

**Transcript GNSO Council Teleconference
5 June 2014 at 18:00 UTC**

Note: The following is the output of transcribing from an audio recording of the GNSO Council teleconference on 5 June 2014 at 18:00 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-20140605-en.mp3>

Adobe Chat Transcript

<http://gnso.icann.org/en/meetings/transcript-chat-council-05jun14-en.pdf>

on page: <http://gnso.icann.org/en/group-activities/calendar#june>

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Volker Greimann, Yoav Keren

gTLD Registries Stakeholder Group: Jonathan Robinson, Bret Fausett, Ching Chiao – absent, proxy to Bret Fausett

Nominating Committee Appointee (NCA): Thomas Rickert – joined call late – proxy to Jen Wolfe in case of connectivity issues

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Tony Holmes - absent, proxy to Osvaldo Novoa, Osvaldo Novoa, Gabriella Szlak, John Berard, Brian Winterfeldt, Petter Rindforth

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

Nominating Committee Appointee (NCA): Daniel Reed – joined call late, proxy to John Berard in case of connectivity issues

GNSO Council Liaisons/Observers:

Alan Greenberg – ALAC Liaison

Patrick Myles - ccNSO Observer – absent, apologies

ICANN Staff

David Olive - VP Policy Development

Marika Konings - Senior Policy Director

Rob Hoggarth - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Berry Cobb – Policy consultant

Lars Hoffmann – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Cory Schruth – Systems Engineer

Coordinator: The recordings have been started.

Glen de Saint Géry: Thank you very much. I will carry on with the roll call, Jonathan.

Jonathan Robinson: Yes please.

Glen de Saint Géry: If everyone could just answer when their name is called please so that I can mark it off. Bret Fausett doesn't seem to be on the line yet. Ching Chiao is absent and he has given a proxy to Bret Fausett. Jonathan Robinson.

Jonathan Robinson: Present.

Glen de Saint Géry: James Bladel.

James Bladel: Here.

Glen de Saint Géry: Yoav Keren.

Yoav Keren: Here.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Yes I'm here.

Glen de Saint Géry: Thomas Rickert is not yet on the line; he might not be able to join us and if he does he will probably be late but in case there are any issues he has given his proxy to (Jen) Wolfe. Gabriella Szlak.

Gabriella Szlak: Here.

Glen de Saint Géry: John Berard.

John Berard: Here.

Glen de Saint Géry: Brian Winterfeldt.

Brian Winterfeldt: Present.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Here.

Glen de Saint Géry: Osvaldo Novoa.

Osvaldo Novoa: Here.

Glen de Saint Géry: Tony Holmes is absent and he has given his proxy to Osvaldo Novoa. Maria Farrell is absent and she has given her proxy to David Cake. Avri Doria.

Avri Doria: Yes.

((Crosstalk))

Glen de Saint Géry: Thank you. (Unintelligible) is not yet on the line. I do not see him.
Magaly Pazello.

Magaly Pazello: Here.

Glen de Saint Géry: Amr Elsadr is absent and he has given his proxy to Avri Doria.

Klaus Stoll.

Klaus Stoll: Present.

Glen de Saint Géry: Dan Reed is joining late and in case there are any issues or votes starts Dan has given his proxy to John Berard. John, are you aware of that?

John Berard: Yes, I'm tickled.

Glen de Saint Géry: Thank you. Jennifer Wolfe.

Jennifer Wolfe: Present.

Glen de Saint Géry: Alan Greenberg.

Alan Greenberg: Present.

Glen de Saint Géry: And Patrick Myles has sent his apologies, he will be absent. And for staff we have David Olive, Marika Konings, Mary Wong, Rob Hogarth, Berry Cobb, Lars Hoffman, and myself, Glen de Saint Géry. Have I left off anybody that has joined since?

Thank you, Jonathan, over to you.

Jonathan Robinson: Thanks, Glen. So we'll proceed with the agenda then from there. We call first for any updates to Statements of Interest please. Hearing none we'll move on to 1.3 which is an opportunity to review or amend the agenda; any comments or input there please? I have two points,

one which is a request from Alan Greenberg to add an item under Any Other Business to touch on the Board compensation public comment.

And second, I'm aware that Thomas Rickert, as someone who's worked substantially behind the work on motions under Item 4 and 5, has been - has a problem joining us on time so he has requested that those are moved further down the agenda to enable him to have an opportunity to join us.

So provided that there are no objections to that we will move them down the agenda until Thomas has the opportunity to join us. Any concerns or objections with that? Thank you. So that covers Item 1.3.

We note the status of the minutes of the previous Council meetings. Glen, I'm just checking the posting of the previous meeting - oh they were posted 31st of May. Yes, I have a paper copy of the agenda which doesn't show them as being posted but I note that they are posted. And also can now welcome David Cake on the audio.

There are no items on the consent agenda although in reviewing some of the procedures before this meeting I did notice under - referring now to Item 3, the consent agenda, I noticed that technically the procedures expect us to vote on items for consent agenda so I don't expect us to necessarily discuss that now but it is something which we haven't been doing. We've been taking the consent agenda as - at face value as a consent agenda.

And providing no one objects to an item being on the consent agenda we've been taking those read. But when I look at the procedures they expect us to vote on - collectively on the items on the consent agenda.

At least that's my reading of it. So I wouldn't mind making sure that that's correct and we'll pick that up as and when items are on the consent agenda in the future.

Moving then on so we will skip over Items 4 and 5, these motions dealing with the PDP on the IGO and INGO work and in addition the connected one, which is Item 5.

And move straight on then to the motion under Item 6 which seeks to close the work on the Whois studies and discuss any appropriate next steps. So I think in order to introduce that and provide some background we're going to start with a formal update from staff delivered by Mary Wong. So, Mary, if you're in - and I hope I haven't surprised you by bringing this up as early in the agenda as has come up but if you are available it would be great to get the update from you.

Mary Wong: Yes Jonathan. Hi everybody. This is Mary. And Thomas was kind enough to notify me of his request to Jonathan so, no, I have not been surprised, not by this anyway.

So what you see on the screen here is a document that staff has prepared compiles basically as a cut and paste job of the executive summaries of the four GNSO approved Whois studies. Not in order of their approval but in order of their completion/publication starting with the feasibility survey for relay and reveal and all the way through to the fourth.

These studies were all commissioned or approved by the GNSO Council and I think there's a number of people on the call or listening

and who have been participating in the background to all these studies since at least 2007.

The hypotheses for these studies were developed in consultation with various community groups formed within the GNSO as well as the GAC and that's where we ended up with four. So we hope that the compilation of this set of summaries will be very useful to you and your communities as we go forward.

Jonathan, before we move to the motion, which I note Volker will present, I know that a question has come up; I believe it may have been on the Council list regarding the use or the benefit of these studies to other work.

And one reason for that question, and others may have the same question, may be that these studies, having been approved a few years ago, there have been updates and there has been other work that has started in ICANN relating to Whois since their approval.

The most notable of this obviously is the Expert Working Group or the EWG, who is expected to present its final report to the community in London.

So as a result we went and spoke to our colleagues who support the EWG, and in that regard we're very fortunate because at least one person has been working with the GNSO staff on these Whois studies since practically the beginning and is also providing support to the EWG. So we've been fortunate to be able to tap her expertise.

So from our discussions, the impressions that we've gotten are that the EWG has found these studies helpful both at a general level and also more specifically. On a general level a number of observations were made to us; first that very early on in its work when the EWG first started sifting through the problems and the sorts of issues that they might have to deal with they found these studies, the basis, and the work of the research teams helpful.

For example, the work of the Whois Misuse Research Team in demonstrating what were the most common forms of abuse or the Registrant Identification Study that was done by NORC at the University of Chicago showing the differences between domains registered by natural persons, domains that were used for commercial purposes and so forth.

They also found it beneficial that in the course of their work that there was now at least a partial assemblage of data somewhat specific but still able to demonstrate certain factual and data issues that they had questions about.

And on top of that apparently when they had questions about certain things that either the studies did not cover or could not cover they would go back to the study teams who were able to provide direct input.

And the final point that they made to us about the general usefulness of the studies was that even in some of the problems that these research teams had - one common problem, for example, was simply getting hold of a certain type or category of data, they found that useful for the job as well.

So I don't want to take up further time by going through how each specific study was helpful to certain aspects of the EWG's work. I mean, some of it is fairly obvious. For example the EWG does have a part in its work that focuses on privacy and proxy services and there is a somewhat corresponding who is study just completed on their abuse.

So there's a few examples I can give offline to others or expand on the Council list. But I thought it might be useful for the Council and the GNSO to hear this from the staff that supported the EWG.

So since all four of these studies are finally complete; all the results published and, as I mentioned, you see the executive summaries here in front of you, it seems appropriate since the GNSO kicked off this series of projects with formal approval some years ago to have the GNSO Council also formally close this particular phase of its Whois work. And there you have it.

Jonathan Robinson: Thanks, Mary. That's helpful background and sets the scene well. You're right, I mean, sometimes these things do get lost when they've been initiated and sometime back as to either the motivation and or the current benefit.

I think there is potentially some use of this. And I don't know that you mentioned it with respect to the work of the Privacy Proxy Working Group as well; that's another potential application of this work I believe.

