including the clause. And if you do respond respond in the affirmative or the negative and if so tell us why or, finally, offer us - ask for an

extension of time to consider it and give us a reason why you need the extension of time."

We've had some discussion on list and decided that we think it's best reputationally and otherwise to respond. So my understanding we're now in a position where we've decided we will respond and therefore want to be as well informed in crafting that response and in going back to our respective stakeholder groups and constituencies for consultation on that response.

And so this is an opportunity to make sure we are collectively and sort of equally well informed. And one element of that is understanding the motivation and drive and background to the BRG's position. And Martin Sutton, who is Chair of the BRG, offered to provide that input to us both through the provision of a written FAQ, which you now see on the screen in front of you, and by virtue of his presence at our meeting being available to - in the form of a Q&A.

So I believe that sort of sketches out the position well. I'm really - I've circulated a proposed time table so I wouldn't mind any comments on - it's really this is about, A, making sure we're well informed and, B, that we are agreed on the process.

So I guess what I'm thinking about in shaping the discussion at the moment is this is about either comments or questions on being well informed. And perhaps we might like to hear from Martin first and then open the discussion up to comments or questions for Martin and in general making sure we're well informed.

And, B, any comments or questions on the proposed process, which is really about making sure we either fit within the timeframe or ask to extend the timeframe in an appropriate way.

So, Martin, I think if - let me give you the opportunity to perhaps make some background remarks and then...

Martin Sutton: Okay.

Jonathan Robinson: ...you know, and take any questions on the FAQs first so that we deal with your position first of all. So let's - let me hand the floor over to you to make any remarks you'd like to and to set the context and take Q&A. And I'll manage the queue. Thanks, Martin. Go ahead.

Martin Sutton: Thanks very much, Jonathan and thank you all for allowing me to join the meeting today. For those that don't know me I'm a Fraud Risk Manager at HSBC. And I lead the application for our own registry, dotHSBC. But I'm also the President of the Brand Registry Group, as Jonathan - or BRG, for short. And that's the hat that I'm wearing for the purpose of this meeting.

So in addition to the FAQ that was circulated yesterday I'd just like to provide a little bit of background that I think might be helpful. And it's really going back to the beginning of the application process. And, you know, it has been fraught with uncertainty throughout who would actually apply, would dotBrands be objected to? We had lotteries, we had name collision; still got some issues with that. So it's been some time before applicants were able to effectively focus on the contractual negotiations that lie ahead.

As that process edged along there's a number of like-minded applicants, like myself, that thought it would be beneficial - mutually beneficial in fact - to approach this together with ICANN and construct a suitable contract specific to dotBrands that would help minimize the individual negotiations and allow dotBrands to move swiftly through the contracting phase. And so that's what the BRG did.

So I think over the last year now, probably a bit more, the BRG has worked extensively with ICANN and alongside other dotBrand applicants; it's not just the BRG, this is a lot broader. And in my note that I sent around there was an additional 48 letters to support this provision being reinserted on the morning of the NGPC meeting. And that was rallied around just a couple of days.

And it's quite difficult to do through corporate com structures and to allow such (unintelligible) to be delivered of that nature in such a short time. So just to emphasize the fact that it isn't just the BRG that is driving this through.

But so (unintelligible) is the unique model brought to the table by 1/3 of the new gTLD applicants. And the key aspects for a dotBrand is the fact that the domain names will be owned and controlled by the registry operator and so there's no market for domains and no distribution channels required.

So recently in Singapore, as you mentioned the NGPC approved Specification 13 absent of the provision for exclusive registrar. However, the NGPC has also approved that additional provision subject to comments from the GNSO. So that's where we are today.

This provision is important to dotBrand registries. It's part of the ability to control and secure all of the processes and actors that will play a part in running our registries. And in that respect it's also for the benefit of our users.

And so I think - I hope that gives you a bit of context and background in addition to the FAQs that I circulated yesterday. But I'm actually very happy to answer any questions people have or any concerns that they have so that I can hopefully respond to those during the meeting today. Thank you.

Jonathan Robinson: Thanks very much, Martin. I mean, this - it's a busy time and there's lots going on so I do think that not everyone will have had a chance to read the FAQs. So one thing I would suggest, depending on whether there are any questions, you may want to highlight some key elements of that. By all means, that's one option.

I suppose I would make one comment and that's that just to remind us that when the Registries sign a contract with ICANN there's really two - and I'm on slightly tricky territory here because I'm not an expert in this area - but there's really two key components to the contract.

One is that the two-party negotiated component of the contract and the other is that which is subject to consensus policy which is clearly the purpose of the policy function within the GNSO. And so it's unusual in some ways for us to be talking about the contracts in this context.

But the specific reason was in - as you said, there's some form of collective negotiation between a group of registries and in dealing with that collective negotiation they bumped up against an area which could

be considered policy and which is why it's been referred back to us to give our view on its consistency or not and with the original policy recommendations. So I think that's sort of slightly sketchy but hopefully a helpful comment.

And like I say Martin, I don't see any hands coming up at the moment, so by all means feel free to highlight in the yellow and from the SAQ that you think are particularly pertinent or relevant.

Or I do see a couple of hands come up now. So let me take those first and then if it's appropriate we can come back to the FAQs or refer to them in answer-and-questions.

James Bladel, go ahead.

