

**Transcript GNSO Council Teleconference
8 May 2014 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the GNSO Council teleconference on 8 May 2014 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at: <http://audio.icann.org/gnso/gnso-council-20140508-en.mp3>
Adobe Chat Transcript
<http://gnso.icann.org/en/meetings/transcript-chat-council-08may14-en.pdf>
on page: <http://gnso.icann.org/en/group-activities/calendar#may>

List of attendees: NCA – Non Voting – Jennifer Wolfe – joined call after one hour

Contracted Parties House Registrar Stakeholder Group: Volker Greimann, Yoav Keren, 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): Tony Holmes, temporary alternate for ISPCP constituency, Osvaldo Novoa, Gabriella Szlak proxy to John Berard in case of bad connection, John Berard, Brian Winterfeldt present for part of the call, proxy to Petter Rindforth in case of bad connection, Petter Rindforth

Non Commercial Stakeholder Group (NCSG): Klaus Stoll, Maria Farrell, David Cake, 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 - absent apologies

Marika Konings - Senior Policy Director

Rob Hoggarth - Senior Policy Director

Mary Wong – Senior Policy Director

Berry Cobb – Policy consultant

Lars Hoffmann – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Eric Evrard– Systems Engineer

Operator: Excuse me, this is the operator. I do need to inform all parties that today's conference is now being recorded. If you have any

objections you may disconnect at this time. Thank you, you may proceed.

Glen de Saint Géry: Thank you very much. Good morning, good afternoon, good evening everyone. This is the Council call on the 8th of May.

And we have on the line Bret Fausett.

Bret Fausett: Are you waiting for me to say I'm here?

Glen de Saint Géry: Ching Chiao.

Glen de Saint Géry: Yes, yes, yes, yes please I think that would be better.

Bret Fausett: Okay.

Glen de Saint Géry: Please, everyone, just confirm that you are on the line. Thank you.

Bret Fausett: Thanks. I'm on the line.

Glen de Saint Géry: Ching Chiao.

Ching Chiao: Present.

Glen de Saint Géry: Jonathon Robinson.

Jonathan Robinson: Present.

Glen de Saint Géry: James Bladel.

James Bladel: Present. I'm here.

Glen de Saint Géry: Yoav Keren.

Yoav Keren: I'm here.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Hello, I'm here.

Glen de Saint Géry: Thomas Rickert.

Thomas Rickert: Present.

Glen de Saint Géry: Gabriella Szlak. John Berard.

John Berard: I'm 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.

Osvaldo Novoa: Here.

Glen de Saint Géry: Tony Holmes.

Tony Holmes: Here.

Glen de Saint Géry: Maria Farrell.

Maria Farrell: I'm present.

Glen de Saint Géry: Avri Doria.

Avri Doria: I'm here.

Glen de Saint Géry: David Cake.

David Cake: Present.

Glen de Saint Géry: Magaly Pazello.

Magaly Pazello: I'm here.

Glen de Saint Géry: Amr Elsadr.

Amr Elsadr: Here.

Glen de Saint Géry: Klaus Stoll.

Klaus Stoll: Present.

Glen de Saint Géry: Daniel Reed.

Daniel Reed: Here.

Glen de Saint Géry: Jennifer Wolfe – I do not see her on the call yet. Alan Greenberg.

Alan Greenberg: Present.

Glen de Saint Géry: And we have apologies from Patrick Myles, our ccNSO liaison who has – who is not on the call. And for staff we have apologies from David Olive who has to be presenting on another call today.

And on the call we have, for the staff, Marika Konings, Mary Wong, Rob Hogarth, Berry Cobb, Lars Hoffman, Julie Hedlund, and myself, Glen de Saint Géry.

If I've left off anyone please let me know. Thank you very much, Jonathan, and over to you.

Jonathan Robinson: Thanks, Glen. Thank you for your help. Welcome to everyone, councilors, staff and those who will be hearing us on the recording or the audiocast if it's functioning. Welcome to today's GNSO teleconference of 8th of May, 2014.

Glen, to note, that we are expecting Jennifer Wolfe to join us only after an hour or so into the call so as and when she joins if you could mark her as present from that point please?

Glen de Saint Géry: Thank you, I will Jonathan.

Jonathan Robinson: Second, Brian, I know has got some kind of emergency he's dealing with and would like to take advantage of a provision in the

procedures to make an emergency proxy. So, Brian, perhaps we should do that right away in case you are caught up with any other problems.

Brian Winterfeldt: Thank you, yes. I would like to take advantage of the provision to give Petter my proxy vote for today's meeting.

Jonathan Robinson: Thanks, Brian. So that's noted. And, Glen, if you could note that Brian has passed his proxy to Petter; an opportunity that is available and an emergency if the councilor is present in the meeting but believes that they will have to shortly leave.

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

Jonathan Robinson: I'd like to call for any statement of interest update and note that we have a new statement of interest from Tony Holmes which has been linked to and to formally welcome Tony who is here on the Council as a temporary alternate given the recent departure of Mikey O'Connor. So welcome, Tony. I know your statement of interest is linked here.

Does anyone else have a statement of interest that they would like to provide an update on?

Right, coming to Item 1.3 which is to review or amend the agenda. I have noted that Jennifer Wolfe, who is instrumental to Item 6 may be late which means we may need to move that a little further down the agenda so I'll forewarn you of that.

And also that 7 and 8, depending on the substantial nature of the discussion we get into on other items, may need to be dealt with as time permits or not.

Are there any other comments or questions on the agenda? Thank you.

And we note the status then of the minutes of the 27th of February, 26 of March and indeed I think the 10th of April has also been posted. So we are caught up with previous minutes and those have all now been posted. That closes Item 1 and gives us the opportunity to move on then two Item 2 which is to review the projects and action list.

Project list is being updated and you will have seen an updated version of that. As usual I don't expect to go through either the project list or the action list in fine detail. But I'll pause for a moment if there are any questions on...

((Crosstalk))

Jonathan Robinson: ...you'll see displayed. And if I could remind you – someone just sneezed on the microphone – if I could remind you to make sure your mic is muted so there's no disruption to the call.

Hearing no questions on the project list we'll move to the action list. And the bulk of the items on that list of action items is covered – or picked up and covered and dealt with in further detail during the course of the meeting.

And I'll highlight three items that aren't. First of all the Multistakeholder Innovation Panel submission. That is completed and submitted and I have confirmed, in fact, that that was received. From memory it was a slightly unusual mechanism. We submitted it to an email and it wasn't immediately obvious that it had been submitted but that has indeed been confirmed. So thanks to all who contributed to the discussion on that.

The SSAC liaison to GNSO item is still open.

ICANN future meeting strategy, this was something we were going to do some work on. And in fact I sent out, in the absence of anything else coming from the Council, I think, Maria, this was something you were originally going to pick up on possibly with the help of James although I may not be accurately remembering that since this action item is – only picks up your name.

But I've actually proposed something in the absence of something been circulated. And my intention – and my question really to the Council is it seems that we have an opportunity – the Meetings Strategy Group did talk with us both out of respect for their work and an opportunity to contribute which they have given us. It feels to me like we really should say something.

And there is a note in circulation on the Council list which it largely supports existing stakeholder group and constituency input but comes from the Council. My proposal to you is to send that as-is or modified by any of you in the next 24 hours. But really send it off by the end of this week. We've missed the deadline and I'd like any comment or question on that.

Thanks, James, I see your hand is up.

James Bladel: Hi, just a matter of apologies to you, Jonathan, to Marika I know sent me something on this and Maria as well. I know that I did volunteer to assist on this project and I just found that submission at the bottom of my inbox this morning so my apologies for the silence on this front.

Jonathan Robinson: Thanks, James. Appreciate that. It will be also helpful to have you or any other councilors comment now or on list on two points really. One, are you comfortable with the Council submitting something? And if so that something is the draft that exists on lit at the moment. So it'll be really helpful to get support for submitting that too.

We'll probably end up submitting it directly to the chair of that group now rather than – since the public comment period is closed. But we have an assurance that if we get it to them in reasonable time, and by reasonable I'm expecting that means the end of this week, we can perhaps get some consideration of it.

James Bladel: So this is James speaking again. Yes, to both points. And I think we can probably have something turned around fairly quickly for full review by the entire Council. So thanks for kicking it off.

Jonathan Robinson: So thanks, James. You know there is a draft that you – you don't need to pick this up from ground level...

James Bladel: Right.

Jonathan Robinson: ...it's really a matter of commenting on the draft.

James Bladel: Yes. Agreed.

Jonathan Robinson: Right. Wonderful. So if I could ask everyone to either – even if you just support the existing draft that would be helpful and any modifications you'd like to make please let me know and we'll try and send that off by really at latest I think is sort of midnight UTC tomorrow. Thanks.

James Bladel: And, Jonathan, if I could ask that folks also please just primarily weigh in at this point due to the time constraints if folks could weigh in if they spot anything – any factual errors or anything that they just simply cannot support and must object to if it's simply a matter of signing on then we'll take silence as consent I think.

Jonathan Robinson: Thank you, James. I think that covers the outstanding items. All the other items on the action list come up in the body of the main meeting. So we'll come to those in the body of the main meeting.