The other thing is, as far as I'm aware, is that some of this was initiated out of the request that originated with the GAC. So it strikes me that there's something we need to do when and if we close this work off is

to communicate this to the GAC. Is that - I wouldn't mind any comment or input on that and/or if there's any other comments or questions for Mary or for the Council as a whole on this sort of background of this work or any other issues.

Alan.

Alan Greenberg: Yes, I think something to the GAC is certainly appropriate and probably in the form of, you know, the GNSO believes, you know, that we have completed the work we started; if indeed there are new things to be done the world has changed enough that we should start afresh.

I doubt there's many people on the GAC remember they started this. Those of us who were around at that point will recall that GAC came back to us regularly and say, "Why is it taking so long?" And it's been a long time since that's happened probably because it's lost from their corporate memory. So I don't think we're going to get any real objection but I think we should send something back to them. Thank you.

Jonathan Robinson: Thanks Alan. So Glen, and/or Marika, whoever is maintaining the action list if you could make that an action on me please to communicate the outcome of this to the GAC that would be helpful. And we can put some background in there, Alan, so that it's not lost. John.

John Berard: Thank you, Jonathan. I suggest it might be useful for you to make this a part of the ongoing GAC/GNSO Council collaboration. It's a meaningful output that reflects our having taken the lead from the GAC

and then driven forward in greater detail. And I think you could use it as part of that process to expand the relationship even beyond Whois.

Jonathan Robinson: Thanks John. It strikes me as the obvious profile place for it is to highlight this at the face-to-face meeting between the Council and the GAC which I would expect will be substantially - don't want to use the word "dominated" because that sounds negative but a substantial component of the agenda will be dealing with the work of the consultation group which is that which you referred to I think as GAC/GNSO Consultation Group.

But we should also include this when we drafted the agenda. So that's a helpful suggestion. So in a sense that's Part 2 of the action, Glen or Marika; really the first is to communicate this in writing and the second is to raise it as part of the agenda between the Council and the GAC in London.

Alright well that's the sort of preamble and to some extent an element of discussion already. Why don't we give Volker, as proposer of the motion, the opportunity to present the motion now?

I can see from the record in the Adobe that it appears that this motion has not yet been seconded so it would be good to call for a second prior to actually presenting the motion. Can I ask for a second for this motion please?

John Berard: This is John Berard. I'll second.

Jonathan Robinson: Thank you, John. We'll record you as seconding the motion. And Volker then if you could proceed to present the motion please?

Volker Greimann: Excuse me, I was on mute there. Sorry. Yes, I think Mary has already done most of the work presenting the motion and I'm not going to read all the whereas clauses and move right ahead to the resolve clauses.

But I think - and that was something that Mary brought up off list which I think is important to amend the motion just a little bit by including the link to the document that we have just seen in the motion, in the whereas clauses, just to tie that summary document that we have seen to the motion so everybody that looks at the motion will also be able to see a brief summary and not have to go into the whole final report there which might reduce the time and effort required to appreciate the work that has been done here.

And I see it has already been included into Whereas Clause 5. Thank you Marika.

So I'm going to move ahead to read the resolve of the clauses here.

"The GNSO Council thanks all the research teams that performed each of the approved studies, and hereby formally closes this study phase of the GNSO's Whois policy work."

"The GNSO Council encourages current and future community groups engaged in Whois policy work to continue to consult and review the results of the approved Whois studies, and to recommend to the GNSO Council any future policy work which may need to be done by the GNSO as a result."

"The GNSO Council requests that the GNSO Council Chair communicates the completion of the Whois studies and their results to the GAC Chair."

And I think we can now open this for debate.

Jonathan Robinson: Thanks, Volker. Any discussion, comment or further input on this? Seeing none I'll just note that of course the third resolve clause does call for me to communicate the completion to the GAC Chair so that's part of it. Yes, John, I see a suggestion for a voice vote in the chat. And I don't object to that.

So the most convenient way to do that I think is to call - well I note that Bret has joined us in the Adobe. Bret, are you on the call (unintelligible)?

Bret Fausett: I am on the call. I had some problems with Adobe so I'm not getting any sound through it so I called back in by voice. So can you hear me?

Jonathan Robinson: Yes, we got you loud and clear. Thanks, Bret. So, Glen, if you could just mark Bret as present then. Is anyone else doing that we didn't record? David Cake, I know you were recorded. I just want to make sure before we move to a vote that we've got everyone properly recorded. Anyone else joined that wasn't on the initial roll call?

All right thank you. So, Glen, if you could mark both Bret and David as present and then we'll move to a voice vote. So let me ask anyone who is not in favor of the motion to make themselves known please. So Glen, if you could record that no one is against the motion. If anyone

would like to abstain from the motion please let yourself be known. No abstentions, Glen.

All those in favor please say "aye."

John Berard: Aye.

James Bladel: Aye.

((Crosstalk))

Avri Doria: Aye.

Jonathan Robinson: Thank you.

Gabriella Szlak: Aye. Sorry, I was muted.

Jonathan Robinson: Thank you, councilors. So, Glen, if you could record that all councilors present voted in favor of the motion by voice vote.

Glen de Saint Géry: Thank you, Jonathan.

Jonathan Robinson: So that motion is carried. And we will now move on to the next item which is Item 7, which touches on the issues of - it's a broader topic that's been a rolling topic on Internet governance issues; specifically in this instance it touches on the issue of how a cross community working group and bottom up opportunity for bottom up work on dealing with the transition of the oversight of the IANA function.

John, be requested to swap 7 with 8; is there any reason for that?

John Berard: It's a suggestion only because it strikes me that the GNSO Review Working Party is more central to the work of the GNSO Council than the Internet governance issue discussion is right now.

Jonathan Robinson: Yes, let's (unintelligible) momentum, John. I don't think we would - I hope we won't take a lot - I take your point that it is important but let's - I think we'll have opportunity and time to cover everything so I'm not unduly concerned. Are you concerned about time or that we won't have time to cover everything?

John Berard: No, I was just thinking in terms of rational sequence but they're both important. You know, I've already distracted us enough so press on.

Jonathan Robinson: Thanks, John. So let's just really - from my point of view, and I'll be interested to hear if there is anything else in here. My sense here is that we are - we have the opportunity - and, as you know, from the previous Council meeting I submitted, as part of the comment on the request for input on the principles and mechanisms and the process to develop a proposal to transition NTIA's stewardship of the IANA functions.

I submitted the point that a letter on behalf of the Council referring to the prospect of community work in dealing with this and in fact was even presented those rough work that has been done on a charger for such a group.

So really I think the opportunity here is to just hear any additional input or comment that may have come from your groups, the different groups that make up the GNSO, on the prospect of - community led

bottom-up work on either, frankly, the transition, which we are about to - I think we should imminently receive something on - an updated version of the IANA transition and or the accountability work and any input on support for, interest in the bottom-up work arising from a cross community working group on this.

So really it's an opportunity for any comment, input or otherwise for something which is likely, I expect to be initiated - the GNSO in conjunction with the ccNSO. James, I see your hand is up. Please go ahead.

James Bladel: Thank you Jonathan. James for the transcript. And I think you touched on my comment there at the very end which is that do we have any intentions or plans as a Council to weigh in similarly on the proposed accountability framework or at least those - the comment period that's currently open.

I know that various individuals and constituencies are submitting comments to that. And unfortunately I believe the comment period closes tomorrow. I believe the reply window is still open for a little while. But I'm just curious as to whether or not we could undertake (unintelligible) at the Council level or if it's just more appropriately done at the constituency comments stakeholder group level.

Jonathan Robinson: Good question or comment. I mean my sense is that to the extent that it's appropriate to do some form of cross community - to undertake some form of cross community bottom up orientated work on dealing with the transition it's similarly appropriate on the accountability track.

So whether or not that needs to be handled, I mean, I think just because the comment period is closed or due to close immediately doesn't stop that happening. It's not that that's the end of the line as far as that's concerned. But fire away Avri, and I think your hand is up as well, James, again. So let's hear from Avri first and then you, James.

Avri Doria: Yes, I was basically - this is Avri. I was basically going to say something similar in that just because the initial comment period is over - in fact we might want to take some of the themes that have been brought up in the comments, and I'm sure there'll be a whole deluge of comments within the next 24 hours before it closes, as always, and respond to them.

And basically reinforce, you know, the comments that sort of pertain to views that everyone in the GNSO and with the GNSO Council is able to represent. So I think it could be good to comment.

In terms of another cross community working group yes, they're always good to do; it's always good to do bottom up work. In what sense we could get a group together and organized and actually do anything useful in time for it to be relevant is something where I've got a question.

So I would certainly never vote against doing a cross community working group; I think they're wonderful things. But I don't hold a whole lot of hope that we could put together and have much to say, you know, at this point in time. Especially since there is going to be the larger, you know, steering group or whatever it's being called that will be put together on these things. But certainly it's worth a try but I don't hold out a whole lot of hope for anything useful. Thanks.

Jonathan Robinson: Thanks, Avri. It would be just interesting to clarify if you were talking about, I mean, in a sense we're talking about the prospect of possibly even two efforts that are in many people's minds linked, I think, is that one is on the transition and the other is on the accountability. Were you referring to one or both in terms of your...