James Bladel: Thank you Jonathan, thank you Martin for not only your introductions, but also this FAQ which I found helpful.

I would say that there was one part here about, you know, the distinction between trusted and untrusted registrars, I think is really more of a matter for ICANN Compliance. But anyway, that's maybe more of a conversation we can have over drinks sometime.

I just wanted to, you know, just provide the Council with a little bit of color here. We've had a very spirited conversation amongst registrars about - and I believe at this point it's really just registrars that are still kind of raising questions about this particular provision in the Draft Specification 13. But there may be other groups that are also concerned but I think at this point it's mainly registrars.

But we had a fairly spirited discussion. I think that recognizing that there is value to an exclusive registrar, I don't think that there's any pushback there, recognizing that some brands may wish to choose a subset of registrars.

I think that's where things get a little prickly with registrars because what it essentially is opening the door for, and maybe not in this particular context but in future rounds or future business models that have yet to be determined, we're setting a precedent that ICANN accreditation is not a flat business category, that providers can pick and choose, you know, which registrars they will or will not operate with. You know, it may in this context be appropriate, but in some contexts it may not be appropriate, and so I think that is what's driving the concern.

And one of the potential compromise positions that I put out, and perhaps Volker can, you know, back me up a little bit on this is that the idea that a brand, the TLD, would be allowed a single registrar, however, would have access to a second registrar for purposes of transitioning if they were to choose to transition to a new provider, I think that would ensure that they were not beholden to one single registrar.

But you know, we can talk about these things. I think really I'm just more encouraged that the new gTLD program committee got us involved at all. I think trends have been to just kind of drive these things to votes and be done with them. So I'm glad we're being sought to weigh in on this.

And I wanted to provide some background there, and again, thank Martin and thank the BRG. I don't think there are specific concerns

with this proposal, it's more of what it might be opening the door to down the road. Thank you.

Martin Sutton: Thanks but may I respond Jonathan?

Jonathan Robinson: Please do, go ahead Martin.

Martin Sutton: Thanks James. And I must admit, I've learned a lot over the last year and particularly talking to members of the Registrar Group, including yourself Volker.

And you know, that been set in along the way. so I think the amendments that we've made to respect their team, to tightening it up to make sure that there is a minimum opportunity for any abuse is, you know, really down to the help that you guys provided, so I'm very thankful to that.

And in the rewritten provision from Singapore, it does quote a maximum of three. So that took the feedback that we had that we had to at least put a number to restrict that number of registrars.

And the reasoning behind that is that typically for a corporate that's running a piece of infrastructure, you want contingency. So even in the registrar activity, we'd want to have a live registrar probably and a contingency registrar.

And also the ability, if we ever have to, you never know what happens with a registrar, they may go bust, who knows. Something can occur which means that you are forced to transition. Probably you could have the backup but you will want the opportunity probably to have

simultaneously three registrars running at the same time to count the transition and contingency at that stage.

So I think from our perspective that seemed very reasonable to safeguard our business as well as satisfy the concerns that you raised from the registrars. And so once again, thankful for the contributions.

I think just to reference the point about does it open the door to other things happening and concerns for registrars for different types of models, I honestly don't know. But at the moment, I can't see any other restrictive models as tightly knit as a dotBrands and as tightly defined now as a dotBrands that would leverage that ability to exclusive registrar.

So I hope that does go some way to satisfy those concerns.

James Bladel: Jonathan, if I could respond quickly.

Jonathan Robinson: Respond and then we'll go on to (unintelligible).

James Bladel: Yes. Yes, thanks Martin, and I actually think that's very close to what, you know, the sort of the draft or the comment that I made on the registrar list which is this idea that, you know, there may be multiple or (unintelligible) number of registrars. That would be a temporary arrangement to facilitate a transition from one service provider to another.

Because certainly we appreciate the need to not beholded to a single service provider and to be able to put that out for competitive bid should the brand holder wish to change service providers.

So understanding that and I think that we're very close here. I just think that registrars are still just a little concerned about the future. And so maybe tying it to the rest of the provisions in sector (unintelligible) is maybe the way out here.

So thank you. I'll drop now Jonathan.

Jonathan Robinson: Thanks James. That's helpful because it gives us some insight into how the registrars have been feeling or dealing with it.

Volker.

Volker Greimann: Yes, thank you James.

As one of the registrars who submitted the original complaint - not complaint, comment to the original spec, I was asked to talk with Martin and we had a very fruitful discussion and we came I think very far in finding a workable solution.

However, as a GNSO Councilor, personally I'm not only representing the ones who submitted the original comment but also the other registrars that I did not, and from those we've seen some very vocal opposition.

That being said, I think the material substance of the question that has been put before us is, while important and should be discussed, is secondary to the process that needs to be observed when we comment on this since the original spec should or can be considered as a policy recommendation of the GNSO, and therefore an outcome

of a PDP process or at least a model stakeholder process. I would have to look up which the correct process was in that case.

But the GNSO Council, in my opinion, does not have the power to just revise original policy recommendations that they've come up through the model stakeholder process without going back to the original stakeholders that submitted that recommendation. So I think our main focus should be to find the process by which we could respond and what the response could be.

The background of the policy question that has been put before us, do we even have the tools to provide an answer on the short-term that we've been given, or should our answer be that we need more than those 45 days that have been given to us to initiate a policymaking process or a feedback loop with the original stakeholders that formulated the recommendation? So the recommendation might be revised or at least to be exempt from.