We have a few items then under Item 3, the Consent Agenda, and that's noting Mikey O'Connor's effective or actual resignation from the Data and Metrics for Policy Making non PDP Working Group. Noting the chair and co chairs of Data and Metrics group as well as the – Jonathan Zuck as chair and Rudi Vansnick and Cheryl Langdon-Orr and Olivier as co chairs. And also confirmation of Avri Doria joining the GAC GNSO Consultation Group as a replacement for Mikey O'Connor.

I will just pause for a moment to hear if there are any objections to those items on the Consent Agenda.

Amr, your hand is up. Please go ahead.

Amr Elsadr: Thanks, Jonathan. This is Amr. I just wanted to confirm for the Data and Metrics Policy Making Working Group, these are four chairs, not two chairs and two co vice chairs is that correct?

Jonathan Robinson: Would you mind someone else helping me with this one? Let me just check.

Amr Elsadr: Berry's saying in the chat that's it's one chair and three co chairs. Three co vice chairs.

Berry Cobb: Hi, Amr, this is Berry Cobb. Yeah, I'm sorry, I mistyped that, three vice chairs, so Jonathan is the lone chair of the working group.

Amr Elsadr: Okay great. Thanks, Berry. I have no objection.

Jonathan Robinson: Thank you, Amr. Right well that brings us on to the next substantial item – or the next item and a substantial item on the agenda which is Item 4, the motion to deal with Specification 13 to the new Registry Agreement.

And you will recall that we received a request from the New gTLD Program Committee to provide advice to – we were given an opportunity to advise as to whether we believe the additional provision, an additional provision that was included in Specification 13, was inconsistent with the letter and intent of Policy Recommendation 19.

Clearly this touches on a particular nerve on the whole discussion in and around policy implementation and the respective roles of the

GNSO and the Board and it's consequently sparked substantial discussion including some of it very recently on the Council mailing list and around.

I mean, I think it's appropriate to thank people for significant commitment to attempt to resolve this in a tight deadline which we were given by the NGPC alternatively to advise ICANN that we need additional time for review. So we have attempted in good faith and with a lot of hard work to resolve this within the 45-day deadline.

As part of that attempt to resolve Thomas Rickert has done some substantial work in trying to collate historic perspectives and current and to try and pull those together into a motion which he duly made to the Council in which you see up in front of you now. And this motion is an attempt to respond to the NGPC's letter.

So I think, Thomas, as maker of the motion and as someone who's done this substantial work to attempt to do this I will hand over to you to present the motion prior to opening up the discussion.

Thomas Rickert: Thanks so much, Jonathan. And as you pointed out there is substantial discussion surrounding this motion also that I – when I took on the responsibility to take care of I thought this was a relatively easy matter to deal with but it turns out that matters that I take care of then become complicated and I hope that they don't become complicated because I take care of them.

Joking aside, let me read the motion for you so that everybody is on the same page, unless, Jonathan, you advise otherwise.

Motion and response to the NGPC's letter with respect to Specification 13, Whereas, the NGPC has adopted a proposed Specification 13 to the Registry Agreement to reflect requests by dotBrand TLDs whilst delaying the implementation of an additional clause contained therein, which will allow a Registry Operator to designate up to three exclusive Registrars.

Second, the NGPC has sent a letter to the GNSO Council Chair asking for advice as to whether the GNSO Council believes that this additional clause is inconsistent with the letter and intent of GNSO Policy Recommendation 19 on the Introduction of New Generic Top-level Domains.

Three, the GNSO Council thanks the NGPC for referring the matter back to the GNSO Council.

Four, the GNSO Council has discussed the matter including with the Brand Registry Group (BRG) and considered the background information provided by the BRG.

Five, the GNSO Council has reached out to participants in the Policy Development Process at the time of developing the policy and the associated Board Report on the Introduction of New Generic Top-Level Domains, 11th September 2007.

Six, the Council acknowledges and understands the proposal made by dotBrand TLD operators.

It is now resolved: One, that the right to only use up to three exclusive registrars, as contained in Specification 13 is inconsistent with

Recommendation 19 as, one, the language of this recommendation of the final report of the GNSO does not stipulate any exceptions from the requirements to treat registrars in a non-discriminatory fashion.

And, two, the GNSO new gTLDs Committee discussed potential exceptions at the time, but did not include them in its recommendations, which is why the lack of an exception cannot be seen as an unintended omission, but a deliberate policy statement.

And, second, that the Council does not object to the implementation of Specification 13 as a whole, including an additional clause which allow a Registry Operator to designate up to three exclusive Registrars, given the specific circumstances and the fact that a public comment period on Specification 13 was conducted in 2013 without objections from the GNSO, save for that from certain registrars, which was subsequently withdrawn.

Three, that the Council requests the ICANN Board to implement appropriate safeguards for future new gTLD application rounds to ensure that Recommendation 19 is not eroded and that any rights granted to dotBrand TLDs cannot be used for scenarios other than those specifically covered by Specification 13.

Four, that the Council reserves the right to initiate a policy development process, potentially resulting in Consensus Policy affecting both existing and future TLDs, if and when the right granted to dotBrand TLDs is at risk of, or bears the risk of, being used for augmenting and / or circumventing the conditions of Specification 13 or any subsequent provisions.

Now that is the text of the motion. And before I open this up for discussion I would like to say that we have received two requests for amendments for these. But before I get to them let me briefly state that I have made the attempt to get input from the GNSO as well as from individuals, as you know, from the correspondence that are sent to the Council list that have been around at the time. And I've shared the responses with you on the Council list.

I've had numerous phone calls with GNSO members as well as email exchanges that have been – that took place on the list as well as outside the list where I received comments. And what I tried to do is to amalgamate the views that I heard and read into a draft motion that is hopefully acceptable to the majority of the Council.

As previously stated, I had volunteered to take on the task of helping with the subject matter. So I don't – I'm not driving a specific mission with this. So whether or not the amendments that have been suggested will be accepted as friendly I guess will hugely depend on the discussion that we're now going to have.

I think I am (foremostly) interested in showing that the Council can provide policy advice in a timely fashion. We have often complained about the Board circumventing the GNSO and now we've been approached by the Board either NGPC to provide policy advice.

And I think it would be good that we get back to the NGPC in a timely fashion although I should add that certainly we didn't – we shouldn't rush things without being diligent. But if we can apply the required diligence and still respond in the timeframe that we've been indicated to – to respond in that would be most welcome.

Now the first request for an amendment I received from Bret. And he has asked to remove clause 3 of the resolve clauses. I understand that the reason for that is that it would be – or that it is perceived to be premature to discuss subsequent rounds and that there would be opportunities anyway during the community consultations to make ourselves heard and for the individual groups to make themselves heard when new grounds are being discussed so the this doesn't need to be in this motion.

I'd like to hear from councilors whether there are any amongst you that have plans to support the motion but who would consider not to support it in case the amendment was accepted as friendly.

So again I think I would like to give you another couple of seconds to respond to the request because I would like to avoid a situation in which an amendment is potentially accepted as friendly and by doing so losing the support of individual councilors.

Jonathan Robinson: Thomas, just to note – it's Jonathan speaking for the record.

Thomas Rickert: Jonathan.

Jonathan Robinson: ...points. One is that John has a question from Bret in the chat whether or not you were accurate in explaining the motivation for the change. And Osvaldo has noted that he would support the amended motion. It's not clear whether he would have supported the motion in any event but he certainly would support the amended motion.

And I note that Alan's hand is up. Alan, if you – you may be prepared to be patient while Thomas goes through this exercise or you may have a point that you would like to make right away.

Alan Greenberg: Yeah, I raised my hands because I wanted to make sure my understanding of the wording of the original motion, before any amendments, was correct so you...

Jonathan Robinson: Please ask for that clarification now then, Alan, by all means.

Alan Greenberg: The way I read it and without using any of the mailing list information that I have it says the – Resolve 1 says, GNSO Council says and that this is a violation of the recommendation that we made. Two says that notwithstanding we're willing to let it go ahead.

If that's not the intent of this then I think it needs to be – the wording needs to be clarified.

Jonathan Robinson: Thomas, can you confirm that that is the intent?

Thomas Rickert: That is the intent.

Alan Greenberg: Okay. You may want to make it just a little bit clearer by, you know, using the word like notwithstanding because one and two are in conflict with each other. And it's potentially subject to misreading. Thank you.

Thomas Rickert: Can I ask you, Alan, to suggest a concrete wording in the chat?

Alan Greenberg: Yes I will.

Thomas Rickert: That would be excellent. And I thank you for pointing that out. I deliberately chose the words that we are not objecting to this. I think that earlier today on the mailing list the assumption was made that we would support the NGPC in what they're doing or that we are – that we're – I'm not exactly sure. I need to dig out the word but that we're positive towards that. And that we're therefore giving way to the Board and the NGPC to do things that are inconsistent with policy recommendations.

And I think it's important to note that this is not the case. We're not saying that we're happy with that or that we welcome this. And this is why you saw Clause Number 3 and Clause Number 4 in the draft motion.

What it says is that there is an inconsistency at least in the view of many councilors. We do not object to this, you know, so we don't say that the process was all right; that we don't object to this and yet we're looking for safeguards that this doesn't happen in future or further erode bypassing – or the Recommendation 19 or bypassing it. And we reserve the right to do policy work if and when so required.