Avri Doria: Yes, basically it's bad enough that it's being sliced and diced by everyone else; that ICANN is slicing and dicing it so that we're all running around with chickens without heads trying to figure out which of the particular tracks, you know, and as soon as we get comfortable with one track there are two; as soon as we get comfortable with two there are four.

And I would hate to see us try - I think it's already a pity that the one cross community working group we have, you know, decided not to deal with this issue. If we put together one another cross community working group I would certainly advise that it focus on the whole issue trying to understand how it all fits together and with it all fitting together what it is we believe.

Certainly we would have to make comments and whatever in the ICANN, you know, 2, 4, 6, 8, 16 tracks, but, you know, it would make sense for us to have a single cross community working group that looked at the whole issue to me.

Jonathan Robinson: Thanks, Avri. And to the extent that I'm involved in shaping that and working with the leadership of the ccNSO on any of this that's worth taking - bearing that in mind and so that's useful input. James.

James Bladel: Hi, James speaking for the transcript. Yes, I agree with a lot of what's been said here as far as using the comment reply period perhaps to consolidate or highlight or showcase some of the comments that are coming in from the various constituency organizations. I think that's an interesting idea. Unfortunately I haven't seen anything recently on this coming out of registrars so I'm not really sure of the status of our contribution.

But to Avri's point, you know, I am also a little concerned about the way this has been broken up into multiple tracks and that the linkage between the accountability effort and the transition tracks are, in my opinion, are fairly weak and that needs to be reinforced and particularly if we believe or others share the belief that accountability is in many respects a prerequisite for any sort of competent transition of IANA functions then that should be made clear.

And that, you know, as a community if we are - and I emphasize the word "if" but if we are, as a community, unsatisfied with the staff approach or strategy to all of this then I recommend that we do form a cross community working group or reform the one that has already started and get moving on supplanting this current proposal which I think is very heavily staff developed. Thanks.

Jonathan Robinson: Yes, so maybe two or three points of information and comments to just make sure that we're clear on this. First, there was the staff-led proposal, for want of a better word, on the transition mechanisms and that - there was a public comment on that which was - from memory was email-oriented rather than a traditional open thread. But in any event we're due an update on that so it'll be very interesting to see how that's reshaped and modified when it comes out.

Second, there was the other - there was the cross community working group on Internet governance more broadly. And that group, as Avri referred to, is not picking up particularly and specifically the IANA transition. So in a sense that leaves it open for a new cross community working group to pick that up.

And, you know, there's been - there's been plenty of dialogue and perspective work done on this. So are my expectations that there will be - that something will emerge very soon with a call for a group to form a drafting team and develop the work on this work.

The question is that remains is then how that links in to the accountability thread in this dichotomy or not. But I mean, I suspect quite a lot of that feedback was - there was certainly feedback on that - on that split and it'll be interesting to see how much these are knitted together in future iterations of what comes out.

I'm not sure - I wouldn't mind some guidance - I'm not sure what else can be covered here. I don't want to go down too much of a rat hole here. We have this - this is just an opportunity to make sure there is feedback on this - on these topics and discussion on them at the Council level. Whether or not there's a specific action to be taken now, I'm not sure.

I hear a couple of concerns about the fact that these are split, the fact that we could potentially put input in the reply period unaccountability. So if that reply period - can someone help me? Is there a 28 day reply period, you know, run on that? James?

James Bladel: I was going to wait for staff to respond first. Marika is saying it's 27 June. So maybe at a minimum, Jonathan - and I'm asking this as a, you know, as a group from the Council maybe we could weigh and say essentially that these are important issues and we understand they're going to be discussed in that upcoming meeting in London and the closing some of these comments and reply periods concurrent with the London meeting might, you know, might really impact the ability for folks to comment. And perhaps we should just get ahead of that now and start looking at an extension.

Jonathan Robinson: Yes, okay so I'm going to take - thanks, James. I'm going to take an action on us as a Council, which I'm happy to lead but not necessarily hold the pen on and we can pick this up on the mailing list. So, Glen and Marika, if you could record this that there is a proposal - we'll call it that for the moment - a proposal to produce some Council input during the reply period on the accountability issues. Certainly one of the - yes, let's leave it at that for the moment and we can pick it up on list.

All right, Thanks for the contributions on that. I notice that Thomas Rickert has now joined the call so I'm sorry to move us around the agenda but I suggest we now go back to Item 4 which is the motion on the PDP - on the initiation of a PDP. And we pick that up in the first instance; follow that by dealing with the motion on the charter and then we'll come back to Item 8 after that.

Right, so to set the scene here, we have the - we have some input from staff on the presentation of the final issue report summary essentially to make sure we're clear on this rather can't locate it and multifaceted and find detailed piece of work. So let me not dominate proceedings and hand over to Mary please.

Mary Wong: Thank you, Jonathan. And welcome, Thomas. So we thought that it might be helpful, as Jonathan said, because of some of the complexities associated with this issue and the background to have a few slides to layout not so much why you're doing that PDP that what it might encompass.

And we don't really need to get through the background, which I think everyone knows, but the first light does remind everyone of what's happened to trigger the issue report that you requested at the Buenos Aires meeting and that this was a consensus recommendation from the PDP working group that Thomas chaired.

Given that it had gone to discussions about say the UDRP, which is a consensus policy clearly, that any sort of amendment possible or not, would need to go through a separate PDP.

The preliminary issue report attracted a number of comments which we analyzed and reported. And some of those comments and a summary of those comments were incorporated into the final issue report that was sent to you on the 25th of May.

So generally speaking, I think as everybody knows, the staff recommendation based on the background research, the public comment and so on, was for the Council to initiate the PDP. And it seemed important in light of recent discussions, including on the Council list, to really scope out what this means.

And here we have on the bullet point to emphasize that as I think we all know but it seems to bear repeating starting a PDP doesn't actually,

you know, mean a certain result must follow. So it may be that the UDRP and the URS should not be modified to allow access by IGOs and INGOs. There may be a possibility, for example, that other procedures would do the trick just as well.

And one example that was highlighted in the issue report and was picked up on by some public comments was that perhaps a separate dispute resolution procedure that's narrow and tailored specifically just to address the specific problems that IGOs and INGOs have, might be more suitable.

The other point that we thought would be useful to highlight here was that it's not about tall IGOs and INGOs. As you probably will recall from initiating the first PDP that Thomas chaired the working group for if that were the case we're talking about thousand and thousands upon thousands. And as a result that particular PDP also decided that only the certain IGOs and INGOs and the question there was who would those be and what those identifiers would be.

That was done and so since this proposed PDP follows from one of those consensus recommendations it makes sense to limit it to those identifiers that have already been listed by the prior working group.

So a list of these identifiers in one of the annexes to both the preliminary and the final report. And I hope in the email that I sent around earlier today it basically explained what the scope of those identifiers are.

As has been - become customary, as part of the PDP improvements a draft working group charter was included with the two versions of the

issue report. Nothing much changed in between the preliminary and the final. And I would encourage folks to look at the actual report for the specific topics and sub topics that we thought the Council might wish to include in the scope of the working group.

But one important point is that it seemed that further research or at least updated data might be necessary. Because one of the comments that came up was well, you know, this work's been done before in 2003, for example.

A lot has changed since then including potentially - and we don't know this - the number of IGOs that have requested protection under what's been cited as the legal basis for IGO protections. So as an initial phase of work there is a specific recommendation that the required additional data and research be done.

Other specific concerns or considerations that we thought the Council might wish to include, and this is in the draft charter, is to not ignore the work that was done in the past but to review it and to review it in the context of what's happened in the past decade or so.

Obviously the biggest factor is the introduction of the new gTLD program and the development of mechanisms like the URS. We also thought it would be useful to call out the fact that even though the UDRP and URS are similar they're not exactly the same so maybe they should be treated differently. Same question goes for INGOs versus IGOs and vice versa.

And since there's already been some experience built up amongst existing providers in terms of the work of considering a possible

amendment to one or both procedures we thought outreach to those providers would be very helpful.

I've already mentioned some of these other points. Certainly outreach to encourage other SO and ACs and also the IGOs, for example, to participate which they in the INGOs did in the original working group might be helpful.

I know James ask a question earlier today about what's going on with the GAC. One recommendation we had was that that particular question/dialogue be something that's tracked and monitored.

And ultimately we thought it useful to remind everyone that this is not the review of the UDRP or the URS. There is a report that they requested for that 18 months after the first new gTLD is delegated. And so we're looking at spring in 2015. This is a very specific PDP coming up from one specific recommendation applicable to one particular problem. So it may well be more broadly taken up by that other review.

And so that's the quick summary and scoping, Jonathan and Thomas. And I'm going to hand it over to Thomas.

Jonathan Robinson: Thanks, Mary. It's Jonathan. I'll just come in there and thank you for that - A, that succinct summary and to remind others that, you know, clearly we're voting on - in this motion on the initiation of a PDP. You touched on details of the charter and we've included the charter in the final issue report, as you rightly pointed out, that's part of the PDP improvements.

But should there are really two alternatives that could exist for dealing with that charter when we come to the next motion. So let's make sure we keep the discussion here focused on the initiation of the PDP and then we can consider what steps we might take whether or not to approve a charter and what the implications of those steps are.

So I think had Thomas not been on vacation he would have presented the motion. So let me give over to Thomas now to present the motion and then open up to a discussion. Avri, would you like to ask something at the moment please? Do go ahead if there's a query or a...