Because as it stands, it's very general and the policy recommendations that we have is all-encompassing when it comes to what registrars have to be employed by with registries.

And having an exemption there, while it makes sense and while I fully support that as a registrar, I maybe not be able to support it as a counselor based on whatever (unintelligible) may end up with, decision. But a part of that content, we need to find first the right process to get at this.

Okay, that's about (unintelligible).

Jonathan Robinson: Yes, thanks Volker for helping us there in terms of breaking apart the two critical issues here. One is the substance of the point and the other is how empowered are we to provide the answer and by what mechanism can we provide the answer sought by a new gTLD program committee.

And in essence, that is a challenge. We've either got to find a way through with our existing policies, making processes and our ability to go back and consult with our groups, which to me has been critical in defining this process. The fact that we at the very least, this is not something that we as a council can deal with; it needs referral back to the separate groups and stakeholders both perhaps in terms of both process and the material consideration.

I've got...

Martin Sutton: Jonathan, could I add a comment in response to Volker's?

Jonathan Robinson: Yes, please Martin, do and then I've got a few forming of questions or comments.

Martin Sutton: I'll try and be quick then; thank you. And thanks again Volker for that because I think it is clear there are two different strands here that need to be considered.

And in particular the policy element, I've put in the FAQ some reasoning as to where we were coming from in our negotiations with ICANN, which as I said, went on for a year already. And in that, the dotBrands model was not actually considered at the time as the policy development in 2007, which I think is fairly clear in the discussion

points that I've also included where it talks about that the structural separation of VeriSign's registry operations, that this was very much focused on open commercial models.

So one of the things that we have voiced regularly is the fact that the policy is not actually relevant to the dotBrands models; these are new models that have come in. And that there are the implementation guidelines - for instance Implementation Guideline J that I've extracted as well which talks about the base contract should be balanced, market, certainty and flexibility for ICANN to accommodate a rapidly changing marketplace.

And with the numbers that have come in for dotBrands, and they're heavily focused on this, it would be a concern again if it goes through a process of months and months of discussions after we've already had a year's discussion.

We've also had public comments to our applications which the majority would have already stated that there was going to be a single registrar or exclusive registrar requirement. We've had the public comments already where the registrars or a handful of registrars objected to certain elements of it. That's been corrected and adjusted accordingly.

So I would ask that members of the Council do consider that as you go through these discussions. I think that's very important to try and put in place the idea that the policies were made in 2007 and there was no recognition of different models coming to the marketplace. Thank you.

Jonathan Robinson: Thanks Martin. Let me go to Volker, is that - I think that's your old hand. I think it's now Ching next.

Volker Greimann: Yes, that's correct; it was an old hand.

Jonathan Robinson: Then Ching next.

Ching Chiao: Okay. Thank you Jonathan and thank you Martin for making yourself available for the call. And thank you for the FAQ; that's very helpful.

I'd like to speak, and then once again for the recording, this is Ching Chiao speaking for the Registry Stakeholder Group.

So like the registrars, the Registry also we discuss this Spec 13 in our call yesterday. And so far, neither conclusion has been made or no consensus has been reached around the group. But we are encouraged by the progress made.

But also acknowledging, and actually, historically, a point number one, some of the sTLDs, the sponsor TLD, does apply more restricted model to - I mean actually limited the number of registrar to carry a particular sTLD. So we see this is not a complete news or strange - completely news to us.

But also we view the same way that James has already mentioned about potentially opening doors for, I mean, kind of through abuse of this Spec 13 in the future rounds.

So I mean, basically, I'd like to say we are seeing a good effort here, a very good collective negotiation process being made here, but also very cautious about, I mean, open doors.

One quick personal feeling that I'm looking at the letter from the NGPC from (Sharine), is that in the letter, he very clearly pointed out that 1/3 of the application in this round is amidst the dotBrands category.

And Martin, you also mentioned about letters that were prepared by Nom BRG members which is very useful excellent information.

And once again, let me emphasize this is personal question is with that 1/3 of - so we're looking at, I mean literally, 600 dotBrands - I mean applications, how would be and what would be the portion of the dotBrands, I mean applicants, that are, you know, that they are actually willing to sign on this Spec 13? What's your feeling, what's your, you know, sense on this? So just a quick question on that. Thanks.

Martin Sutton: Thank you Ching.

Numbers, I don't know specifically. But if you bear in mind that there were at the last meeting 48 letters delivered last - at the ICANN meeting. And then there are the BRG members. There's probably altogether about 350 TLDs, so some may have applied for more than one dotBrands, so we're talking hundreds.

I hope that helps.

Jonathan Robinson: Okay, thanks Martin. I've got John next in the queue.

John Berard: Thank you Jonathan. As you correctly suggested, Gabrielle and I did go back to the Business Constituency asking for guidance with regard to the question from the Board with regard to Spec 13. And it's considered opinion of the Business Constituency that the Spec 13

does not apply in the case of policy guidance that the Council had previously offered.

While I understand that from previous comments, and certainly it's true that Spec 13 does not - was not specifically addressed in the policy work of the Council, the question really is not can this be found in the policy work but does it conflict with the intent of the policy recommendations.