I hope that helps answering the question and maybe shed a little bit of light on the concerns that have been voiced on the mailing list.

Jonathan Robinson: Yes, Thomas, then just for the record it's Jonathan again. Bret has confirmed – my understanding of his point in the chat is confirmed that yes we wanted the motion silent on future rounds so your explanation – and that we – by that he means the Registry Stakeholder Group or – did not see the need to amend that so that's – Bret I did not see the need to include that or address that so that's his point.

Dan has indicated that he would support either version. Avri indicates that she is inclined to vote against the unamended motion and needs further understanding before deciding whether she could support the amended.

So those are your indications so far. I'm just reminding you of the question you were seeking the answer to.

Thomas Rickert: Thanks. Alan, is that an old hand or new hand?

Alan Greenberg: Sorry, as I was writing or rewording I didn't take down my hand.

Thomas Rickert: Okay thank you. And next one in the queue is Volker. And, Volker, when you speak I would like to encourage you also to speak to the commencement that you suggested because that's the next point that I would have come to.

Volker Greimann: Yes, Thomas, thank you very much. I also cannot support the motion as it stands as it would in effect amount to the Council saying this is in violation, we see a violation of a recommendation that is part of policy work that has been done and yet we step aside so to speak and propose that this be implemented anyway but reserve the right to take this back.

I think that's the wrong way to go about it. I think the right way to go about it would be to save we see this violation as existing; we see that the missing language so to speak that has not been implemented at this time will require further policy work and we are ready to do that work but it's not ready to be implemented at this time.

And that is basically what I was trying to achieve with my amendment that I've posted to the list earlier which would effectively turn around Section 2 and have minor amendments for the other sections as well.

Thomas Rickert: Thanks Volker. It was my impression though when reading your request for an amendment that the rewording that you suggested does not answer the question that we've been asked by the NGPC. We've been specifically asked whether this is – I'm paraphrasing here – whether we are okay with the exception or whether we see that being in violation of Recommendation 19.

And the language that you know suggested is that you are happy with Specification 13 to be passed except for the exception. So we are not responding to the exception.

Volker Greimann: Basically by saying that we are happy that – that we do not have any concerns with Specification being passed without that I was trying to be diplomatic and saying passing it with that would trigger our exception but maybe that should be made more clearer. I'm not sure if that needs to be. I thought it was clear by saying that as it has been passed already it's okay but if that had been passed as well then we would have a problem.

((Crosstalk))

Thomas Rickert: Thanks, Volker. Next is Petter. Please go ahead.

Petter Rindforth: Thanks. Well, first of all we're not so sure (unintelligible) actually inconsistent. I would rather say it may be inconsistent. But putting that

apart frankly, I'm not 100% clear what Point 2 is right now. Can someone clarify what the text in the (mention) is before we go further to vote on it?

Thomas Rickert: Number 2 basically states that the Council does not object to the implementation and we provide reasons for why we're not objecting. So we basically give green light to the NGPC that they can proceed with Specification 13 as a whole, including the request to have a write-in there for Registries to pick up to three exclusive registrars.

And the reason why we are not objecting in this instance, and I should add that we might likely object on other occasions is that public comment was held under specific point and that the GNSO did not object at that time.

I think this is more or less to protect the GNSO from being seen as acting inconsistently in itself because we are now having a discussion where individual councilors as well as groups do see a violation of applicable policy and they're asking or they say that there might be the need for doing a PDP.

Yet they have not spoken out at the time the public comment period was opened. So I think what I've heard those state in writing that I was in contact with is that, you know, had that been such a pressing issue they could have made themselves heard earlier. So it might be perceived as being not straightforward to remain silent on the public comment occasion and then wake up basically when the NGPC approaches us and ask for a proper PDP to be carried out.

Petter, does that answer your question?

Petter Rindforth: Yeah, before I take down my hand – yes, thanks. And if it's – what I hear from you is that the basics in the original suggestion is still there so (unintelligible) that.

Thomas Rickert: Okay thank you. James.

Jonathan Robinson: Sorry, Thomas, before...

((Crosstalk))

James Bladel: Hi...

Jonathan Robinson: ...question in and around these amendments because you're going to have to come to a point where you decide whether either or both amendments can be – or either amendment is acceptable so it would be – I think you asked the question would be amendment impact the way in which councilors voted.

So perhaps when you've heard the comments is you could just remind people of that question. And maybe Petter could just answer that question, with the amendment affect his vote?

Petter Rindforth: Give me a few seconds. I'll read it through again and come back on that.

Thomas Rickert: Petter, maybe you could respond both in terms of the amendment that had been suggested by Bret as well as the one that has been suggested by Volker. James.

James Bladel: Thank you Thomas. James speaking so just to keep with the protocol here, cannot support the motion as it currently reads. Need to think about the removal of Section 3, Bret's proposed amendment. My inclination is not to immediately reject it.

But, you know, my issue is with Section 2 which I agree it's not consistent with the first resolution clause and would tend to agree with Volker's proposed amendment. I think that if there are concerns that Volker's proposed amendment is, you know, also inconsistent then I think that one sort of their bones or minimalist approach to this motion would be to strike Cause 2 and 3 and simply note that we believe it's inconsistent and that we can certainly address this inconsistency via PDP.

And I think that would be, you know, possibly not the cleanest way to respond to the letter but it would be a minimalist approach. Thank you.

Thomas Rickert: So James, just to be clear you would then delete Clause Number 2 and 3 and thereby silently except for the NGPC to proceed.

James Bladel: No, I don't believe that's what that – unless I'm misreading that, Thomas, I don't believe that deleting 2 and 3 would be a green light for the NGPC. I believe you would say a centrally it would address the narrow question that was presented in the letter which is that this was not consistent with Recommendation 19.

Thomas Rickert: Okay thank you. I've been kicked out of the Adobe Connect because I seem to have a connection issue here. I think Avri was next in the queue.

Jonathan Robinson: Correct.

Thomas Rickert: And if that is correct, Avri, please go ahead.

Avri Doria: Okay thank you. Yes so as I've written – this is Avri speaking. As I've written I tend against this blanket exemption. I've argued in a couple places that I don't think it's necessary. And even in looking at Specification 9 Section 6, there is the ability for each of these registries – for any registry now to make a argument to avoid the clause – to basically get themselves an exemption.

The idea – and so in looking at the amendment that's being offered by Volker I'm still concerned that we would give a blanket Section 6 exemption to everyone and especially concerned because Clause C of that says that each of these needs to be reviewed for public interest. That has not been done.

So yes I am troubled by the fact that this goes counter to process. I believe that it is counter to policy as stated and such. I believe the proper way forward is at PDP so I think we can answer the question positively impact yes we have determined that this is against policy and, B, we need to do a policy process to make a proper recommendation for how to proceed.

I think it's reasonable to also add that the current mechanisms, while they may not be as easy or as clear-cut as a blanket exemption for 1/3 of new gTLDs it's certainly still possible for them to do business as they've deemed they need to do business; they just need to show that there are no public interest repercussions with their specific Registry doing what it is they want to do. Thank you.

Thomas Rickert: Thanks Avri. So I guess unless there are further requests for making comments now I would like to ask the same question as I did for...

Alan Greenberg: There are two hands up.

((Crosstalk))

Thomas Rickert: Oh sorry that was...

Yoav Keren: Yeah, it's Yoav here. I'm not on the – I'm not on the Adobe. I just wanted to make a short comment. I'm in the same position as Volker and James. And unless Volker's amendment will be voted in favor I won't be able to support the motion.

Thomas Rickert: Okay that was Yoav. Thank you so much.

Alan Greenberg: And Alan.

Thomas Rickert: And, Alan, your hand is up again.

Alan Greenberg: Yeah, thank you. A couple of points. I did put some wording in for 2 if we were to go ahead with 2 as it is. It's in the chat somewhere. I'll give a personal opinion, and it's certainly not an ALAC opinion, that, you know, I think the proposed wording with the modification as stated, sends a good sign saying the GNSO, if there are no substantive objections, is willing to be flexible. I think that sends a good message. But that's a personal opinion.

If we go ahead with it as roughly as planned I would suggest a Resolved 5 which says this is not a precedent. And lastly my question is if we were to vote on this as roughly as it is or if we vote on anything which says we are ultimately accepting the exception what voting threshold are we using for this?

I would've thought we need a super majority just as we did for the original PDP but I don't think that's being discussed. Thank you.

Thomas Rickert: Thanks, Alan. And maybe policy support staff could look into the question of voting thresholds while we continue our discussion?

I would like to ask the question now whether there are councilors who would have supported the motion in its present or amended form who would not do so if we accepted the – or if I accepted Volker's amendments. So can I please hear from those that would have supported Volker's amendment?

Okay so there's none. I understand that the three Registrar councilors that would support the amendment. And can I hear...

((Crosstalk))

Amr Elsadr: I would support Volker's amendment.

Thomas Rickert: Who is that? Amr?

Amr Elsadr: Yeah, this is Amr. I would support the motion with Volker's amendments. I would not support it without it. Thanks.

Thomas Rickert: Okay thank you. And can I please hear whether there are councilors who would withdraw their support if this amendment was made? I guess there must be some who would...