((Crosstalk))

Avri Doria: Yes, thank you. I can wait until after the motion but I was going to ask clarifying questions; not actually open discussion. So clarifying questions, if that's okay, so I want to understand first of all the issue of whether something other than UDRP or URS that is actually a new topic that wasn't specifically recommended by the working group, that's an additional topic if I understand correctly that the issues report is recommending we include.

The other question I have is on the use of the word, "identifiers" and then talking about there being additional IGOs that may or may not want to be considered. And so the question then becomes are those additional IGOs kind of like new ECOSOC INGOs that just got added this year.

So the list remains constant it's just that new names have been added to the list. Or is this an additional list we're going to? And forgive me for

not knowing the answer to that already but I just was looking at it and I wasn't quite certain. So those were my clarifying questions. Thanks.

Jonathan Robinson: Thanks, Avri. So I see there's a...

((Crosstalk))

Avri Doria: The other thing was by identifiers we mean the organizations that are listed; we don't actually mean the identifiers that were actually reserved at first and second level, we mean the organizations that were identified. And so that was somewhat confusing to me in the use of the word "identifiers" which made sense when talking about TLDs and SLDs but now we're really talking about the organizations on those lists. So that's all my clarification stuff. Thanks.

Jonathan Robinson: Thanks, Avri. So I picked up at least two questions there. And I know Mary responded immediately. I'm not sure if you're able to respond to both, Mary, but please go ahead.

Mary Wong: Thanks, Jonathan. Thanks for the questions, Avri. I'll try and keep my head clear around this. And I'm ready to be - to stand corrected by Thomas or Berry or anyone else who familiar with the work as well.

Your first question, that is correct. There is an alternative here on the table that's neither the UDRP nor the URS. And of course should there be a PDP we could end up with none of the above.

I should say that my recollection is that this is not a topic that was explored in depth by the PDP working group. It was recognized that one possible - in fact one primary remedy for IGOs and INGOs once

they detailed their issues and (unintelligible) was to use the UDRP and the URS.

And there was not much substantive discussion that went in depth into what those remedies might look like given that there was an assumption that the primary remedies would be the UDRP and the URS.

With regard to the identifiers, apologies for the confusion. I think if I can mesh your question 2 and 3 and hopefully I don't miss out any sub points in that. The answer is I think, yes, with an explanation.

In the sense that if you look at what the PDP working group recommended for protections the organizations for the IGOs were the organizations on the GAC list. So there's a list of IGOs. The list of INGOs was the ECOSOC list.

With respect to those organizations, however, the working group also noted that they would have what the working group called Scope 1 and Scope 2. And Scope 1, generally speaking, say for the IGOs, was full names and those were recommended for certain reservation type protections and for the IGOs we're talking.

Scope 2 it would be acronyms. So it would be acronyms for the IGOs on the GAC list. I hope that's helpful. I see that Thomas has his hand up so maybe he has further details or corrections.

Jonathan Robinson: Thanks for that...

((Crosstalk))

Thomas Rickert: No corrections. Sorry, Jonathan.

Jonathan Robinson: James is in the queue but I suspect that you want to come in with further information so, James, with your acceptance we'll put Thomas ahead of you just to provide the further information and then come to you.

James Bladel: Please do. Thank you.

Thomas Rickert: Thanks, Jonathan and thanks, James. I wanted to add to Mary's explanations which were very well that the discussion that the working group had at the time was rather between curative and protective mechanisms for the organizations that should get protections.

And since there was the lack of possibility for certain organizations to use the existing curative mechanisms the idea was that rather than granting these organizations preventative mechanisms we would grant very limited preventative mechanisms such as the claims notice and open - and have a separate discussion, which we're now kicking off with this, about opening up curative mechanisms.

So we are talking about UDRP and URS as these are the mechanisms now in place for gTLDs. But it may well be that during our deliberations, if this PDP actually starts, that it might turn out unfeasible to put the needs of the various organizations into the current language of the UDRP or the URS and that it might be easier to grant the essence of what we potentially might wish to achieve by just taking what's there with these rights protection mechanisms and giving it a different name and giving it a very narrow mandate.

Jonathan Robinson: Thanks Thomas. James.

James Bladel: Thanks Jonathan. James speaking the record and thanks, Thomas, for that explanation because, you know, I joined to Council certainly after that work had concluded and not as familiar with that.

I wanted to touch on two things that were raised; one was a point raised by Avri and then second was just something I had commented on the list. The first one being that, you know, I'm also not clear on the scope of these protections. And perhaps this is something that can be explored as part of this PDP.

In fact, is this creating a mechanism or a policy that would be dependent upon some outside organization or group that could, for example, change the qualifications or criteria for what constitutes an ECOSOC list or entry onto that list and then that would dramatically expand the scope of the PDP after, you know, it had already concluded.

And I think that that is something that perhaps should be understood. Or maybe it's a question that - that is contained within this proposal that I don't really have a full grasp of.

And then the second thing going back to more of my comment - I think more of an operational question, we do have this outstanding work pending I believe with the GAC regarding acronyms.

My concern is that as managers of this process we should be aware that breaking things into multiple PDPs may seem like an exercise in

efficiency because you can get moving and get things done faster but I think what we're finding particularly with the IRTP series is that putting them all back together again in a way that makes sense when they're concluded, and especially when they start to become - start to enter the implementation phase becomes a bit more of a headache.

And so any gains in efficiency that were realized by breaking up the PDPs are paid for on the backend; if that makes any sense? So I would caution against that or, just so I'm not seeing as holding up this process, perhaps make sure that we include in one or both of these motions - or in the charter of this PDP that it recognize that there is ongoing work still outstanding on this and give them the flexibility to incorporate that into their charter once that work is completed and so that we don't have to then go back and fire off a new issues report, etcetera.

So that would just be one recommendation if we want to get going on this quickly but still want to do, you know, not diminish the quality of the output on the backend. So that was one question and one comment.
Thanks.

Jonathan Robinson: Thanks for both, James. We'll try not to lose those as we pick up on other comments that may introduce new information or support to go with those. Avri.

Avri Doria: Yes, sorry, I apologize. This is Avri again. And I apologize for still asking for clarification. I'm feeling very, very slow on this topic. Okay in terms of one answer I think I understand that the work of possibly inventing something new other than URS or UDRP it's a new option

that has been added by the issues report but it's logical; that it's a new element.

The other thing I wanted to - in answer to one of James's questions, ECOSOC admits new organizations into consultative status every year. Not many but some do get into full consultative status every year. So that is a list. The UN has a process by which it admits someone and someone new does get on the list.

Where the other question I still have that I didn't quite understand the answer to, in terms of the organizations that are covered; we started out with an IGO list built by the GAC. Now we have - there is the - is there an additional list that we also may be looking for or is the GAC adding names to their IGO list?

And that is in terms of the IGOs is there one list, the IGO list, that the GAC may or may not add names to? Or is there the IGO list and some other list that I've lost the name of at the moment? Thank you.

Jonathan Robinson: Thanks, Avri. I'm going to suggest we go to Mary and then Thomas with the opportunity to respond to these questions and then we'll come to further on in the queue which is currently Klaus and Alan. So Mary first then Thomas.

Mary Wong: Thank you, Jonathan. And I'll try not to belabor the point or take up too much of anyone's time. Avri, thanks for the question. I realize I didn't fully explain it. And I should add to the point about the alternative mechanism that that was something that was in the preliminary issue report as a possibility. As Thomas and you have said, is logical.

In the final report it stayed in because there were also some public comments that supported the alternative mechanism rather than an amendment to the UDRP and URS. And so in the final report we do have to incorporate and take into account public comments. And that's partly why at least it stayed in.

With regard to the list question, on the ECOSOC point that's actually one of the points that was already created by the original recommendations because going beyond this PDP the other consensus recommendations of that particular working group does require, for example, bulk trademark clearinghouse entry for some of the ECOSOC organizations.

And there is an implementation question as to how does ICANN or anyone update that list. And that's something that the implementation team that's being formed by the operations folks in ICANN has been briefed on and they're very well aware that we need to sort of figure that out.

On the point about the IGO list, we are talking about the IGO list at the GAC presented to the Board and the community in I believe it was March of last year. As far as I know, there's no suggestion to add to the list. There's been no indication that that would be the case; that list has stayed the same. And that PDP working group made it very clear that that was the list they were going to work off of. And I hope this helps.

Jonathan Robinson: Thanks Mary. Thomas, I'll give you the opportunity to, if you have anything in addition to add to that or otherwise we just go straight to Klaus.

Thomas Rickert: Thanks for the opportunity to add to what Mary said. I would like to remind everybody that a very deliberate decision was made at the time by the working group not to start creating ICANN lists for protection purposes but to lean on third parties to produce those lists.

And this is why we ultimately picked for example, the ECOSOC list as a source of information of organizations that would be eligible for certain protections.

But I think that this would certainly be up for discussion in the course of the work of the PDP working group to see what potential changes there might be to those lists. And if there is the risk of this - of these lists to be hugely broadened and I think that would be taken into account by the working group.

There is no guarantee, as Mary said during her opening remarks, that there will be rights protection mechanisms. One of the options is that nothing is going to come from that.