And our view is that it does not conflict with the intent. And that we believe that there are adequate safeguards, that should a registry deemed a dotBrands decide to change its business model that it would lose the - it would come out from under Spec 13, and I think Martin has confirmed that in his remarks this morning.

So we as a constituency, I as a Counselor, I'll let Gabby speak for herself, but you know, we're in favor of letting the Board know that we're okay with what they've done in their resolution.

Jonathan Robinson: Thanks John. It's helpful to get that guidance so early on as to where the BC is at. And if anyone is aware of a position within their group or constituency, of course they should feel free to share it which is useful to get that guidance.

Right now, I'm really trying to make sure we're as clear as possible on the question, and actually on giving your answer, you help us with that clarity so that's useful.

And for information, I'll just put up in the chat the specific question that was asked of us just to remind everyone I have it right there in front of you what the NGPC was asking us for.

Okay, I'm going to go to Alan next in the queue.

Alan Greenburg: Thank you; two points.

The issue of how do we modify or refine or clarify policy advice that we've made earlier has been a question that has come up many times, and I know I've certainly raised it many times over the last several years, and it hasn't been answered. Policy Implementation Working Group may come up with an answer, although I suspect that's not going to be wholly satisfactory in a case like this where the policy was passed years ago.

So that's something we need to focus on, but I don't think we can fix that today.

The second point I was going to make was actually what John just referenced and you clarified with your posting. There are two questions.

The first question is, is what they're doing consistent with the policy advice and is it a reasonable interpretation of the policy advice? If the answer is yes, then we don't have to refine the policy, the policy is okay for what they're planning to do. And we've seen a number of responses both online and John's today that indicate that some parties believe it is a reasonable extension.

Certainly, dotBrands explicitly was not discussed during the policy. The policy and the aftermath, as many people remember, there was much discussion of categories and the decision by staff and the Board was to not have them. So the de facto now becomes - they've arrived. But they weren't mentioned explicitly.

So the first question is, is it consistent. If the general answer from all of the parts of the GNSO is, yes, it's a reasonable extension, we don't have any more work to do on this problem. So that's the question that needs to be answered quickly.

If it is not consistent and the consensus is it is not consistent, then we have a real problem. Thank you.

Jonathan Robinson: Thanks Alan. I'll go straight to James who's next in the queue.

James Bladel: Hi, thank you; James speaking for the transcript. And I weighed in earlier on matters of, you know, the substance, and now just kind of wanted to lend my voice to the process issues.

Just wanted to point out that there have been a couple of comments and I think it's actually included in the FAQ that, you know, so many applications were brands, that's what's changed is the volume and the popularity amongst brands.

I don't think that this was not anticipated. I have only been involved with ICANN for about seven years, but I remember very early and very frequent conversations about the different types of TLDs that would be applied or could be applied for brands, were certainly one of the

categories that were discussed along with other categories that were not formally recognized like GeoTLDs or things like that.

So I don't think it's exactly correct to say that this is new and therefore the policy did not anticipate the rise of this.

But having said that, I just want to weigh in that these specifications for the most part, in my opinion, are provisions that the Brand Registries, to some extent, could have achieved through direct negotiations of their registry agreement with ICANN. And there have been, you know, over 100 if not, you know, a couple several dozen, TLDs that have launched with non-standard contracts.

And the GNSO was not asked to weigh in on those changes nor were we given the opportunity to weigh in on the compatibility of a number of the GAC requests and safeguards that resulted in other specifications.

So I think for process perspective, we need to act quickly, we need to make a quick determination of whether or not this is compatible, and then we need to, I think as Alan pointed out, we need to, you know, voice our - make our concerns heard but then move on as quickly as possible.

The downside being that if we draw this out too quickly or subject it to an unwieldy review of the original policy going back to 2008, then I think that's a sure-fire way to ensure that we're not included in these conversations in the future. Thanks.

Jonathan Robinson: Thanks James, and that's clearly the delicate balance that's got to be handled here. Thomas.

Thomas Rickert: Thanks very much Jonathan.

First of all, the principle of using registrars in a non-discriminatory manner is already diluted because registries already do have the option, if circumstances permit, to get an exemption from the Code of Conduct.

So I think that a lot of players have struggled with the fact that the language that is used for that is not absolutely clear. So I think that the request from the Brand Registry Group with this Specification 13 might help to shed some light on how far that can go and make things more transparent.

So I understand that, but also understand that there is an issue for the registrars that might fear that this opening might be exploited in future cases.

I guess that the procedural way to address this might actually be one that I've already offered as an idea on the mailing list, and that is to consider this as a matter of implementation oversight. The PDP life cycle allows the GNSO for doing that, so I think it would be wise to get together some of the people that have been around the table when the original policy recommendations were crafted and ask them their view about the then current discussions about this issue.

And I think that might help us as a Council to respond to this issue, because as previous speakers have rightfully said, time is of essence with this. So I think we cannot afford to do anything along the lines of a PDP so another mechanism should be deployed. And I think we have

the tools at our fingertips, so I think we should tap on the expertise of those that have been present at the time and report to the Council.

Jonathan Robinson: Thanks Thomas for that pragmatic suggestion which is receiving some indications of support in the Chat.

I've got two more, but one more person in the queue which is Brian. And in the interest of time, I'm going to cut the queue at that point and try to capture next steps.