Klaus Stoll: Sorry, this is Klaus. I think I have to – I have to concur with the arguments Avri is bringing forward. And I don't want to repeat them but I think that neither motions really addresses the point is that I would not agree.

Thomas Rickert: Say the last sentence again, neither of the motions...

Klaus Stoll: Neither of the two motions address the argument and which has been brought up fairly eloquent by Avri and which I agree with so I would not support the motion. Neither.

Thomas Rickert: Okay. Thank you. Jonathan.

Jonathan Robinson: Thomas, I'm just addressing in my capacity as a Registry Stakeholder Group councilor this very narrow question that you've asked. And you should be aware that all councilors I'm sure our that the Registry Stakeholder Group representatives do not have the freedom to vote; we vote as directed by the Registry Stakeholder Group.

And the Registry Stakeholder Group director does to vote for the motion as a proposed to be amended by Bret. For that reason we could not vote for the motion as proposed to be amended by Volker so that would be the position that my understanding is that all three Registry Stakeholder Group councilors would take.

Thomas Rickert: Thank you. Amr.

Amr Elsadr: Hi. This is Amr. I have a question because in the Registry Agreement the inability of Registries to discriminate between ICANN accredited registrars is present in two sections; it's presented as part of the agreement (unintelligible) and is also present in the Code of Conduct in the Specification 9.

With Volker's amendment to the motion – my understanding is that the dotBrand registries would still have to abide by Recommendation 19 which would require them to not discriminate between ICANN accredited registrars. Is my understanding of this correct? Thanks.

Thomas Rickert: Anybody who'd like to respond to that?

Amr Elsadr: This is Amr again. Because in the Code of Conduct Point Number 6 in Specification 9 in the Code of Conduct says that exemptions could be awarded if applied for I guess which includes Number 1a, which requires that registries do not treat registrars differently and to discriminate between them.

But this is also present in the actual agreement. So I'm just a bit confused because the way I see it the exemption from the point in that Code of Conduct does not allow for the exemption in the agreement. So I would appreciate some clarification on that because I do believe that changes the context of the motion as Volker has – the amended motion according to Volker's adjustments. Thanks.

Thomas Rickert: Thanks, Amr. John, are you – have you lifted your hands to respond to that?

John Berard: It's a pretty fast flowing river, Thomas. I think in part but I am maybe more interested in confirming that Volker's amendment to Number 2 effectively eliminates the ability of a brand gTLD to designate a limited number of registrars. Right, is that correct? Am I reading that correctly? That subject to the removal of a clause allowing a registry operator to designate up to three exclusive registrars bars that action on the part of a brand gTLD.

Thomas Rickert: Let me pass that question on to the group.

John Berard: Because of that –and I'll get off the phone – I'll get off. But if that is the case then I would be compelled based upon advice from the BC to vote against the amended motion.

((Crosstalk))

Thomas Rickert: The amendment requested by Volker right?

John Berard: Yes.

Jonathan Robinson: You have Volker in the queue to respond to that question of John's. So, I mean, my understanding is that John is correct but I think it's better coming from Volker.

Thomas Rickert: Volker.

Volker Greimann: Yes, thank you, Thomas. Thank you, John. There is two ways to answer this. One is the short version, yes John is correct, that's what it means. And there's the long version but not necessarily.

I mean, as a registrar I've now seen quite a number of accreditation agreements. And just yesterday I got one where the registry asked us to pay – to down pay \$100,000 US to be accredited in that TLD. And that's, for example, one means to differentiate between registrars even without differentiating in a way that would affect policy.

So a registry can in certain ways already affect the number of registrars that are accredited to it by designating its own policies and accreditation requirements and tailoring that to a set that only certain registrars can accomplish. If these differentiations are open to anyone and everyone can qualify for that if he so chooses and that's okay.

Also on the registrant level they can of course differentiate, it's just as a registry operator they cannot set a rule that says I want ABC; they have to say I want Requirement A, Requirement B, Requirement C and these have to be fulfilled. That's the policy requirement that we as registrars are asking for and that's what I'm trying to – I tried to convey in my motion as well. As a registry operator they cannot do that in this way.

Thomas Rickert: Thanks Volker.

((Crosstalk))

Thomas Rickert: Thanks for that. James.

James Bladel: So, yes, just to echo Volker to some extent the answer is in practical terms, John, the registry would not be able to discriminate however

they could – their registrant or the affiliates could certainly discriminate and choose their preferred registrars.

So the answer would be not to buy this means but by other means. And I think Volker said the rest so I'll drop the remainder of my comment.

Thomas Rickert: Thanks James. There is quite some activity in the Adobe chat but I think that we need to wrap up this discussion very shortly which leaves me with asking you whether the to suggestions made by Alan i.e. to have the additional couple words in Clause Number 2 and the addition of a Clause 5 which would then be Clause 4 after removal of Clause Number 3 would change that councilors' view in terms of voting.

So I think I would need to scroll a bit to see Alan's comments, the new clause that he would like to see introduced is that this does not create any – or establish any precedent.

And then there was a suggestion for Clause Number 2 and that would be adding the words, "That the Council, notwithstanding Resolved 1, does not object." And I'd like to hear views on that.

First of all, Alan, are you making these requests for amendments formally?

Alan Greenberg: I'm not allowed to make amendments...

((Crosstalk))

Thomas Rickert: Sorry, yeah, yeah, yeah, yeah.

Alan Greenberg: ...would have to. Just as note, both of those changes presume that we're going to be voting on essentially an unchanged overall motion subject to Bret's removal. Obviously Volker's amendment changes the whole landscape. And I think those two suggestions that I made are clarifications and language, not changing the intent.

Thomas Rickert: Yes, and thanks for this. To give you my views, having heard all you said and read your comments in the chat, I think that in order to look at the chances of this motion getting support I will accept Bret's amendment as friendly while I wouldn't accept Volker's amendment as friendly.

And since Alan is not in a position to ask for amendments I would like to ask a councilor's whether there is a councilor in the group that would like to suggest the additional wording suggested by Alan as a friendly amendment. And then we can briefly discuss whether that would have any impact on your voting behavior.

So Gabriella. Gabriella, you might be on mute. Gabby?

Glen de Saint G ry: Thomas, she's not on the line. Gabby is on the Adobe Connect but she's not on the telephone lines so you can't hear her.

Thomas Rickert: So since I'm connected through the audio bridge and other councilors here but Gabriella is saying?

Jonathan Robinson: No, Thomas, we do not hear her. That's Jonathan speaking. We do not hear audio from Gabby at this stage. I don't know what the options

are. We can possibly dial out to her or she can put her vote and/or comment into the chat if she's in Adobe.

Glen de Saint Géry: Jonathan, we have a proxy for Gabby which is given to John Berard if that helps.

Jonathan Robinson: Thank you. That helps. So, Gabby, if you need to provide input you need to put it into the chat and of course we now understand that we have a proxy for you with John Berard.

So Thomas we've been at this for more than half an hour now and I'm conscious of other items. This is obviously critically important to the Council but somehow we have to find a way of bringing it to a head.

And as I understand it you've really got to proposals here for an amendment that don't seem to reconcile so it's a matter of accepting one of them I think or neither of them. And that's, you know, subject to the points that Alan has made which he has argued are more clarification than amendments so – or at least substantial amendments.

Thomas Rickert: Yes, Jonathan, and obviously I haven't been sufficiently clear but in my previous statement I said that I am accepting Bret's amendment as a friendly while I do not accept Volker's amendment as friendly so that decision has been made.

And I've also asked councilors whether there is any councilor who would like to suggest Alan's proposed wording as an amendment because Alan formally is not in a position to make such proposals. And

if there is no councilor suggesting the wording that Alan suggested then we can take the draft motion with Bret's an amendment to a vote.

And is a request for a friendly amendment is made then I would like to ask you for two or three more minutes for discussion.

Jonathan Robinson: I see John's hand...

((Crosstalk))

Thomas Rickert: John.

John Berard: Thank you, Jonathan. (Unintelligible) having a hard time hearing. To my ear, Alan's amendments made sense. Can I see them? And if I can I likely would – I would offer them as a friendly amendment. But I'd like to see them before I do that.

Thomas Rickert: You can now see them in the Adobe. Please look at Clause Number 2 that the Council, notwithstanding Resolve 1, that's the addition. And then we have in square brackets a new Clause Number 4 which will then – yeah, new Clause Number 4 that the Council's acceptance of a variation from the original policy recommendation may not be taken as a precedent for any future decisions.

John Berard: I'm good with that so I would move those as friendly amendments.

Thomas Rickert: And then I will repeat my question to councilors as to any – as to whether any of you who considered supporting the motion would not further supported with these amendments. And I'm particularly looking at the Registry councilors who have made the original request for

amendment and who said that they are directed with their voting behavior. And I'm not sure whether that would impact their view.

But I see Alan's hands up. Alan please.

Alan Greenberg: Yeah, I just wanted to point out that if you don't consider Volker's amendment friendly it needs to go to a vote. Friendly says if it's accepted by the mover and seconder it goes into the motion; otherwise it needs to go to a vote I believe. I think that's standard procedure.

Thomas Rickert: I think we would then vote on the motion that is standing. But again I'm looking at Council leadership or policy support to help with this.