The second point I'd like to make is, in addition to what Alan now said in the chat, the idea of a new rights protection mechanism other than UDRP at the time is not new. And this was even alluded to. I think we haven't tabled it extensively. But the WIPO 2 deliberations were discussed in the original PDP working group. And that also included the notion of creating something new.

With respect to James's suggestion not to strip things that could be worked on in combination, I would just like to remind all of us that when we took the unanimous decision for the package of IGO INGO PDP recommendations, including the one looking at curative mechanisms,

we did know that they review of UDRP and URS was tabled for early 2015.

And we still felt at least that, you know, I think we didn't have a huge discussion about it but I think that at least - well my perception at least was that this was the bit that the PDP working group could not do anything about because it was out of its charter.

And that the change of a consensus policy such as the UDRP would require a separate PDP. And we sort of put that, if you wish, at the end of the original PDP working group's work. And this is something, in my view, that we - that we promised it to the community to complete the package of work that we'd done and therefore I think it would be just straightforward to continue with this work regardless of the current Board deliberations and get this work done and started as soon as practically possible.

Jonathan Robinson: Thanks, Thomas. I just had a connectivity problem so I can't see who's in the queue at this stage. Well I can see previously Klaus and Alan. So let me go to Klaus next.

Thomas Rickert: Klaus has...

((Crosstalk))

Thomas Rickert: Sorry, go ahead, Klaus.

Klaus Stoll: Okay, this is Klaus for the record. Of course we had, in the past, a reasonably a huge discussion in NPOC about both motions because they're very close to our heart. And they are leading us in two minds.

On the one side we are very happy for the additional proposed protections of the IGOs and INGOs. On the other hand we have a basic problem with both motions and actually with the whole process before is that we expect at least some form of protection or at least looking at some form of protection not only for the IGOs and INGOs but also for NGOs in general.

And our question is would it be possible to include possible protection mechanisms for NGOs not expecting an absolutely clear - not expecting the same level of protection as IGOs and INGOs but at least to have a look at it and to make these people protected and (unintelligible). This is a straightforward question.

To repeat: yes, we encourage and we support the - any kind of protection of IGO - not any kind, I mean, (unintelligible) level as proposed for IGOs and INGOs but we would please remind again that there are others and they are - we should at least have a look at what protection we might offer as a way (unintelligible). Thank you.

Jonathan Robinson: Thanks, Klaus. I've got Mary with her hand up to respond. I think - and then let's go to Mary and then we'll go back to the queue where I see I've got Alan. And, Thomas, if you want to come in after Mary as part of the response I see Avri's (unintelligible) an additional question in the chat that's related to one she made earlier. So let's go to you, Mary.

Mary Wong: Thanks, Jonathan. Klaus, thanks for your point. I think the point to remember here is that what you're suggesting would expand the scope

beyond what was - far beyond what was envisaged by the original PDP working group.

So it may be something that's worth considering as a different PDP, bearing in mind James's point and Volker's about not breaking into too many bits. But that certainly wasn't something envisaged by the original working group and this as - this particular effort right now was designed as a follow on to that. So it would represent a fairly large expansion. Thanks, Jonathan.

Thomas Rickert: If I - if I could I'd like to add to what Mary said that the working group - the IGO INGO PDP Working Group when it started had different sub groups dealing with various questions. And one of the questions was what eligible parties there should be. So the PDP working group was looking at IGO, INGOs as well as NGOs in its deliberations.

And the decision at the time was made that an international dimension of an organization would be required in order to consider protections regardless of what exact protections that ultimately might be.

So I think if we added this NGO subject to this PDP not only would we expand the scope far beyond what was planned - with the unanimous resolution that we took but also it would duplicate huge parts of the deliberations of the other working group which was looking exactly at the question of who should be the beneficiary of potential protections.

Jonathan Robinson: Thanks. Alan, you've been patient, let's go to you.

Alan Greenberg: Thank you. I'm not sure how relevant it is anymore. I just wanted to point out - and I think the points already have been raised now - that

the separate process was originally contemplated and in fact a process was drafted to the equivalent of the UDRP for IGOs and that whole stream was shelved because it was believed that the new gTLD program would address it, which of course it didn't.

So I don't think there's anything new here; we're just reviving, you know, what was planned originally. And during the IGO INGO discussions we pretty well always said we need the capability of having these things apply to them. That didn't necessarily mean that it was the same process just that the functionality was there. Thank you.

Jonathan Robinson: Thanks, Alan. I've got a loose end I think from James's work and that from James's point from earlier and that's this recognition of ongoing work. I'm just wondering if that can be (unintelligible) I'm wondering if there's an amendment that can be done to the motion in order to cover that so that - James, go ahead.

James Bladel: Hi, Jonathan. James speaking for the transcript. And I'm thinking that - and I'm just brainstorming here that that could possibly be more appropriately included as language into the charter rather than the motion itself. I'm still kind of wrestling with that bit right now but I think that's where it should go.

Jonathan Robinson: I must say that was my first thought, James, as well, that it was more appropriately put in the charter (unintelligible)...

((Crosstalk))

James Bladel: Okay so I'll hold off on that one.

((Crosstalk))

Jonathan Robinson: I think we've aired this as thoroughly as we can and provided some very comprehensive background as to how we got to where we are, what the concerns are. I note that Mary says that that point is in the charter already. So, Mary, if you could just clarify that on audio for us then how that point is covered in the charter that would be useful. And I suggest we call the discussion to a close.

Mary Wong: Certainly, Jonathan. The charter basically replicates and picks up from very specific points that the issue report says the GNSO Council should consider including as the scope of the PDP. And one of those points was the tracking and monitoring of ongoing dialogue with the GAC.

So the idea there being, obviously, the things going on and when the first issue report was written the Board hadn't even adopted its resolution in April with regard to some of the working group's recommendations. So the intent always was that there were other things going on that the group should not ignore and the charter does speak about tracking and monitoring ongoing developments with the GAC.

Jonathan Robinson: Thanks, Mary. And I think a lot of us are having trouble following because now that you mentioned that I think that was covered in your slides even that you presented so thank you. Let's bring that discussion then to a close.

Thomas, I think given - especially given the background that's been presented here I'm not sure we need to go through the whereas

clauses. So I would normally have made - normally have asked you make - or expected you would make the motion and I made it in your absence. But given that you would normally have made it perhaps you could read the resolve clauses.

Thomas Rickert: I'm more than happy to do that as soon as it's brought up in the Adobe.

Jonathan Robinson: It is currently there. If you can't see it I'm happy to go ahead.

Thomas Rickert: No unfortunately I'm doing this from my...

Jonathan Robinson: No problem, Thomas...

((Crosstalk))

Thomas Rickert: ...from my tablet.

Jonathan Robinson: I made the motion, let me continue. So here we have a motion on the initiation of a PDP on IGO and INGO access to curative rights protection mechanisms which we've discussed substantially the background and context to.

So the motion resolves that the GNSO Council hereby initiates a PDP to evaluate whether the UDRP and/or URS should be amended to enable their access and use by IGOs and INGOs as identifiers as being recommended for protections by the IGO INGO PDP Working Group. And if so in what way?

Or, 2, whether a separate narrowly tailored procedure modeled on these curative rights protection mechanisms apply - to apply only to protect IGO and INGO identifiers be developed.

Resolve 2, the Council requests that the PDP working group be convened as soon as possible to fulfill the requirements of the PDP in an expedited matter.

Before we proceed to a vote, having had a comprehensive discussion up front, are there any other final points or discussion that anyone would like to make in relation to the resolve clauses?

All right, Glen, let's proceed to a vote by taking a recorded vote if you could lead that please?

Glen de Saint Géry: Certainly, Jonathan. Magaly Pazello?

Alan Greenberg: She said in the chat her audio has...

((Crosstalk))

Glen de Saint Géry: Shall I go to the next one?

Jonathan Robinson: Yes please.

((Crosstalk))

Glen de Saint Géry: Osvaldo Novoa.

Osvaldo Novoa: Yes.

Glen de Saint Géry: Osvaldo for Tony Holmes.

Osvaldo Novoa: Yes.

Glen de Saint Géry: Bret Fausett for Ching Chiao. Bret?

Bret Fausett: Yes.

Glen de Saint Géry: Bret Fausett for yourself. Bret, for yourself?

Bret Fausett: Yes, sorry, I am on mute.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Yes.

Glen de Saint Géry: David Cake.

David Cake: Yes.

Glen de Saint Géry: Avri Doria.

Avri Doria: Yes.

Glen de Saint Géry: Brian Winterfeldt.

Brian Winterfeldt: Yes.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Yes.

Glen de Saint Géry: Volker? Are you on mute?

Volker Greimann: (Unintelligible).

Glen de Saint Géry: Volker? I'll go on to...

((Crosstalk))

Glen de Saint Géry: Sorry, was that yes?

Jennifer Wolfe: I think he said yes.

Volker Greimann: Yes, yes.

Glen de Saint Géry: Thank you, Volker. Daniel Reed.

Daniel Reed: Yes.

Glen de Saint Géry: Petter Rindforth.

Petter Rindforth: Yes.

Glen de Saint Géry: James Bladel.

James Bladel: Yes.

Glen de Saint Géry: John Berard.

John Berard: Yes.

Glen de Saint Géry: Avri Doria for Amr Elsadr.

Avri Doria: Yes.