Brian, go ahead.

Brian Winterfeldt: Hi, Brian Winterfeldt for the IPC.

First of all, I just want to support Alan's sort of structure that he put forward for us to analyze this topic. I think it was very helpful. I also want to support what James said. I think it is important for us to act quickly.

And I know that there's been some suggestion of potentially asking the Board to delay the timeframe that they've given us. But I think we have, you know, as stated in the past, that we get very upset when we're not sort of included in the process. And so I think in order to assure that we are looped in in this way, I think we need to be able to act quickly. So I agree with James' point there; I think it's a very good one.

And then as far as specifically what the IPC thinks about this particular provision, we actually are in support of it. We feel that it, you know, does not conflict with the spirit of the policy process, and we feel like it

actually advances some important points for dotBrands applicants. And so we are in support.

And I know that, Jonathan, you said it's helpful to kind of get a feel for where different constituencies are with regard to this. And so I just wanted to put that out there as well.

Jonathan Robinson: Thanks Brian, appreciate it. That's useful to get that guidance.

So I just wanted to - there is something with respect to implementation. And maybe we can get that from a GNSO procedures point of view. In the event that the Council has what Thomas referred to, an implementation oversight function, in fact that's arguably where this 45-day point comes in.

So I've asked Marika to dig that out of the operating procedures and make that available on the Council mailing list so you can see that particular context.

But what I think I've heard, and I hope I captured; I'm not 100% clear on everything because it's been quite a wide ranging discussion. But I've certainly heard the desire to, coming from two sides, focus on speed if possible, respecting the 45-day or reasonable turnaround, to form potentially a small team to deal with this and to look at it whether it's - and to focus specifically on the question that's being asked of us.

So I don't Thomas. You advocated for this team. I don't know whether you would be prepared to step forward and potentially lead this effort of some form of team to come together and try and review this and get a written response together. I do think it's absolutely incumbent on us

given this sort of substance and the potential impact to make sure we do go back and consult with the respective groups in communities.

It's great to a sense of where the IPC and the BC are coming from. I think we've got some sense of registrars and registries.

But we do really need to recognize that the fundamental question we were asked was not how do we feel about the substance of it, but how do we feel about the conflict in Spec 19. So it seems to me there can be two sub-questions to this. It's one a direct response to the question of the NGPC, and perhaps in some of the motivations for the response, it's dealing with the substance or any concerns regarding the substance; the kind of thing that James touched on.

Thomas, I see your hand is up. Brian, I'm assuming yours is an old hand and will be taken down. So I'll go to Thomas, and then I think maybe Martin, we can leave the last word for you and then we should wrap this up.

So Thomas, your hand has also been put down. That was probably an old hand.

Thomas Rickert: Yes, I just wanted to respond to your request which is that I would be happy to volunteer with this and help with it. I guess what would be imperative though is that the Council clearly defines the mission. So I think we need a clear charter and we need to have clarity on the exact question to be answered as we - as you try to identify and clarify in your wrap-up of the discussion so far.

Jonathan Robinson: And I think - it seems to me, I mean charter is probably too strong a word here at this point, because really, we have a question from the NGPC that needs answering. And depending on where that answer is headed, some other conditional points might come from that. But I can help you frame that.

I think Alan, your hand is up.

Alan Greenburg: Yes, I just wanted to further clarify in what I think what I believe needs to be done.

At this point, the crucial question is, is what they're doing consistent or not? And I think Council needs a vote on that with, you know, an opportunity to go back to councilors to go back to their stakeholder groups and constituencies. And I think it needs to be a supermajority vote that is the same that would have been used if this was a PDP.

Because at that point, you know, the process allows for a single stakeholder group not to veto, and you know, it provides real clarity for whether indeed they're planning something, which on an overall basis, through the GNSO Council believes is consistent.

As I said, if the answer is no, Lord knows what we do next. But I think that has to be the first step.

Jonathan Robinson: And we have potentially that. I mean the sort of time table I could see coming out, and I see your hand is up Volker, but in my sort of timetable I could see coming up was we have our early May meeting, which comes in time enough for the 45-day timetable, to take that sort of vote.

But I think in time of making that vote, it could be useful in parallel to have some form of written response prepared as well. So that may be the basis on which we work; we prepare the written response and the prospect of the vote at that May meeting in parallel.

So Volker, your hand is up.

Volker Greimann: Yes, I just wanted to say that I fully agree with Alan there. I think we need to have a vote at the end of this process. And I think the timeline that we have as you have just outlined Jonathan, (unintelligible) has to be up in meeting shortly before the 45 day timeline runs out. And this should be definitely added to the calendar at that stage.

Besides going back to the original working group and asking them for input, I think also the various councilors should go back to their stakeholder groups and ask their stakeholder groups to come back with a position on this question and possibly even with a solution or suggestion of how to proceed in case this does not get approved, which I would regret but might be a possible outcome.

In this case, we should be prepared to come back to the Board with a proposal of how this proposal is going to be handled and how this should be addressed.

Jonathan Robinson: So actually we've moved on a little (unintelligible) from that suggestion I think, from what I - and I can talk while also trying to understand how we might involve Thomas doing some other work as well.

But it seems to me there's the original question asked by new gTLD program committee, yes or no. If yes, are there any other points you'd like to make, for example like the registrars talking about the number of registrars. If no, what alternative process do you suggest.