Jonathan Robinson: The challenge here, Thomas, it's Jonathan, the challenge here is that there are two amendments running in parallel and so to the extent, as Alan said, you accepted the one amendment as currently that then so be it. To the extent that it's not accepted as friendly we may need to then vote on that amendment. But I think...

Alan Greenberg: It's Alan speaking. This is critical enough that I think we need to be careful in following process.

Jonathan Robinson: I agree with you Alan.

Thomas Rickert: And while Council leadership and policy support staff is hopefully sorting this out procedurally – procedure wise can I ask whether there are objections to the latest amendments that have been supported by John?

Again what I'm trying to understand is whether those of you who plan to support the motion would not further support it with the amendments suggested by John.

And I'm hearing and reading nothing of that kind in which case I think we should now follow due procedure and either vote on the amendment or on the amended motion. But I think that the discussion that I've tried to moderate is concluded. And therefore at this point in time, I'd like to hand back over to you, Johnathan.

Jonathan Robinson: Yes, Thomas. My understanding is that it's – this is sufficient – well, A, it had been practiced in the past to vote on – I believe on an amendment that has not come to the friendly. In any event, it is pointed out that this is sufficiently serious and important that we should deal with it. So it appears to me that you've got a position where you've accepted an amendment as friendly.

So you have a modified motion which adds those friendly amendments in. You have an amendment that is not considered friendly. So I think we should put that to the vote in the first instance that unfriendly amendment and that will tell us then which motion we then have to put to the vote. So I think it's time that we call for the vote on bulk of the amendment.

To be clear, this is the – the amendment put forward by Volker and it's appropriate that we call for the vote on that amendment. (John) asked what is the voting threshold. And my understanding is it is a simple majority of both houses. And (Mary Wong) and that's – I'm just waiting for some typing in the chat. Yes. Correct (Ching) asking what are we voting for? Do we support or not support Volker's Amendment?

So that is – it's a simple yes/no we support the amendment in its entirety or not. So it's – there's an - no ifs and buts about it. It's the support of the amendment in its entirety. So then if we could call for the vote on that and then we will be left with either the modified motion as proposed by Volker or we will revert back to the motion as accepted by Thomas to be friendly. So let's go ahead and vote on Volker's proposed modification to the motion.

Glen de Saint Gery: Thank you, Johnathan. We start with Magaly Pazello. Magaly, can you hear us?

Magaly Pazello: Yes. No, yes, I don't have an idea about how to vote this. I'm still thinking about, sorry.

Glen de Saint Gery: I'll come back to you. (Unintelligible).

Magaly Pazello: Okay thank you.

Oswaldo nova: No.

Glen de Saint Gery: Pardon?

Oswaldo Nova: No.

Glen de Saint Gery: No.

Man: (Unintelligible) no.

Glen de Saint Gery: (Tony Holmes).

(Tony Holmes): No.

Glen de Saint Gery: (Ching Chiao).

(Ching Chiao): No.

Glen de Saint Gery: (Unintelligible).

Man: No.

Glen de Saint Gery: Yes. But that's yes, correct.

Man: That was a no. No, no.

Glen de Saint Gery: A no. Thank you.

Johnathan Robinson: No.

Glen de Saint Gery: David Cake.

David Cake: No. I vote in favor.

Glen de Saint Gery: You vote in favor, yes. Avri Doria.

Avri Doria: Abstain.

Glen de Saint Gery: (Brian) (unintelligible) will you please vote for (Brian Winterfelt)?

(Brian): I will and it's no.

Glen de Saint Gery: Thank you. Volker Greimann.

Volker Griemann: Yes.

Glen de Saint Gery: (Daniel Reed).

(Daniel Reed): No.

Glen de Saint Gery: (Unintelligible) for yourself please.

Man: No.

Glen de Saint Gery: (Unintelligible).

Man: Yes.

Glen de Saint Gery: John Berard.

John Berard: No.

Glen de Saint Gery: (Unintelligible).

Man: Yes.

Glen de Saint Gery: John Berard for Gabriella Szlak please.

John Berard: I think Gabriella's on the line.

Woman: Gabby.

Glen de Saint Gery: Gabby, what's the vote?

Gabriella Szlak: The vote is no.

Glen de Saint Gery: Thank you. Maria Farrell.

Maria Farrell: I vote yes.

Glen de Saint Gery: (Unintelligible).

Man: Yes.

Glen de Saint Gery: (Unintelligible).

Man: No.

Glen de Saint Gery: Klaus Stoll

Klaus Stoll: Abstain.

Glen de Saint Gery: And now back to Magaly Pazello will you please vote?

Magaly Pazello: I'm also abstain.

Glen de Saint Gery: Thank you. The contracted party house, there are three votes in favor and four votes against. And in the non-contracted party house, there are three votes in favor, seven votes against. And two abstentions.

Woman: Three abstentions

Glen de Saint Gery: Three abstentions.

Man: Glen, I heard three abstentions, yes.

Johnathan Robinson: Correct; I also heard three abstentions – Johnathan speaking.

Glen de Saint Gery: Yes.

Johnathan Robinson: So on that basis, the (uintelligible)...

Glen de Saint Gery: There are three abstentions – yes.

Johnathan Robinson: So I don't know if you have a tally there, Glen, but you described it.

Glen de Saint Gery: And the tally is 42.9% for the contracted party house and that is 3 votes in favor, four votes against. For the non-contracted party house, it's 21 – 23.1 which is three votes in favor, seven against and three abstentions

Johnathan Robinson: So as a result, the amendment will not ...

Glen de Saint Gery: It doesn't.

Johnathan Robinson: (Unintelligible). The proposed amendment does not carry which leaves us reverting back to...

Woman: Excuse me.

Johnathan Robinson: ... on the previous version of the motion which is that - as originally proposed by Thomas.

Woman: Excuse me.

Johnathan Robinson: ... with amendment – Thomas, I must be very careful to be correct here but I understood you accepted (Brett’s) amendment and an addition by (Alan) proposed by – formally proposed by John Berard.

Thomas Rickert: That is correct.

Johnathan Robinson: So what that means is that relative to your original motion, you – that we have now – which is not displayed properly on the screen at this stage, but it’s to strike clause 3, add a new clause what was 5 which will become 4.

Thomas Rickert: (Johnathan), this is Thomas. Sorry for cutting across you but I think that the motion as presented in the Adobe Connect accurately displays the amendments.

Johnathan Robinson: I apologize as it does. Yes, I’m sorry. I hadn’t realized – I apologize – I hadn’t realized it was amended. As we have appointed order, can I make sure I understand – oh, extensions I think you mean, not exemptions. Is that correct?

Woman: Yes, sorry; I mistyped, yes. And I just thought our requirements were that if you abstained, you needed to explain your abstaintion. So I just wondered whether you wanted to do that?

Johnathan Robinson: That's a fair point and (unintelligible). So it is customary and I believe a requirement to provide a reason for abstaining on a vote. So I would ask for very briefly in a queue for those that abstained to provide a reason.

Woman: Okay. Since I've got my hand up and I'm first in the queue, this is (unintelligible). My reason for abstaining is that while I believe that (Walker's) amendment was an improvement on the motion, the fact that the amendment allows clause 1 of specification 13 that exempts all 600 GTLB registries from having to go through the actual review that would review these for public interest. So they would also be exempted for that and that – so I would still have to vote against the motion.

And it seemed unreasonable to vote in favor of an amendment, for a motion, I would still have to vote against. Thank you.

Johnathan Robinson: Thank you, (unintelligible). Klaus, go ahead.

Klaus Stoll: I just want (unintelligible) sake, I just want to say that I probably argument taken properly in its entirety – entirety. Thank you.

Johnathan Robinson: We had one other abstention from the non-contracted party that was Magaly. Magaly are you in a position to provide a reason for the abstention please.

Magaly Pazello: This is – sorry – it's my first time that I'm abstain. And I have to do this in talking or I can provide this by (unintelligible) mail or whatever. (Unintelligible) question.

Johnathan Robinson: I think we...

Magaly Pazello: In benefit of the discussion here is that I say this right now.

Johnathan Robinson: Yes please.

Magaly Pazello: Okay. My – I – my – the reason I have abstain is because also it's not clear for me. So I go the same direction of Avri. I'm not clear about the proper change in seeing – to seeing how this motion a while or not. So my case is, I don't have enough experience with this kind of – of a language. And I got a little not secure about how this will impact the (unintelligible). This is the case, sorry.

Johnathan Robinson: Thank you, Magaly, for providing that. Right, so we are now in a position that we have an amended motion that Thomas has accepted as friendly and is – as I understand – is correctly displayed in the (unintelligible). And so unless there are any objections, I propose to call for a vote on this now amended motion. Glen, could you please take the vote?

Glen de Saint Gery: I'll do that, (Johnathan). (Tony Holmes). (Tony Holmes), can you hear me?

(Tony Holmes): Yes.

Glen de Saint Gery: You vote yes.

(Tony Holmes): Yes.

Glen de Saint Gery: Thank you. (Unintelligible).

Man: No.

Glen de Saint Gery: Avri Doria.

Avri Doria: Sorry, I was on mute. No.

Glen de Saint Gery: (Unintelligible) talk for yourself.

Man: Yes.

Glen de Saint Gery: Klaus (unintelligible).

Klaus: No.

Glen de Saint Gery: (Unintelligible) for Brian Winterfeldt please.