Glen de Saint Géry: Gabriella Szlak.

Gabriella Szlak: Yes.

Glen de Saint Géry: David Cake for Maria Farrell.

David Cake: Yes.

Glen de Saint Géry: And we will go back to Magaly - Magaly Pazello.

Magaly Pazello: Can you hear me?

Glen de Saint Géry: Yes, thank you, Magaly.

Magaly Pazello: Hello? Oh, can you hear me?

Glen de Saint Géry: Yes we can. Thank you.

Magaly Pazello: Oh okay. I vote yes.

Glen de Saint Géry: Thank you very much, Magaly. The vote passes.

Klaus Stoll: Sorry, I haven't voted.

Thomas Rickert: Me neither.

Glen de Saint Géry: Sorry. Sorry. Yes, now I see. I see. Sorry, sorry there were some names at the bottom. Yoav Keren.

((Crosstalk))

Glen de Saint Géry: Yoav, can you hear me?

Jonathan Robinson: And again his line must have dropped.

Glen de Saint Géry: Thomas Rickert.

Thomas Rickert: Yes.

Glen de Saint Géry: Klaus Stoll.

Klaus Stoll: Yes.

Glen de Saint Géry: And can we please get Yoav? Is he - let me see if his line's dropped.

Jonathan Robinson: Glen, Yoav reports in the chat that he votes yes.

Glen de Saint Géry: Is that accepted, Jonathan?

Jonathan Robinson: Now you put me on the spot but I think it's reasonable. I mean, he said he was disconnected. He's present in the meeting. He's call in again so I think it's reasonable.

Glen de Saint Géry: Thank you. We now have 100% in both houses, Contracted Party and Non Contracted Party House.

Jonathan Robinson: Thanks, Glen. In view of the time we'll move quickly on then to the second and related motion which is the motion to approve the charter for the PDP working group which in essence we have touched on with some substance already. So let's - the motion is up in the Adobe.

And it resolves that - I'll just present the resolve clauses and then we'll go to discussion of the motion. The resolve clause says the Council approves the charter and approves someone to be determined as the Council liaison to the IGO INGO Rights Protection PDP Working Group.

The Council directs ICANN staff to issue a call for volunteers for the PDP working group no later than seven days. And until - Resolve 3 - until such time as the working group selects a chair for the working group and that chair is confirmed by the GNSO Council the GNSO Council liaison to the working group shall serve as the interim chair.

I see Avri, your hand is up, please go ahead.

Avri Doria: Thank you. And I start out with an apology. And you'll see why in a second. While I was able to vote for the PDP because it was something that was indeed, you know, had a long history and such, I want to ask the indulgence of the GNSO Council to delay this vote by a meeting largely because without all the discussion we had today I was not able to explain to the stakeholder group what the working group, you know, duties and constraints and whatever would be.

So while the PDP was indeed acceptable I really do need to go back to just get the opinions of the NCSG. It's my inadequacy. With a week I just did not get it together to explain it adequately and I would like to have the NCSG's considered - not that they us how to vote but I don't even know what they all think at the moment. So I beg the Council's indulgence for this delay.

Jonathan Robinson: Thanks, Avri. It's Jonathan. I'll make two points. One, this is complicated and I think the best, you know, for even of those who have tracked it moderately well are struggling to keep up with all the details so I don't think you need to apologize; it's multifaceted and detailed.

Second, the purpose of a deferral is precisely that; is to - if and when there has been insufficient time to consider it adequately in the respective groups that the deferral permits that time. And that's really, as my understanding of the primary purpose of the deferral, so in my view your request is reasonable and based on those purposes.

So I have no objection. But I don't think that should necessarily stop the conversation right here, although we will come back to this. So just in case there is any other comment or question I'm more than happy to take further discussion on this right now or to wait until it comes up for consideration again which now will be in London.

I'll note I think I understand the comments from Klaus and James in the chat and in fact Volker to support the request for a deferral not that it's technically necessary but it's nevertheless helpful to understand that there is support for that. And so I think that's - that seems to be where this is going to go.

All right so there seems to be broad based support. I won't read out all the names but there's certainly - if anyone who's interested in the record can check that of the chat to see that there's support for a deferral to - and that that shouldn't necessarily preclude us getting on with calling for participants in the working group and so on.

So thanks. We'll consider Item 5, that motion on the charter for the PDP working group to be deferred. And that will give opportunity for any further clarification or discussion or indeed both at the Council level and within the groups between now and our next meeting.

Twenty past the second hour and we'll move now onto Item 8 which is to hear an update on the work of the GNSO Review Working Party. And just to make a point here I think this is likely to be a standing item on the Council's agenda.

The work of this review is the central and essential to what the repeated processes that go on so my suggestion is that this continue as a standing item on the agenda while the work of the review team goes on even if it's just for a very brief update.

That the person who's chairing the review working party let me hand over to Jennifer Wolf to provide you with the latest update and offer the opportunity to comment or discuss on that work. Over to you, Jen.

Jennifer Wolfe: Thanks, Jonathan. Happy to give the update on the work of the 360 assessment and the upcoming review of the GNSO. We had a meeting earlier this morning to finalize the process of providing feedback on the scope of questions to be included in the 360 assessment.

Our next meeting will be in London in person to then see the revised questions and hopefully be able to see a demo of what the actual survey might look like.

There's been a little confusion, if any of you have seen the list where there was an Excel spreadsheet floating around, some people thought that the survey was actually going to be done in that Excel spreadsheet so just for clarification if anyone has seen that those are just the questions.

The actual survey will be in a Internet-based software solution where you'll be asked the question and have the opportunity to respond. So if you do see that floating around don't get confused and think that that's how people are going to be surveyed; that's just our means of circulating questions at this point in time.

So everyone on the Council, if you have not yet reviewed the questions to please do so. We do still have one more opportunity to provide review and comment on the scope of the questions and the language of the questions. We've been very focused on trying to make it as easy as possible.

One of the things that we've done is determine that we'll create two versions; one will be a longer version, one will be a shorter version which the survey taker can self-select. And if you select to take the longer version you can actually do it in different sittings. So if you only have 10 minutes you could take 10 minutes, save it and come back to it later.

So we are really working to make sure that the survey that's put out there is easy to use, has clear language and clear instructions. So again, right now we're still finishing up providing feedback just on the questions and the scope. Our next steps as we meet in London will be then to look at the actual survey, how well does it work, what changes do we need to make.

And then begin talking about outreach and communication to ensure we get as much participation as possible. And then our final step will be then to look at how are we analyzing this data; how are we conducting our own self review of the data that we gathered.

That's a very brief overview. I'm happy to go into more details if there are questions or answer any other questions about the review process.

Jonathan Robinson: Thanks very much, Jen. Are there any comments, questions or input at this stage? Like I said I feel it's important that we have a regular update and that councilors are apprised of what's going on and that that goes out through the recordings as a general record. Any comments or questions? Klaus.

Klaus Stoll: I apologize for those who read my comments earlier this morning. But in the NPOC we are extremely concerned about that the GNSO review - that the questionnaire is really attractive and not only for insiders in the GNSO. And in our opinion it's not only sufficient to make it - to make it easy for people to understand and to participate; it also needs to go a little bit further to make it attractive for people and to outreach to groups who are normally at this moment don't even know what the GNSO is doing.

We've been - I think and I hope I don't misunderstand it - that there are some outreach efforts planned by staff in this direction. But one of the points would be that if these kind of outreach efforts are planned they should be at least some consultation with the crowd source and with the stakeholders before these things are going into (unintelligible) because what normally happens is if things are planned they will happen and just like (unintelligible) things are jointly developed we have a chance to change things and to make basic input. And that's all. Thank you very much.

Jonathan Robinson: Thanks, Klaus. Jen, would you like to respond to that? Jen, are you there? Would you like to respond in any way?

Jennifer Wolfe: Oh, I'm sorry. I apologize, I was on mute my mistake. Thank you. Yes, Klaus is on our calls so I appreciate Klaus participating again today. Absolutely agree, I think everyone is in agreement that outreach is a really critical piece of what we are doing.

There's no question that that's a key part of our work as we go forward to ensure that we get as much participation as possible. I know there have been a lot of questions about how do we determine, you know, who is answering the survey and is there a way to weight certain answers more than others in the analysis.

And so as we see the actual survey moved into the functionality that will actually be distributed we will be looking at how are we gathering that kind of data and then how can we use that to analyze on a go forward basis. But absolutely agree with Klaus and appreciate the comment that outreach is very important and it's part of our agenda for our meeting in London.

Jonathan Robinson: Thanks, Jen. And just to make sure I understood it correctly, but I'm not necessarily looking for a response. But my understanding was that a component was that that, just to be clear, the survey will be distributed as widely as possible. But one of the concerns that seems to be raised was whether or not the language was in some way off putting or not open enough. And so that was what I understood a component of Klaus's point.

Klaus, I see your hand is up again.

Klaus Stoll: Sorry, that I'm coming in again. Our basic concern is that normally when we are talking about outreach in the context of ICANN it's basically that we are opening a door and expect all the other people to come in.

What we would like to see outreach designed in ICANN in future that we're not just opening the door but that we are actively going out and calling people in and making clear why these things are relevant for them and engaged with them in this way. And we just want to make this point again and again in order to support the legitimacy of ICANN in the Internet governance process. Thank you very much. And especially of the multistakeholder model.