So I think we can formulate something along those lines, to go back out to the GNSO groups, and that might give us a way forward, which I think we're going to have to then - I'll try and capture that on list. And if I have missed something in that process, then perhaps you can correct or guide me.

Thomas, is that a new hand.

Thomas Rickert: In fact, that is a new hand. And I'm just trying to get clarity on the next steps now.

So what I understand and what I would suggest doing is that you formulate the questions to all the groups that will then individually discuss, also discuss alternatives, solutions that could be offered to the Board in case there is a conflict with existing policy recommendations.

And I will volunteer to reach out to the original working group members and also invite Councilors to this discussion to find out more about the original discussions that led to the policy recommendations that were adopted. And the plan would be to have that input ready by the motion documents deadline before the May meeting so that can then inform the respective group discussions and ultimately the vote.

Jonathan Robinson: Yes and I'm a little worried about whether that creates two parallel processes Thomas. So maybe we should just agree to pick that up offline.

I'll formulate the questions and if councilors feel that those are satisfactory answers, I can see how getting - we could do with additional input, but I'm slightly worried we'll set two processes in course. So let's just make sure we talk with one another and ensure that we aren't - that this is a consistent process - put it that way.

Thomas Rickert: I'm more than happy with being unvolunteered for this.

Jonathan Robinson: Let me say that you are - if you could volunteer to assist me, and if necessary formulate those, and if necessary go off to get some additional input, then let's do that.

Thomas Rickert: Sure, sure.

Jonathan Robinson: Okay great Thomas, thank you.

Alan, did you have an additional point? I'm mindful of...

Alan Greenburg: Yes, just clarity. When Thomas said, "The original working group," I assumed he means the group that created the gTLD - the new gTLD policy. Is that correct Thomas?

Jonathan Robinson: Yes, that is what I think he was referring to.

Thomas Rickert: Correct.

Jonathan Robinson: Just for clarity, that was before we had working groups. That was, I believed - I don't remember if the term passports was used, but it was a superset of the GNSO Council at the time. And it changed over the period of time that it evolved.

So we're talking about a very large group of people that was not balanced in any way. So probably that's not practical.

My understanding is the GNSO Council, as it evolved, has never changed. The authority gets passed on through them. So you know, certainly we could go ask anyone who's still alive, and there's even one or two on Council and some of the others exist, but trying to get consensus or find out what the working group now thinks or what was the equivalent of the working group, I don't think is practical. Thank you.

Jonathan Robinson: I think I agree with you on that and that's where my concern was coming in. So I think the respective GNSO groups should certainly consider consulting with anyone in formulating their views. And in fact, many of those original group members would still be around. But I think we have to deal with it as the currently constituted council and the question that's being put in front of us by the new gTLD program.

Alan Greenburg: I do know that Avri was a member of that group and just put a note in the chat which is relevant.

Jonathan Robinson: Thanks Avri; that's helpful. And you know, I think we - this is certainly something where we have to draw a line under this discussion in the interest of time. But it does sound like we think we've got a way forward here that will work.

And I'm sure you'll correct me if I don't frame it, that is factually on the list. But it feels to me like we've got knowledge and capability and the desire to try and work with this in as pragmatic a way possible without compromising our principles. So hopefully we can do something useful and effective here.

Martin, thanks very much for your input. I'm not sure we've got time to say much more. But it does seem like you've certainly achieved what we need to which is help inform us. So I guess we should probably draw a line under it at this point.

Martin Sutton: Many thanks, thanks to everyone here today for your time. If there is any more questions that I can help with, please, please do send them through.

Jonathan Robinson: All right, thanks again Martin and we'll obviously keep you posted or ask questions as necessary.

Martin Sutton: Thanks Jonathan. Bye.

Jonathan Robinson: All right everyone. And I have to move us on. That's taken longer than I anticipated or perhaps wished that it might.

But it is a substantive issue and it is worth noting that the point was made earlier by James or Amr, I forget who, but recognizing that this is what we've been fighting for is proper due process of referring back to the Council where it is a matter of policy. And somehow or another, we've got to navigate our way through this now which recognizes that request and yet sticks true to principles.

The next item could be of course an all-day point as well, and we're going to confine ourselves to ten minutes of discussion on it now which is really taking an update on the Internet Governance issues. And of course there's really three scene setters here, this is our open discussion item on this.

ICANN of course, as James referred to earlier, has posted a summary of the discussion and a proposed structure for moving forward with the NTIA transition.

I notice there's been some discussion - I've been tracking the discussion on the existing cross-community working group on Internet Governance, and you know, we're obviously heading towards (Net Mondial) as well.

And really, the question is - and I guess I'm mindful of the statement I made on behalf of or an attempt to summarize the position of what I was hearing in respect to the GNSO at the ICANN meeting in Singapore. And that is, you know, emphasizing multi-stakeholder, GNSO's role and the prospect of some form of cross-community initiative.

So in this item, my sense is that we're looking for any additional comments or input as to where we go next as a Council on all of this. Maybe though you haven't yet had a chance to digest the ICANN posting yesterday. Thinking about whether we as Council respond to that posting, and you know, the steering group proposal.

You'll note for example, that within that steering group there are two GNSO seats proposed. That might be something the GNSO wants to think about whether that's adequate, how we might be represented on that, and so on.