Man: Yes.

Glen de Saint Gery: (Unintelligible).

Man: No.

Glen de Saint Gery: Maria Farrell.

Maria Farrell: No.

Glen de Saint Gery: Magaly Pazello.

Magaly Pazello: No.

Glen de Saint Gery: (Daniel Reed).

(Daniel Reed): Yes.

Glen de Saint Gery: (Unintelligible).

Man: No.

Glen de Saint Gery: Gabriella Szlak– I hear you're on the line.

Gabriella Szlak: Hello, I was mute. It's yes.

Glen de Saint Gery: You vote yes. John Berard.

John Berard: Yes.

Glen de Saint Gery: Thomas Rickert.

Thomas Rickert: Yes.

Glen de Saint Gery: Johnathan Robinson.

Johnathan Robinson: Yes.

Glen de Saint Gery: (Unintelligible).

Man: Yes.

Glen de Saint Gery: Volker Griemann.

Volker Griemann: No.

Glen de Saint Gery: David Cake.

David Cake: No.

Glen de Saint Gery: Brett Fausett.

Brett Fausett: Yes.

Glen de Saint Gery: (Unintelligible) .

Jonathan: Yes.

Glen de Saint Gery: We have four votes in favor for the contracted party house, three votes against in the contracted party house. And in the non-contracted party house, we have seven votes in favor and we have six votes against which means it's 57.1% for the contracted party house and 63.8% for the non-contracted party house.

Johnathan Robinson: Thank you, Glen. That means for the vote in (unintelligible)...

Glen de Saint Gery: (Unintelligible).

Johnathan Robinson: ... the motion is carried.

Glen de Saint Gery: The motion carried, yes. Thank you.

Johnathan Robinson: Thank you everyone for a substantial discussion that's gone on longer than what was planned but seems to have been necessary. And thank you for your (unintelligible) participation and consideration of the issues. From one meaty issues to the next, the next item on our agenda is the issue of – it's over the last few meetings has been a substantial item of internet governance in a general sense. In this particular instance, it's more tightly specified and deals with the prospect of a community working group on internet governance to deal with the Lyana function at the transition from the (unintelligible).

So this is that there is – that ICANN as you are all very well familiar – is running – is a convena of a process to deal with this and has – on the back of the meeting in Singapore, has proposed a structure to deal with this. And there is a closing of a common period which my memory tells me closes today. And yes, there is no alternative or complementary parallel process to deal with this transition.

But there was back in Singapore a proposal for a cross-community working group for a aftermath-type approach to dealing with this. It's not necessarily in conflict with but my complement the structure that ICANN has put in place on the back of the Singapore consultation – I think it was referred to as. So here's an opportunity to discuss a cross-community working group and the support from within your stakeholder groups and constituencies for such an effort.

And really that's what this item is about. So it's – it will have seen the charter that was – that is rarely – it's a proposed draw charter. It's a document that's been circulated and modified. Likely, it's had reasonable circulation but it is not yet a charter by any means. And it's a question of where – whether there is support for a bottom-up

community-led initiative where the GI – plays a substantial part. And you will see a drop of this in the – on the screen at the moment.

So I open it up to comments as to how Councilors feel if you consulted in your communities and what action, if any, you think we should take. I believe there's an opportunity for us to work with the BCMSO perhaps in the first instance and to get some momentum behind a very broad bottom-up initiative. But it would be useful to hear in this instance what the perspective of Councilors is on such an effort. (Unintelligible), I see your hand is up. Please go ahead and open up the comments and discussion on this.

Man: Thanks, Johnathan. But I'll open it up with a question to you and please – we bought – what exactly – what do you envision as – what do you envision as the role for the GSO and the CTMSO in getting things started with this. And I think that would help – help me with my opinion of these things.

Johnathan Robinson: I suppose – I know one of the fundamental principles of the way in which ICANN has worked to date is the concept of a bottom-up community-lead approach. In fact, if you look at the NTIA transition announcement, it calls for a bottom-up community approach to handling the transition and after ICANN to convene such a process. So – and indeed, I can still uphold together of the broad base meeting and on the back of that, the staff summarized an outcome and put a steering group proposal out which is subject to public comments at the moment.

And the opportunity is for one or more SOs and ACs to take a lead on opening up a broad base community initiative to do something here or

our alternative is to not do something and it go along with the ICANN process as modified on the back of the public comment period. And I should say that in my opinion, these two are not necessarily in conflict or in contradiction. I think there's a way – and in fact I think the sort of very early drop charter (unintelligible) that in which these two could be done together.

They've – it's not – they're not necessarily opposing ways of doing the same thing. So I hope that helps answer your question. And Avri, you have a further comment.

Avri Doria: Yes, thank you. Avri speaking. I tend to think that both the GNSO and the ccNSO have special roles in the lyana transition issue. We are the policy recommendation part of these lyana trusts. And as such, we need to be sure that we are GNSOour point is not lost it's – in the lyana transition.

We need to be sure that somehow or other it doesn't go into (unintelligible), into media re-roll, etcetera. So I think it's very important for us as a Council and GNSO in general to be as involved as we possibly can afford to be. It is probably one of the more critical issues that we're going to have to deal with over the next period. This is not to say that we can't participate in other efforts, but I think it's very important that we don't end up losing the GNSO's particular focus with regard to being an interested party and – in the lyana transitions buy our participation slowly in ICANN community group efforts.

Thank you.

Johnathan Robinson: Thanks Avri. And my sense for what it's worth is that the ccNSO feels similarly. But for the avoidance of doubt, and such cross-community working group initiated at the – is initiated or – on the back of this discussion that we are having now would certainly not be exclusive the CCMSO and the GNSO. I think we would have to make it open to all interested parties. And that's a key – that would be a key component of it.

But nevertheless, it's a natural potentially retaining control of error and destiny to some extent. And – as I think you pointed out – I hope I'm not paraphrasing you incorrectly, there. John.

John Berard: Thank you Johnathan. I would support the obvious point on this. I have been – there's a literary phrase that you cannot separate the dancer from the dance. And in my view – and I think the view of others as I've seen public comment on the steering committee approach. There is an uneasy editing of certain members of the community from influence on that steering committee.

And I don't think that that's appropriate. And it might be that as co-chair with (Becky Burr), the cross-community working group on cross-community working groups, I'm looking for a shortcut to some answers. But I think that we should be fully supportive of a bottom-up consensus-driven community based deliberation of the transition of the NTIA responsibilities.

Johnathan Robinson: Thanks, John. Any other comments or questions in favor of – comments in favor of or against or questions around this issues. Klaus, I see you. I know it's your point in the chat that you can only support this. (Dan), I see you recognize that this is critical. And (Ana) supports (John's) point as well.

So I'm seeing some support for this. The question is what do we do? I'm happy to work with the ccNSO chair, the leadership, and the stock support of both the GNSO and the ccNSO to stick our heads out up the pulpit and/or – and make it known that this initiative is available. And I think we could – my sense is is that's something we could do. And I have – there has been – this is not – this won't come as a surprise to others – ALAC GAC, and others in the broader community.

One thing I would suggest to you and I'd be interested in your comment or support on this is as part of the public comment to – closes – as the public comment closes today, I could put something possibly in my personal capacity possibly with support of the Council. It may be too soon to have support of the Council so I could put a statement in indicating that we believe such an initiative is important and even submitting the provisional draft charter so that it goes on record and is not misunderstood that this initiative may take place.

So that's one idea I have as to how we might at least start the ball rolling and get it formally on record. I don't even know if there's any support for or concern with such an approach. I'd love to hear that as well. John, is that a new hand and Thomas thank you. I know that you would support that submission.

John Berard: Old hand, Jonathan. I'll take (unintelligible).

Johnathan Robinson: Any other comments in the chats or by raising your hand for audio input or what I'm suggesting? I guess I wouldn't mind clarification as to whether I simply write this in my personal capacity or whether I write in my capacity of Chair of the Council that there is – I could say

it's support from the Council but it has yet to be socialized more broadly within the GNSO community for such a bottom-up approach. But last supports it as a personal comment from me.

(Unintelligible) supports – (unintelligible) please go ahead.

Man: Thanks, Johnathan. I trust you as our chair sufficiently to make a statement that also includes information on the continuous discussion. So I would like to see the statement being made on behalf of the Council to get the Council visibility. Thanks Thomas; any comments for or against that I really would like as much guidance as possible on this because I – you know, it's most important to me that I switch the authority of as many of you as possible.

I see Avri, you put your hand up. If you could support for that hand, you will hand it up.

(Daniel Reed): Yes, I want to just echo what was said. I think it's really important that we go on record caring about this issue as a basis for insuring our participation in future discussions. I think that's far more important than in the short-term the nuance about what I think are relatively slight differences in our perspectives relative to the need to be heard.

Johnathan Robinson: Thanks (Dan). And I know that Tony Holmes of the ISPs – know it's initial support but needs further discussion. So Tony and others, I mean, I think I could work something that said that this is being shared with the Council and through the Council's work with the GNSO more generally. And we believe there's support for such a process but not for the – the charts are as simply an indication. It's by no means a charter of the group at this stage until the group is formed.