Jonathan Robinson: Thanks, Klaus. Is there any comment or input for Jen at this stage under Item 8 on the GNSO review and the work of the working party? All right, we'll draw a line under that item then at this stage.

I think just for the sake of good order, I mean, when we did that vote earlier on Yoav was disconnected and made his vote known in the

chat, but, Yoav if you - could you just confirm or reconfirm that your vote was indeed yes for that previous motion under Item 4, that would be great.

Yoav Keren: Sure, it was yes.

Jonathan Robinson: Thanks, Yoav.

Yoav Keren: Thank you.

Jonathan Robinson: That's just useful to confirm that for the sake of good order. Right, let's move on then to Item 9 which is a brief update on the work of the GAC GNSO Consultation Group which is a group which is co-chaired by myself together with Manal Ismail from the GAC. And then on that group or a number of councilors including both the vice chairs.

I think it's just, again, it's something where there is ongoing work. It has potential ramifications that are reasonably substantial certainly how the GAC might become involved in the GNSO policy development process and engaged at an earlier level.

So I think it's something that's, personally, I feel responsible for updating the Council and through the Council that GNSO as a whole as to the development of the work.

There will be a briefing note coming out in the next day or two that covers the work. It would have been ideal if it had come out and was planned to come out on Monday ahead of this but were some (unintelligible) changes. So you will see that ahead of the London

meeting and covering the two different work streams that are being undertaken there.

And just to remind those of you what they are, it's dealing with, A, a form of day today working between the Council and the GAC; and, B, specific areas - the second work stream's involvement in specific areas of the PDP and how that might work.

One key development is that through the budgeting process there has been funding for travel support for a liaison from the GNSO to the GAC. And there's work going on on what I'll - would loosely call - well the specification of that role.

But essentially it provides funding for someone who would not ordinarily otherwise be able to attend ICANN meetings or wouldn't ordinarily be there and to work in the capacity of a liaison on the policy - on GNSO policy development to the GAC.

I mean, in principle what that means is probably someone who is either potentially, and perhaps most likely, a recently departed councilor but it may not be exclusively that. In any event it's got to be someone who's very close to and familiar with both the processes and the actual work of the Council so that they can act as an effective liaison.

So that's likely to come up for formal support in London. And that's probably one of the most substantial developments that needs to be discussed.

Right, let me stop there and see if there are any questions and/or comments or input from others on that group. Please feel free to do so.

Klaus, I see your hand is up. I assume it is for this item and not the previous one so - I see it has been withdrawn.

Are there any other comments from others who are participating in that group or questions from anyone else who is not on that group or who would like to make a comment on the subject?

Either too late for some of you or too early for others or too uncontroversial. So you can consider yourselves briefly updated. I hope the briefing note will do more and you know the prospect of committing to a GNSO liaison is coming down the tracks for formalization - discussion and formalization at the London meeting.

Right, we'll close that item then and move on to Item 10 which is an opportunity to discuss issues before the Standing Committee on Improvements.

And a couple of things came up at the - really at the last Council meeting I think. And there's two possibly three issues which need to be, A, we need to agree that these make sense or referred these two that SCI; and, B, that these need to be scoped appropriately before being handed over so that we know - we have Council agreement on exactly what we're asking.

Now as far as I could see, looking at the procedures, there isn't clear guidance on, A, the role of a - someone who seconds a motion and what their expectations are; and, B, on how to deal with amendments to a motion, in particular how we deal with amendments that might be considered, in quotes, as unfriendly, in other words not accepted by

the maker of the motion or potentially the seconder of the motion which is why that role of the seconder needs to be discussed.

There's something else that Avri raised, and I don't know whether this is part of the same thing as well, which is this concept of voting threshold. So there was an issue around voting thresholds as well.

So let me hold for a moment and see whether there is an appetite to, A, deal with these, clarify these points of process and, B, whether anyone would be prepared to volunteer to scope out these two or three issues prior to handing them over to the SCI. Any comments or points on this? Alan.

Alan Greenberg: I would be happy to scope out the one on voting thresholds.

Jonathan Robinson: Great, Alan. Thank you for that. I see that a couple of other hands have come up. I mean, in some ways this may be simple enough (unintelligible) lead or hold the pen at least for the group or all three. But let's see what others have got to say. Avri first.

Avri Doria: Yes, hi. Thanks. Avri speaking. So, yes, two issues; one is the issue I brought up is really just something to be considered whether motions belong to the people who made them and the seconder or whether once made they actually belong to the group.

Dealing with it would be trivial. It's basically it would change the process to where instead of asking the person that moved whether a friendly motion or whether a minor amendment was acceptable to the motioner. It would basically be is this a minor amendment to which there is no objection a decision that the chair could easily make.

Now this would take writing and clarification. But if that was something that people wanted to look into that would be it and then we would get rid of what is sort of an anomaly. We could also decide that this is an anomaly that we're quite happy with; it in the character of the GNSO and it's been in our history and, you know, we're happy with it.

But it does seem something that's worth clarifying whether it's friendly a motion - I don't know why I keep saying a motion - a friendly amendment or chair, I mean, chair declaring, you know, that there is no objection to a minor amendment. Either one of those can happen but it should probably be documented. So I think it's worth sending the issue to the SCI.

As the liaison between the Council and the SCI I'm certainly willing to help with, you know, Alan's writing of it or had Alan not volunteered basically, you know, that seems kind of a liaison-y type task to have taken if no one else wanted it. So whatever needs to be done to get it to the SCI, I'm certainly on the hook for doing it. Thanks.

Jonathan Robinson: Thanks, Avri, for the clarification and the offer. James.

James Bladel: Hi thanks. James speaking for the transcript. And I guess I am not completely sold on this idea that the treatment of amendment to motions needs to be referred to the SCI.

I've only been on the Council not even a full year yet but I've been observing it for several years and it certainly strikes me that this is not necessarily an uncommon experience in that the Council has always, in the past, at least to this observer, conducted itself in a manner that

was fair and open and transparent and that the motioner or seconder, you know, were free to declare a motion to be unfriendly or the seconder could withdraw their seconding and then someone else could offer there's instead or offer counter motions that were then resolved first before they were, you know, determined, you know, if they were determined to be unfriendly.

So, you know, it feels like there are sufficient rules, if not protocols, you know, in place to address this and that there is also sufficient flexibility to rely on the discretion of the chair in those cases that might be ambiguous.

So I guess I'm not completely sold on that. I'm certainly open to changing my mind if someone can point out a glaring problem. But I think that the SCI is, you know, it's something that we should maybe reserve for truly perplexing or intractable type issues; this one just seems like we've got a pretty good process already established. Thank you.

Jonathan Robinson: Thanks James. And I'll just come in there and say that that's exactly the kind of comment I was hoping - I think we need to use the SCI judiciously. It's a great opportunity to - and that's exactly why I wanted to pose this question.

Are these of sufficient substance and importance that we want to refer them to the SCI? Point one. Point two, if so we need to scope them properly before doing so. So those are the - so the offers of- to scope it is great. The question as to whether we do so is also very helpful. I see Alan's hand is up.

Alan Greenberg: Thank you. I feel very strongly that the issue of the voting thresholds, particularly the threshold that would be used to potentially modified a, capital consensus policy, recommendation is absolutely essential that it be considered. And if a change is made it's a bylaw change and therefore I think that has to go through the SCI.

In terms of how friendly amendments are handled, the Council has handled it in - I completely agree with James that, you know, we have a long precedent of handling it if the motioner and the seconder agree it's treated as friendly. That is counter to what Roberts says but it's what the Council has always done. And to be honest I think it's what every other board I've ever sat on has always done. So that when I am very comfortable in leaving as it is. Thank you.

Jonathan Robinson: So here I have a suggestion. I wouldn't mind that we run this for a little while on list and just - I mean, there are two different points here really. One is making sure we have a common understanding of what is common practice. And clearly there is an issue with - to some extent with something being common practice but not documented. But at least if we've flashed it out on list it makes it clear that whether or not we have a common understanding of common practice.

Just to be crystal clear on the voting thresholds, this isn't opening up the whole issue of voting thresholds; this is simply, to the extent that they motion is being modified in an unfriendly way what are the voting thresholds. I think that was the way - where this came from. Avri, you can perhaps reminds me that it wasn't - it's not all voting thresholds that are up for grabs here it's simply in and around the modification of a motion.

Alan.

Alan Greenberg: Yes, my recollection to what we were talking about has nothing to do with amendments here. There were two separate issues. The voting threshold issue was if we take an action as we did on Specification 13 to change a formal policy of the GNSO to consider what threshold is needed to approve that.

And my concern, when I raised it originally, was that if the GNSO policy that we are changing was a consensus policy, which was not in this particular case, then we would be changing a capital C, capital P consensus policy, with potentially only a 50% plus 1 vote.

And then there are legal questions of whether Registries and Registrars consider that a valid action of Council. And that's why I suggested that the threshold should be looked at but only in that narrow case of changing a policy without going through a full new PDP.

Jonathan Robinson: Yes, thank you Alan. Thanks. And I did conflate these two issues
So thanks very much for reminding me there and, yes, I apologize for linking the two. They are linked purely by their potential reference to the SCI. I had them confused in my mind. Volker, go ahead.