So I've thrown out a bunch of questions and I realize it's not the most well formulated discussion here, but you know, I'm open to any comments or input on this. And I see James' hand is up.

James Bladel: Hi Jonathan, thank you. James for the transcript.

And yes, you captured it there. My immediate and sort of visual reaction to that proposal was that there was no way that four - or I'm sorry - two seats from the GNSO is going to be sufficiently representative of all the stakeholders.

You know, I know that there are concerns. Sometimes the GNSO and ICANN used interchangeably, but seriously, that's just - that's almost laughable.

I think that we should push back on this point. If nothing else, just this particular point about membership, and note that that steering group not only should be a little more reflective of the different stakeholders, that each of the SOs and ACs perhaps should determine what the smallest representative number that they can send would be and leave that up to them.

And then perhaps also note that the selection of the steering group members cannot be a staff exercise. I really would hate for this to turn in to yet another blue ribbon expert working group strategy panel

where, you know, the CEOs office and/or ICANN legal are picking and choosing from submitted CBs. I really think that this must be more of a community led effort.

So those are just my two immediate reactions. And like you said, I should be weighing in on this topic because it was posted so recently, who's had a chance to really thoroughly digest it. Thanks.

Jonathan Robinson: No, I think that's a very helpful response immediately and I see a couple of checkmarks going up James, to pick on those two key points of representation and selection. And actually in effect, I think start to give some guidance there which is very helpful as to how the Council might respond as a Council to this request for comment.

So that's certainly one element of our potential response to the NTIA transition, is how do we feel about what's being proposed there and are we able to do anything else in addition to reacting to that call for comment. Is there anything sort of proactive or otherwise which we should or could be doing?

Now I am going to actively reach out to other SOs and ACs and talk to them about what's going on and try to keep myself informed and the Council informed as to what others are thinking. I'm sure that you will independently as councilors do that yourselves as well so that we understand.

Let me just see your question Avri. I see - I mean James - when I heard James say words that he'd be suggesting in some ways the equal numbers of participation wasn't necessarily required, one or more groups may feel that they can be adequately represented by a

small or a greater number of representatives. Of course the issue then of will they be drowned out by others of diluted.

Avri, go ahead.

Avri Doria: Yes thank you. And sorry I wrote this. I wrote that while I was listening to James.

And I think that we kind of have a problem if we say that we should have four and others. I think we say we should have four that we're saying that every other group should also have four. And I'm very comfortable with us saying that if we think that large a steering group is indeed what's needed.

Now of course I probably join those who would sort of say, "What's the steering group before we've done a bottom-up decision on what all we need?"

But at this point, the one thing that I think is important no matter how many we think we need is that we should try and allow others to have as many as we think we need, and not sort of say, "We need more for any particular reason." And that was really my point. Thanks.

Jonathan Robinson: Yes, so I suppose, as James said, for all of us, and it's a good point Avri. One of the points is, is it too early to respond properly although I take your point up then that it's a representation.

The other that's vexing me clearly is what is or should be the role of the Council? And to the extent that you are able to provide that as councilors, especially driven by the views of your groups in all of this,

and the problem is it's all taking shape very dynamically at the moment. But any guidance as to how the Council can practically and appropriately deal with these topics is of interest to me.

Certainly I notice that the cross-community working group on Internet Governance seems to me coming to - and please correct me if someone thinks this is a premature conclusion. But the sense that I have for tracking that list is that there is simply a recognition that the end of the work on the NTIA transition is likely to occur outside of the existing cross-community working group.

So if that's the point, I will read it that, notwithstanding, ICANN's posting on the steering group proposal and that structure, it's still really rather up for grabs, what structural process might, you know, community-based structural process.

And certainly in the Registry Stakeholder Group yesterday, there was talk of, you know, concern about this still being not a map designed process. And I guess I kind of heard that a little from James as well.

All right, are there any other comments or points that need to be made here at this stage? I note your point Amr that you're supporting my understanding of what's coming through on the existing cross-community working group on Internet Governance.

All right well, I see there is some typing going on in the Chat Room still. I will flip for the moment to then close up on this, and it's something which is clearly going to remain active as we continue to digest what's come out from ICANN.

I suppose the key question there is responding both the structure and content of the steering group proposal, and then noting your point of this distinguishing the Internet Governance issue from the mission and purpose of the GNSO.

All right, I'm going to flip then for these last couple of minutes just to make sure we cover all the items on the AOB.

And John Berard asked a question much earlier on this, on the submission of a council input to a public comment on ICANN structure panels.

John, I think I understood your suggestion to be saying, well you know, we've had a couple of comments to the draft that Jonathan put out on list. Can we see an updated draft of that? And I'm perfectly willing to try and accommodate. I think it was Amr and Maria or whoever has given input in that into a red line, so I could update that in the form of a red line updated draft and then deal with that. So that's 6.1.

John, your hand is up. Go ahead.

John Berard: All right thank you Jonathan.

I just want to repeat what I said when we met in Singapore. I do not think that the Council's role should be to offer primary comment when in fact the stakeholder groups and constituencies that comprised of GNSO have not yet offered comment.

I think it would be more appropriate, and I'm not even sold on this, that the Council to offer comment in the reply period by focusing on those areas of agreement among the constituencies and stakeholder groups.

