

Transcript GNSO Council Teleconference 21 May 2014 at 15:00 UTC

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<http://audio.icann.org/gnso/gnso-council-21may15-en.mp3>

Adobe Chat Transcript

<http://gnso.icann.org/en/meetings/transcript-chat-council-21may15-en.pdf>

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

List of attendees: NCA – Non Voting – Carlos Raúl Gutierrez – absent apologies

Contracted Parties House

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

gTLD Registries Stakeholder Group: Jonathan Robinson, Donna Austin, Bret Fausett

Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Phil Corwin, Susan Kawaguchi, Osvaldo Novoa, Tony Holmes- absent apologies, proxy to Osvaldo Novoa, Heather Forrest, Brian Winterfeldt

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Marilia Maciel absent apologies temporary alternate Rafik Dammak, Edward Morris, Stephanie Perrin, Avri Doria – joined late - if absent apologies proxy to Amr Elsadr, David Cake – if absent apologies proxy to Edward Morris

Nominating Committee Appointee (NCA): Daniel Reed

GNSO Council Liaisons/Observers:

Olivier Crépin-Leblond– ALAC Liaison

Patrick Myles - ccNSO Observer

Mason Cole – GNSO liaison to the GAC

ICANN Staff

David Olive - VP Policy Development

Marika Konings - Senior Policy Director

Rob Hoggarth - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Senior Policy Director

Steve Chan – Policy Director

Lars Hoffmann – Policy Analyst

Berry Cobb- Consultant

Glen de Saint Géry - GNSO Secretariat

Cory Schruth – Systems Engineer

Guests:

Jen Wolfe – GNSO Review Working Party - Chair

Jeff Neuman - New gTLDs Subsequent Rounds DG– Co-chair

Petter Rindforth- IGO-INGO Access to Curative Rights Mechanisms PDP WG – Co-chair

Coordinator: Recording has started.

Glen DeSaintgery: Thank you, Jonathan. Will you go ahead?

Jonathan Robinson: Right. Hello, everyone. Welcome to the GNSO Council meeting today, Thursday the 21st of May. We've got a full agenda so we might as well move through it quickly. But first on item 1.1 let's make sure we capture everyone present. So, Glen, can you confirm how we'll take the roll?

Glen DeSaintgery: We'll take the roll from the people on the chat, Jonathan, on the Adobe Connect. And just to mention that we have apologies from Tony Holmes, who's given his proxy to Osvaldo Novoa. We have apologies from (Miranda Maciell), who has given her - who has put in her place Rafik Dammak as temporary alternate. David Cake is absent. His proxy goes to Ed Morris. Avri Doria is absent, and her proxy goes to Amr Elsadr. And we have Carlos Gutierrez, who is absent with apologies.

May I just remind everybody to make sure that you say your name before speaking and also to mute your lines if you're not speaking. That is to avoid any noise. Thank you very much, Jonathan, and over to you.

Jonathan Robinson: Thanks, Glen. I'm going to ask you for an audio test because of the comments in the chat. Can you confirm the audio is clear?

Glen DeSaintgery: I'll get the operator.

Jonathan Robinson: Okay. Then what I will ask I just wonder how we deal with this. But let me move us through a couple of initial items. I'm just wondering how to get a clear audio signal here. It may be as simple as...

Glen DeSaintgery: I'm working on that, Jonathan.

Jonathan Robinson: Okay. What we're going to do then is I'm going to work through the first items and then just the initial items and then I'll do a restart of the (unintelligible), see if I can get a clear computer audio. If I cannot do that, I will then go onto a telephone connection.

So let's deal with the first practical issues point first of all and then we'll see where go from there. Can I have a call for any statement of interest updates? Are there any statement of interest updates? Seeing none, item 1.3, any comments or points on the agenda?

Seeing none, I move to item 1.4 and have to apologize again for the status of the minutes. I'll do a catch up and get these sorted out. It's something that seems to have just slipped through the cracks over the last few meetings. Of course if you have access to full transcripts and audio but it's still a piece of housekeeping that should be sorted out. And apologies for my part in that.

With respect to the action items under item two, I'm going to pick out just two or three of these and highlight those points. We are some way into the planning for the Buenos Aires meeting and you should have seen a draft schedule shared with the council. Please do comment or give input if you have any concerns or issues with that.