Volker Greimann: Okay, can you hear me? Okay. I think Alan is just right here and has touched upon the right spot here. In the last Council session we had I think the barest majority that we can achieve voted to essentially eliminate one of the concepts that are defining of ICANN at least for registrars - from the registrars' perspective. And that was originally confirmed by a supermajority.

So looking at that decision alone already gives me pause and (unintelligible) the question if that's the right way to go forward in the future. So I support Alan's proposal that any deviation from previous policy we should look at what voting thresholds that should be necessary for that if we don't go through a PDP in particular.

Jonathan Robinson: Yes, thanks Volker. And I think we are on track now then. And so let me suggest that we bring this to a head by taking Alan and Avri's offer to sort of hold the pen and describe the problem and make sure it's properly described and agreed by the Council prior to referral to the SCI on this issue of voting that we've just discussed now.

Second, and separate, it's amendments to motions. We can discuss this a little more on list, see if we have a common view of what has become a common practice. And to the extent that we are in agreement it may be that we are happy not to refer it to the SCI.

If we can find agreement or in any event if it feels that it is something we want to refer let's take that step at a future date. So two actions please, Glen and Marika. One is for Avri and Alan to lead the drafting of the referral - for the item to be referred to the SCI on voting thresholds as we know understand it.

And, second, for a discussion to be picked up on list and absent any one else doing it I'm happy to lead that on a common understanding of practices with respect to amendments to motions. Good, so we'll draw a line under that item then and move on to the Item 11, which is dealing with our planning for London.

So, Volker, if I can ask you briefly to refer to the plans for London. In particular if there's anything you, A, want to highlight; B, want to ask questions on and I have a couple of comments to make but let me defer to you first.

Volker Greimann: Yes, thank you, Jonathan. Work on the London agenda is - it's moving ahead quite nicely. We've had confirmation of time slots for most of what we have asked and (unintelligible). I think we still have to iron out of course some of them meetings that we are having, what we would like to discuss in particular, what topics we want to bring up.

And we're in the process of discussing and finalizing these. But any suggestions here would be helpful. This is particularly with regards to the meeting with the GDD, the meeting with Fadi, the meeting with Theresa Swinehart that we're having on Saturday for Fadi and Sunday for the others.

We also have scheduled meetings for most of the working groups that are ongoing will be having something to report. We have a meeting scheduled for half an hour with the PDP improvements at - just a second, let me look at this thing again.

So we're looking at quite a full schedule again. But based on the comments we have - we have built in a couple of breaks times this time so I hope we will be able to have some breathing room between the various sessions to just get their minds focused again on the topic that we are supposed to discuss.

One other thing that I mentioned previously and that has now been confirmed is that we will have a very short session on Thursday

because of the need of the - of the ICANN as a whole so will have a wrap up session on Thursday at 8:30 until 10:00. I hope everybody will be back from the gala with an open mind and be able to get up at that early time.

Other than that, I think it's pretty much the usual. We do have our joint ccNSO Council meeting and also would like to hear some suggestions for topics there. While we have some ideas I think the Council in general should be heard and any suggestions are welcome there.

Other than that I would like to thank Glen without whom the planning so far it wouldn't have been progressed. And I would like to turn over to Jonathan again.

Jonathan Robinson: Thanks, Volker. I second it. I think we are really in pretty good shape. I feel relatively confident with all the work that you and Glen have done, so that's great.

The Council can expect from me, in my capacity as chair, that I will do two things; one, I will reach out to in coordination with a Volker to Fadi, Steve Crocker, probably the GDD and Theresa Swinehart, and make sure we open a dialogue with them over the next couple of weeks as to, you know, a two-way discussion of what could and should be covered in our meetings with them.

And you can expect me to pick up some email threads with you on that. And also the ccNSO, Volker, I need to check - there has been an initial thread between possibly the chairs of the ccNSO and the key staff support that I need to make sure you are copied in on if topics are already emerging now, I'll double check that. But certainly we can work

together on making sure that there's appropriate and good content within all of those key sessions.

Volker Greimann: Yes, and I think we have content for most of the sessions already planned. However, I would like to hear the voices of the rest of the Council just to make sure that we aren't missing anything and that we are in good shape when we enter into the meetings and we don't have to discuss most of what we would like to discuss at the meeting but already have that work preparatorily done on the Council list so that we enter the meeting and can spend less time discussing how we want to talk to Fadi, what we want to address with him but rather iron out the details and have most of the work already done on the Council list.

Jonathan Robinson: Yes, agreed. We are on the same page on that so we'll work together on that and take as much Council input as we can. Good. We are coming very close to the top of the hour and now so let me draw a line under that and move on to the Any Other Business item for which there are a few different topics.

One, we had previously the opportunity to potentially put public comment in on the strategic plan. We haven't done anything. We could ask for an extension. I don't recall when exactly that deadline is. I mean, really there are things like to we want to comment in particular on things that affect the GNSO, for example, resourcing the policy function.

So I would love to have any comment or input. There probably isn't the opportunity for too much now within the meeting but if anyone feels strongly that we could do something better and feels that they've got

the energy and ability to pick that up it may well be appropriate to review that strategic plan and think about any relevant Council input.

Second, there is an item on Whois requirements and national law conflicts procedures review. I think we are expecting a staff paper on that. Thanks Marika, I note the public forum on strategic plan closes 27 June. So there is opportunity to comment there.

We do need - oh Marika, thank you. So you highlighted the Whois requirements and national law conflicts, the staff paper is already out so just write your attention to that. Marika has kindly put the link to that in the chat.

Third point under AOB is the need or at least the possibility of a liaison to the Thick Whois PDP Implementation Team. I think - I had a question mark whether we could ask Amr to do that since I think he worked on the original team. Now Amr doesn't happen to be on the call so I don't know if there is anyone else who would like to volunteer. I can pick that up on the list with him. Oh, he is already a member of the Implementation Review Team.

So it may make sense that he is the liaison. So I will pick that up with him. And in the age-old tradition of volunteering someone who isn't present, unless there's someone who is present who desperately would like to do that, I think we can at least provisionally volunteer Amr.

Alan, I know you had a point you raised at the outset of the meeting which you wanted to bring out so let me defer to you for that.

Alan Greenberg: Yes, thank you very much. I just wanted to call attention to the email I sent I guess last night or earlier today on the currently open public comment on Board compensation.

Given the problems that we have in attracting dedicated workers to our policy processes, and ones that come back a second and a third time, and the burnout problems we have, I think it's close to unconscionable for the Board to tweak their compensation rules without any action or any even intent of looking at actions to reward, in various ways, dedicated volunteers.

I just think that they're putting their priorities in the wrong place. And I'm, you know, although I'd be delighted to take a salary for the work I do we're not talking about, you know, paying money but there's lots of other ways to tell people they are appreciated other than just giving them a certificate in a blue folder when they're leaving which is right now the only way that volunteers tend to be shown any appreciation.

So I call attention to that. If anyone agrees with me additional comments in the public comment period may be appropriate and perhaps get some action. Thank you.

Jonathan Robinson: Thanks. I see Klaus has put hand up possibly in response to this point. Klaus, ahead.

Klaus Stoll: Yes, I seconded on the list Alan's proposal and his motion. He's exactly right. I only want to add that, for example, I have very lively discussions with my own board which is basically observing how much time I'm spending on ICANN-related things and I'm not actually taking

care of my own membership. And I'm getting more and more into deep water because of this.

And I think we need - especially what I like of Alan's proposal that it doesn't have to be financial rewards; there are other ways how to make our lives a little bit easier and they really should look at it and the Board should abstain from raising their own compensation before they're actually taking care of the ground troops. And thank you again, Alan, for making that comment and taking the initiative.

Jonathan Robinson: I'll make a comment there as well. And I think this may be something - it's not absolutely connected, although I understand the connection Alan's made about the link to the Board compensation, but certainly there is a closely related issue and that is the extent to which we are relying - or over-relying on hours and hours and hours of volunteer time.

And I think that this came up in the so-called SO/AC leadership call that was held with Fadi earlier approximately Thursday last week as I recall, a week ago. And there's definitely - I think that's one theme that we can expect to see and it may be something we want to take up in one or more fora with the Board or Fadi in London. So that's certainly something - as I say I'm not necessarily linking that to compensation but there's certainly a connected point there.

Alan Greenberg: Yes, Jonathan, it's Alan. I want to make clear that, you know, again money would be nice but this is being raised in the compensation discussion as compensation for the Board in light of should they be doing this to fix their own problems without attempting to address the others? So some people have misunderstood because it comes under

the title of compensation; that's not really the thrust. The thrust is tell volunteers they matter and tell them in ways that are substantive and real. Thank you.

Jonathan Robinson: Thanks, Alan. And recognize the amount of work that's being done.

Alan Greenberg: Indeed.

Jonathan Robinson: All right, unless there are any other items I think we've come to both the top of the hour and the end of the agenda so I think we're in good shape to call the meeting to a close. Thank you, everyone, thanks for attending. Very much looking forward to seeing you all in person in London.

I will continue to work on a number of items on list in the meantime and work together with Volker and Glen to plan out the face to face meetings that'll take place there. Thanks, everyone. Good night from my time zone and good luck to the rest of your day those of you who have some more to go.

((Crosstalk))

Magaly Pazello: Thank you.

END