Alright, so unless – I have heard no opposition and I’m hearing various areas of support for doing something. I feel that if we just – if we simply talk about it and don’t do anything, we don’t go on record anywhere other than within our own submit. So I do think it – if it does sound like it’s sensible to submit something into the public comment on this to make it known.

And so, you know, I will take that as an indication of support to do that. And I will submit a note from myself in my capacity of chair of the Council and I’ll be careful to indicate that this needs further work and development attached to the drop charter. Good, I think I’ll close that item now. It’s half past the second hour. That gives us 30 minutes which is time for the rest of our agenda but there was some understanding that we may need to cut off the other items on the agenda given the substance of these other elements.

And I’m going to now introduce item six which Jennifer Wolfe is in place to assist us with. And this is to discuss the update on the forthcoming review of the GNSO. And he will note that there was some – many of you I think were probably on it – the webinar yesterday on it. And Jen can give us some up-to-date briefing on the webinar and the work of the Council group and where this is likely to head to. So Jen, if you are available to us on audio, please go ahead and give us the latest update and any items you’d like the Council to discuss or get feedback on.

Jennifer Wolfe: Thank you Johnathan. Can you hear me okay?

Johnathan Robinson: Yes, Jen.

Jennifer Wolfe: Great, great. Thank you. So yes, as Johnathan stated, the official GNSO review process kicked off yesterday with a webinar. There were about 50 participants which was weird to have that type of interest. It was a presentation similar to what was presented in Singapore. So for those of you who weren't on the webinar, it was fairly similar to some many overview that you all heard at Singapore.

We did also kick off this week with the (unintelligible) working party that has been blogged in. I know to this point, it has just been GNSO Councilors. And that's one of the specific questions we have. So today is should that be expanded to the broader community – the GNSO community or the broader ICANN community?

So as I finish my briefing, I'll open it up to discuss that issue. The working party will be used primarily as a liaison with staff, with the SIT, with the independent reviewer who will be selected by staff by the SIT. And all this specifically would be to assist with the 360 assessment. I think a lot of you are probably familiar with the 360 assessment.

It's used very frequently inside companies to help someone with a performance review to give them a perspective of their boss and their peers and their subordinates and essentially customer – anyone that you interact with. And that's really the goal of the 360 assessment. It's to provide the GNSO as a whole the ability to get feedback and data points from the entire community.

And so our role with the working party really pretty aggressively over the next two months will be to develop and make recommendations on the framework, the scope, the types of questions that would be asked

in a survey and provide that feedback to the SIT which will then make final decisions about how the 360 assessment will work. We have discussed in the working party in our meeting earlier this week that to the extent we feel that 360 assessment scope implemented by the SIT is not complete or that we think additional supplemental help review was needed.

We would then have the ability to make recommendations on further self-review that we want to conduct on our own either at a Council level or at the entire GNSO level. From a timing standpoint, we are on a pretty aggressive time-frame. The goal is to have the scope of the 360 assessment completed by the London meeting. So we will be hosting a weekly meeting to keep this process moving forward with our key initiative to create the agenda, the scope, and the framework of the 360 assessments and then also to determine if we think we should recommend that we conduct an additional or supplemental help review.

So the questions we have for Council today is – one, do you agree with this approach that we're taking to working towards the 360 assessment. And two, should we be expanding this working party to the GNSO community inviting participation? Should we expand it to the ICANN community keeping in mind that given our short time-frame, we need to keep a manageable group? Our target would be somewhere between 10 to 12 people. So how do we allow for active participation while keeping that group manageable?

So I'll pause now and open it up for conversation on those two points.

Johnathan Robinson: Thanks, Jen. Can I just check with you – it's Johnathan speaking – that you don't have the (unintelligible) of the Adobe Connect. So I will manage the queue if that is the case.

Jennifer Wolfe: That's correct; I'm not on the Adobe Connect. Thank you.

Johnathan Robinson: There's no one in the queue right now, but I'll just make sure I'm clear on this. You've currently got a GNSO Council group. And the proposal is to open that group up to form a working party potentially involving members of the GNSO and possibly further subject to a concern that the group will become too large. And in addition, you have mechanisms by which anyone can feed into that working party by virtue of the 360 degree reviews and the open mailing list.

So I see Avri's hand is up. Avri, go ahead.

Avri Doria: Yes, thank you. Avri speaking. So as a member of the working party, I want to add just a few things on this. One of the things that we noticed – at least that I think I noticed while we were doing it – is that at this point, we don't even necessarily have all the stakeholder groups constituencies represented on that.

So whether it's a Council member or another member of the community is picked, it's also a possible solution. At the moment, it is all Council members, I believe. I think that the group was unwilling to say – for those stakeholder groups or constituencies that didn't currently have a representative. I think that needed to be a Council member or could they reach into the constituency itself and get somebody to do it.

So I think that that's part of sort of the intermediate issue of how far do we open it but do we make sure that at least there is – that there is at least one from each of our stakeholders/constituencies. Thank you.

Johnathan Robinson: I've put myself in the queue but I'll defer to John Berard. I'll go behind John. John, fire away.

John Berard: Thank you, I apologize for hogging the mic as much today. I think that, Jennifer, your instinct as I understand it correctly to keep things tight and focused on the Council is a good idea. I do endorse the notion though that we either must have participation or at least acknowledgement they – that they - that a constituency or stakeholder group has decided not to participate – vote one way or the other.

But I would also suggest that if a Councilor – if either – if no Councilor can participate it, then that Councilor should be able to nominate somebody from their constituency or stakeholder group to take their place. So it keeps things limited, it keeps things focused. But it – it does allow for participation where schedules might get in the way.

Johnathan Robinson: Jen, would you like to respond before I make my points – or – I guess my point responds – let me make my point and then see where you're at. John, my understanding of what Jen was saying was that – at – some form of restriction on numbers probably makes sense and that might be, for example, two or three stakeholder groups, not necessarily Councilors.

And my personal view is that we should be very careful not to – we should make a call to get participation from as much as the GNSO as possible sure to the extent that a group or constituency does choose

not to participate, that's their prerogative. But I feel a little uncomfortable restricting it to Councilors, per sae. But I think we – but I don't feel uncomfortable restricting it to numbers because to me that's a – restricting it to numbers because it seems like a rational point of view from a management point of view in terms of the type of – the time scales.

That's my personal view. I don't know if anyone else has any comments or Jen, you would like to come back in on that.

Jennifer Wolfe: Sure. I can (unintelligible). I agree, I think we could extend it beyond just Council members certainly to ensure that all the stakeholder groups feel that they've had the opportunity to participate. We have also had a request from the brand registry group to participate. So part of my question to the Council is should this be expanded even beyond the GNSO to the extent others from the community want to participate?

I'll just comment there that part of the 360 assessment is to allow groups like the brand registry groups to participate. So in a certain – to a certain extent, they have a built-in opportunity to provide feedback during the 360 assessment without necessarily curbing on this working party intended to be the liaison. But I'd love some comments from everyone should we be extending the opportunity to participate in the working party, again, beyond the Council to GNSO members at large and also to the ICANN community – the groups like the BRG?

Johnathan Robinson: Alain, I see your hand is up. Please go ahead.

Alain Greenberg: No I guess I would support a limited going outside. I'm not sure to be honest if someone from ALACK or at large would want to participate

and take the time to do this. But I think the optics of being open to groups that are active within the GNSO but not formally part of the GNSO would be appropriate.

Johnathan Robinson: John, is that an old hand or a new hand?

John Berard: It's old; I apologize.

Johnathan Robinson: So I'm seeing supporting the (unintelligible) from both Tony and Maria limiting to the GNSO but beyond the Council and just recognizing that will be opportunity for anyone else to participate by the 360 degree process and the open mailing lists. So I'm not seeing any other hands from – my – it seems you're getting a reasonably clear steer Jen to go beyond the Council but contain public space in the working group to members of the GNSO to make sure that you do have open channels other than that.

And I guess, I'll take this as the – as an indication. But sort of call needs to go out for groups to provide those to the extent that you haven't already got them from Councilors or they need to be supplemented. That call needs to go out in quick order. Avri.

Avri Doria: Thank you; Avri speaking again. I picked seriously Alain's comment about, you know, ALACK or Jack or whoever wanting to perhaps participate or at least observe this. And I still very much agree with limiting the number of participants. But I do think we might want to give consideration to allowing for a number of observers and perhaps, you know, that can be allowed.

But then I come up to the problem of certainly it seems reasonable to allow observers from the other constituted ACSO that might want to observe and be able to comment as questionnaires and as processes were being built. But I do not know how to handle the issue of other groups that are formed outside of ICANN that have opted not to necessarily join ICANN ACSOs and yet want – and at that point, I think it's best to sort of say they could participate in the 360 comments but that, you know, the observer status is restricted to, you know, a member from an AC or another SO. Thank you.

Johnathan Robinson: Thanks, Avri. And here's a practical suggestion for you. I noticed some returning questions in the chat where the observers have to remain mute. And I would then suggest that perhaps a practical solution. I mean, in terms of representative participation, we have an existing model in the Council. And indeed, the Council is open to and – observer participant from the other SOs and ACs. It happens that ALACK takes advantage of that and participate (unintelligible).