One point I would like to highlight to you is that we have typically over recent times held a Tuesday evening meeting at the end of the constituency or stakeholder group day that (unintelligible) on Tuesday. There is a very clear purpose to those meetings and that purpose is to enable the council and any relevant members of the stakeholder groups, the chairs or others from the constituencies or stakeholder groups to come together and to discuss any concerns or issues over motions on the council agenda.

It is clear in Buenos Aires that we will have more than motion on the agenda that may require some discussion. In the last meeting in Singapore, while we had some motions, there was little or no controversy or specific issues to discuss there. So I just want to encourage all of you to make sure you're aware of that Tuesday evening slot and make your various groups aware of that if there are particular issues to discuss.

Clearly the one sizable motion that we (unintelligible) that we'll discuss a little later perhaps in more detail is that relating to the transition and the work of the Cross-Community Working Group on this IANA Stewardship Transition. So please be aware of that Tuesday evening slot and the necessity to participate there and reflect the views of your group.

I hear noise from an open microphone. If you could please mute your line. With respect to the GAC communiqué, an item further down on the list, I'm not sure if you

have independent scroll. Can you confirm to me, Glen, if everyone has independent scroll on this.

Marika Konings: This is Marika. Yes, everyone should be able to scroll themselves.

Jonathan Robinson: Thank you, Marika. So all of you, you can scroll down as we go through this yourselves and I'll touch on the item dealing with the GAC communiqué. We've made some progress there, not as fast as some of us might have envisaged or perhaps liked, but we've added a couple of volunteers to the group and hopefully you can get a bit of momentum there.

There's a matter of creating the latest template and populating that with items from the Singapore communiqué as a test exercise and then really just playing a little bit and thinking about how we can make that effective. But we'll discuss that with our GAC colleagues in Buenos Aires, and I expect we can hopefully process the GAC communiqué by this mechanism post Buenos Aires but we need to do a little bit of homework in advance of that.

It's probably worth highlighting that we did put in those comments on the budgets, so thanks to those who contributed and worked on that. I know it wasn't everyone's most familiar area but it was good to see that we managed to do that in a relatively short time. Amr was significantly helpful there, so thanks to all of you who did contribute to that.

And then I think I'd like to make a couple of remarks on the CWG on auction proceeds. You'll be aware that we sought the expressions of interest. We then went out and sought volunteers for interested persons for a drafting team, and then there was an e-mail from Steve Crocker indicating some thoughts and creating some controversy around how this might take place.

I've actually spoken to Steve sort of one to one in the interim, and I think it's much clearer now to him and to me how the team would like to contribute but is very respectful of the work that's going to go on in the cross-community working group.

A couple of other developments have taken place. There was a so-called SO, AC, SG leaders call this morning, and it was - it's been confirmed that the high interest

session on Monday there will be an opportunity -- Monday in Buenos Aires -- they will be an opportunity to have a discussion in and around the views on the auction proceeds. And I think it makes sense there to try and perhaps contribute to that by setting up a number of initial questions. So there will be a high interest session on that.

And I think we will also run a second session on the Wednesday, which is likely to be a form of workshop, and both of these, one the discussion meeting, and one on workshop, should provide very valuable content and input from the community as a precursor to getting the drafting team going.

So it's been a little disjointed. There have been various initiatives and communications going on. I'm hoping that we'll bring it all together in Buenos Aires and set the groundwork in place to get this cross-community working group going in the period between Buenos Aires and Dublin, and possibly in earnest from Dublin.

The concern there and one of the issues is that everyone is very busy and not everyone is equally informed. Amr, your hand is up. So any comments or questions on those action items and in particular possibly the last one on auction proceeds? Amr, go ahead.

Amr Elsadr: Thanks, Jonathan. Yes specifically on the auctions proceeds issues, I was wondering whether in principle would there be an objection from Steve or the board to sort of include what he indicated in his letter of perhaps he - the existence of other considerations besides what the cross-community working group would recommend.

To make my question clearer, Steve did indicate in his letter that there would be other considerations that the board would have to take into consideration when deciding what to do with the proceeds of the auctions. Would there be any objection from the board in sort of communicating what those considerations may be to the cross-community working group so that they may deliberate on them perhaps along with board liaisons, similarly to what's going on for example in the cross-community working group for ICANN accountability. Thanks.