Having said that, I did circulate the initial draft. And there are - I personally don't have any quarrel with what you're proposing substantively, but do feel strongly about the process part of it.

So that's where I am. Certainly if the Council's decision is to move forward and offer comment - maybe it will be the Business Constituency that alone votes against that. But I wanted to say that it is a function of the role that I believe we play and not the competence of the Council to comment.

Jonathan Robinson: John, I hear you and it does create a challenge in the sense that certainly the comment within the initial period is due by the end of April. So to the extent that we needed to take a vote on the input, it would require a rollover into the May meeting and could only then be input as part of the reply period.

Just to - I heard you and just to reiterate the thinking though, was that the Council's role as policy manager within the GNSO and much of the output of the MSI panel seem to be focused on policy management type of functions, and therefore it was my personal opinion I suppose, and I thought I had a sense other than that point that you made which I heard and I'm not discounting, was that it was appropriate for us to respond in that way.

Maria, your hand is up.

Maria Farrell: Yes, thanks Jonathan.

Yes, so I was just - you know, I do take to heart what John is saying. But at the same time, you know, I feel that as people who are sort of elbow deep in the policy process, that we've got an opinion.

So you know, I'm wondering is there one - is there perhaps like sort of an approach to topics or set of topics within that paper that we could, you know, easily contribute on that would sort of assuage John's and Gabi's discomfort.

And you know, R2, is it possible that we could put in some input that basically said, "Look, this is what we think because, you know, as people who are involved in the policy effort, it is not an official GNSO Council thing or something."

You know, I'm just wondering how can we just as a group of people that are very deeply engaged in this and use our, I guess, our opinions or our insights without claiming any special status with them because we happen to be on the Council.

Jonathan Robinson: Thanks Maria, that's certainly a practical suggestion.

I just note from the Chat that Marika's made the point that there is no reply period in this particular public comment period. So that John, is something that is important here as well, and Gabi.

Amr, your hand is up.

Amr Elsadr: Thanks Jonathan, this is Amr.

I agree with you that there are a lot of substantive recommendations regarding how the GNSO process is managed, which would make it an issue for the GNSO Council. And from that perspective, I think that it is appropriate for the Council to weigh in with some input on the - I think they called it blueprint document, and some of the recommendations that were made following.

And I also, as reading your response, the draft that you circulated on the Council list, I really felt that you were trying to address the issues that are relevant to this Council from the perspective of managers of the policy process. So I don't necessarily see a problem with that.

But on the other hand, if the Council feels not that it is inappropriate to provide a response, that it might not actually be necessary considering that it appears that the recommendations are not really going anywhere unless the community wants them too. That's another issue.

But I see no problem with the appropriateness of Council submitting the comments that you circulated. Thanks.

Jonathan Robinson: Thanks Amr. I think we're going to have to pick this up further on list.

Certainly my concern is if we don't respond at all or if no response from either the groups or constituencies or the Council regardless, is seen to contrast with that of the MSI panel. The danger is that those get somehow resurrected at a later point and are reported as being unchallenged. So sometimes no response is - and we've seen this in other areas, so that just would be my word of caution.

I'm mindful that we've come to the half past of the hour and also we really do have to wrap up.

And there's a couple of other points which is the point I touched on earlier which is the Council submission to be led by Marika - or Maria on the future meeting strategy. And then there's Ching's point on the co-chairs for the Country and Territory Names Working Group.

I did have a brief discussion by Byron about this yesterday. And it seems that there may well be, although there aren't volunteers at the moment, there may well be strongly interested potential volunteers to chair that group from within the ccNSO.

So I suggest we put forward our two volunteers which is I think we've got Heather Forest and Ching Chiao as perspective co-chairs. And we put those into the mix and the working group and then deal with how whether it has two co-chairs, a co-chair and a vice-chair or how it's structured the leadership of the group.

So I'm happy to put forward those names, but I think it's different for us to say, "These will be the co-chairs." Maybe the correct wording is they are interim co-chairs. But we put forward them as co-chairs and then let the working group decide. But that's a suggested way forward.

Thanks Ching, I appreciate your support there. So we'll put those two names in the hat and then leave that and let the working group continue from there.

One other point on 6.4, I've added really is my own AOB and that's to note - Ching, I see your hand is up. I'll come to you; I mine as well finish this point now. That we've seen a note from Mikey seems to be withdrawing from all of his ICANN related activity, and that may well have an impact or seems to have an impact on his role as a counselor.

I'm going to talk directly with the ISPC on this and make sure to talk directly with them about - because Mikey's clearly a counselor representing the ISPC. And so, you know, I'll keep you informed as much as I know. But you know, Mikey's obviously written that direct note so I'll keep in touch.

Okay, so Ching you don't have a point so I think we've - it was hand that's been withdrawn.

Thanks everyone. It's a bit of a whistle stop too through some substantive issues. I hope that it's been a satisfactory meeting and been useful in particular on Spec 13 but also touching on the other items we needed too.

Just a moment, just checking if there's anything else. All right, I think we're done then. So with that we can formally end the meeting and pick up these items on the list going forward.

Thanks everyone for taking the time to meet today.

Operating: This concludes today's conference call. Thank you for participating. You may disconnect at this time.

Thank you all.

David: Thank you Jonathan. Bye-bye all.

Jonathan Robinson: Thanks David.

END