So my suggestion might be a model which while it's not restricting it to Councilors, emulates the Council structure, therefore the non- (unintelligible) appointees and creates – that may be a model you want to work with for the working party. And if you did go down that route, you could have an opening then for ALACK, ASACK, GACK, for a single representer from each entity to observe and not necessarily remain mute.

Avri, I see you've put a check box I think for that suggestion in the chat. So, Jen, I'll hand it over to you. I – it feels to me like you've got some fear. I hope I having unduly influenced that but those are – I've

tried to both capture the comments and provide some practical suggestions. And Jen...

Jennifer Wolfe: Yes, I think that's the way to (unintelligible) and Marika and I had discussed putting a call out to the GNSO community. So I think we should go ahead and do that. But I will just say – and from a practical standpoint, given the number of big issues going on within the ICANN community, I'm not – we're really concerned with being swamped with people wanting to participate.

So to the extent we extend that invitation and see who we have participating we can move forward and certainly give anyone the opportunity to provide comments through me or anyone else on the working party. And certainly we will be transparent and open. So I think given our short time frame we should move forward with an invitation to the GNSO and to ensure we have active participation through all of the GNSO stakeholder group.

But to go ahead and move forward with that does help with the invitation.

Johnathan Robinson: Okay, thank you very much Jen and thank you for all of your diligent work on this to-date and those members of the group that've been working with you as well on this. Closing off the item six, then we have three additional items – items seven, eight, and nine – and of course any other business. I – and we have around 15 minutes to go.

I suspect we can - if we are effective, can cover each of these with a very brief five minutes. I know from prior – from preparatory discussions that both (unintelligible) work on the IBM variants will have

additional, more substantial work to follow as will who is studied. So I'm going to ask Steve Sheng under item seven to give us a very brief, five minutes for now and indicate where he thinks this is going to go.

Steve, if I could kindly ask – I know you've been very patient but to just stick to those five minutes or less and similarly to Mary on item eight. So Steve, over to you for a few comments on this and an indication of where you think this is going to go. I think you have a – you're working on a primer on this.

Mary Wong: Johnathan, this is Mary. Actually, to (unintelligible) the Council's indulgence, I'm going to be channeling Steve for the next couple of meetings cause he's in an (unintelligible) meeting at the moment. So as Johnathan mentioned, there will be a longer session on the IBM varying program. And the reason for this is to follow on from the Council and GNSO discussions in Singapore where there was an interest in knowing more about this program and what the role of the Council and the contributions of the GNSO should be.

So we're going to schedule a long discussion both of accounts in the community. So for the next couple of minutes, this is really just to let folks know, again following up from Singapore, where there was a request for regular updates from the IBM varying team on ICANN staff where we are. And you'll see that the work here has been conducted in a few phases. And right now, we are in phase four.

And we have started seeking panels to develop the label generation rules that will be needed in order for the launch of any variants in the route zone. This is a set of slides from Singapore for those of you who

were at the IBM update but is a fairly informative set of slides. And I can send it to the Council list.

But again, this is to highlight that here's where we are. And if we go to the next slide, this is a procedural overview of how the panels will work. And if we could then go on to the next slide, the emphasis here is that there is still a need for a lot of community volunteers. So while this work is almost entirely technical at this point – so a lot of people have said well, you know, I'm not a technical (unintelligible) but I can help.

I think where the accounts on the GNSO can help is to solicit members of each of their communities who have the expertise in their requisite scripts to volunteer for the panels. And in the next slide, you'll see what the panel's status is. The Arabic panel is fully seated and has begun its work. And the others that are being formed include those in Chinese, Japanese, Korean and the (unintelligible).

And there have been increasing expressions of interest from members of the community in the Cyrillic and Latin scripts. So the last point I want to make here is that even if a panel is already being seated, there is always a welcome for new volunteers. And one can volunteer to either join a panel that's being seated or create a panel noting that of all the scripts I've mentioned, this does not fully cover the 17 scripts that have been identified as requiring the LGRs.

And again, as I said in Singapore, the 17 were identified because those were the languages and scripts for which we had applications in the GTLB program. So that's really just a brief status update, Johnathan. Where the work at ICANN is on this technical phase of IBM

variants, the important point I think is that there is a role to play for the GNSO in recruiting volunteers and of course, monitoring those work.

And so if there are – should I pause for questions?

Johnathan Robinson: Thanks Mary. I think we could do that – I – my suggestion is to, I think it's the – time is tighter than I had first realized. So I think we're going to – we'll deal with this item and we'll bring the who is up at the next meeting. So let's just pause for a moment and see if there are any questions or comments.

Mary Wong: And Johnathan, if there aren't I'll just note again that we will be scheduling that primer session because I do understand that while there's interest, I think there are people who may feel that they need a deeper understanding of the background as well as the work that's going on.

Johnathan Robinson: Yes. And thank you Mary. It's – appreciate you doing that and also in particular highlighting the opportunity for input. It may be useful just if you could – let's close item seven then and let's open item eight very briefly for indicating where the status is so the Councilors are prepared because I believe your thought is that the – actually maybe the motion at the next meeting and it's an opportunity to pave the way for that.

So if I could ask you too if you could just very briefly introduce that and pave the way for where we might go next.

Mary Wong: Absolutely; thank you. And again, this is a follow-on item from the discussion in Singapore where there was a brief update on the

weekend session. The note is that in all the commission studies on who is that the GNSO want to have been completed and published. And so it's really a mixed step issue for the Council. Bearing in mind that this ongoing what within the GNSO and elsewhere in the community on who is and bearing in mind also that the result of some of those studies are being either utilized – for example in the privacy and proxy working group or a starting point for other work like the (unintelligible) study that is being started.

So it seems that what the GNSO Council might want to consider doing is formalizing the end of these studies. And to that end, Johnathan, I believe that a motion will be put forward for consideration at the next Council meeting to do exactly that.

Johnathan Robinson: Thanks Mary. So we'll look forward to seeing that and I know a lot of work was done on this. And it really is important to, A, close it off properly, and, B, decide where to go next. So that's helpful if you sort of pave the way and indicate where that heads. Any comment or question? We're very close to top of the hour.

I feel pretty confident in the work that's going on. Onto item 9, we're planning for London. But Volker, let me just see if there's anything you want to cover now or if you're happy – it's being covered satisfactory on this which I suspect you are.

Volker Griemann: There's just one thing that I would like to point out so we assure that everybody's on the same page. And that is that (Sue Cropper) has asked for a specific time to be dedicated on Thursday to the question of item accountability and other matters regarding the Iyana

transaction. So everybody else has been asked to shift their time around that and we have been asked as well.

And we have decided so far to reschedule the meeting that we had scheduled for the Thursday afternoon – the (unintelligible) session and move that ahead to – and correct me if I'm wrong – 8:30 'til 10 o'clock in the morning which may be inconvenient because of the preceding gala. But it is currently the only slot available that would not conflict with the topics proposed by (unintelligible) the same time that will probably will be of great interest to all the Councilors as well.

Johnathan Robinson: Thanks Volker. And that's important; that is a key point on this – relating to Thursday morning. And I think Tony Holmes is up in a chat. If there's an intention to provide full constituency or SG meetings on the – Sunday afternoon? And that – we have done that for the last couple of meetings, Tony, and I don't expect that we're not going to do that now. I don't recall if there's anything on the (unintelligible) schedule but...

Volker Griemann: I can speak to that. We had briefly considered removing that time because of the time changes asked for by the Board for the (unintelligible) and specific time. But we've decided that removing it at this time would be too short notice and that many constituencies while not all constituencies are using the time currently, many do. And it has been perceived as a valuable time and I think removing the time slot should be preceded by a community consultation or a board consultation.

So we've decided to leave the slot as it is for now.

Johnathan Robinson: Good; thank you Volker. I – David makes the point that the Thursday slot usually conflicts with working group meetings and effect. And John, I see your hand is up.

John Berard: Yes, I just wanted to put an ore in the water for that late Tuesday meeting that we’ve been going with these last couple of meetings where we convene for a quick meeting to discuss whether anything that has come up in our individual constituencies or stakeholder groups and effect on the agenda for Wednesday. I think that’s a good idea; we should continue it.

Johnathan Robinson: Thanks, John. I do think personally as well. And so that’s useful that you provide reinforcement for that. Okay good. We have run slightly over but we had some pretty substantial items to discuss and we also start a few minutes late on – for a couple of minor technical and other reasons. So we now have any other business and I will just make the point that there’s a prospect of a public comment on a strategic plan.

Going to put this to the list and make sure that we do ask the question – there’s an opportunity for us to comment and if – it’s another one of those issues where we have to decide whether the Council has a role – a function in contributing to this in addition to – not in place of – the stakeholder groups and constituencies making their individual comments. So I think that wraps things up unless anyone else wants to raise anything – any other business.

Well, as chair of the meeting, I’d certainly like to thank you all for a comprehensive discussion and for conducting it in a – as effective a way as possible and for giving all of your effort to the critical issues

we've dealt with both on the call and in the run-up to it. So thank you very much everyone. It's been a pretty challenging meeting but we have some good work behind us or at least some thorough work as much as we could do in the time available.

Thanks everyone. I'll look forward to seeing you on the e-mail list and being in touch at the next Council meeting or in between as necessary and working in groups and other forms.

Woman: Thank you.

Man: Thank you Johnathan; thank you everyone.

Man: Thanks everybody.

END