Jonathan Robinson: Good point, Amr. I'm not going to attempt to answer for the board in any sense, but I would expect - I would anticipate to your second point that there would be one or

more board liaisons to the cross-community working group. But probably more importantly at this stage, when we do the work, when we start to kick off a workshop in Singapore, I'd expect that would be a time to invite Steve or another appropriate representative from the board to share any thoughts and indications and then to have those discussed in a sort of open, transparent and appropriate forum.

So that's what I'm hoping we'll be able to get to happen is rather than just a couple of emails or something where things can get potentially misinterpreted or misunderstood, is to actually invite the sharing of ideas via either the high interest session and/or the workshop.

Go ahead, Phil, Philip Corwin.

Phil Corwin: Yes thanks. Can you hear me okay?

Jonathan Robinson: I can hear you well, Philip.

Phil Corwin: Okay. Yes just to clarify, we're still, while there'll be this opportunity for some initial discussion at that high interest session on Monday after the opening; we're still planning on going ahead with the cross-community working group. Is that correct?

Jonathan Robinson: Yes, Philip, unambiguously so. Perhaps slightly slower than some might have...

Phil Corwin: Okay. I just wanted to clarify that. Thank you.

Jonathan Robinson: Philip thanks. Yes that's the plan and intention, and perhaps slightly - at a slightly slower pace than some might have initially envisaged, but certainly to get going with it in a well-informed way and also recognizing the limits on community resources and so doing so that this is a particularly important topic but probably not as urgent as some other topics being dealt with right now.

Onto Amr's question in the chat. No, the charter drafting team hasn't yet been even formed let alone begun its work yet, although there has been a call for volunteers and there are a number of names in the hat. So I think it's appropriate to put out some form of written update very shortly to clarify what's going on, including this high interest session.

Okay good. So if we could come back to the main agenda then. And what I suggest we do is hear an update from - what I suggest we do is go straight to item five, where we take an update from Thomas Rickert on the cross-community working group on ICANN accountability, which will give me the opportunity to drop off, recheck my connection, and come back in order to deal with item four.

So I'm going to drop off for a minute or two whilst Tomas provides you with the update on item five, and I suggest I hand the chair over to vice-chair Volker Greimann until I rejoin. So, Volker, if you can take over, Thomas can provide his update, and I'll rejoin shortly. Just confirm, Volker, you're happy to do that.
(Unintelligible)

Volker Greimann: Sure thing. Thanks, Jonathan. Let's just (unintelligible).

Thomas Rickert: You're breaking up on me. Have you already handed it over to me? This is Thomas.

Jonathan Robinson: Thomas, the audio isn't good and yours is loud and clear. So why don't we just let you go ahead with the update? And if you could chair or manage the questions, any questions or Q&A that result from yours and I'll join shortly.

Thomas Rickert: Thank you very much. I'm more than happy to do that. Hello, everybody. This is Thomas Rickert and I'd like to give you a brief update on where we are with the CCWG. As you will surely or hopefully have noted, we have put out a report for public comment a few days back. The public comment period is open until June 3, if I'm not mistaken. And maybe staff can put the link to the report in the note space so that you have easy access to it.

I should say that the report does not yet represent consensus positions by the CCWG. That would be premature. We have been working on improving ICANN's accountability, along the lines of what I have presented to council during its earlier meetings. But we've established requirements. We have defined escalation paths for the community to exercise certain powers. We've been working on a revised mission for core values and commitment that would go into the ICANN bylaws.

We've been working on the concept of so-called fundamental bylaws for those areas of the bylaws that we felt need to be made much more robust against changes by the ICANN board so that the community would have the opportunity to veto changes to normal bylaws but would need to be asked for explicit approval when it comes to fundamental bylaws.

We have put in voting thresholds for exercising these community powers. We've worked on an improved IRP, independent review process. We've been working on the reconsideration process. So we've been looking at all sorts of areas in which ICANN's accountability can or should be improved to the historical relationship with the U.S. government.

For some areas we have come up with alternatives, because the CCWG was not sure which option to prefer, so for every question we more or less have a reference option or an option that got most traction inside the CCWG, but there's no decision made yet. And we would very much like to encourage the community to chime in and provide guidance as to whether it thinks that we are moving into the right direction or whether we need to tweak the solutions that we've put in our report or even think of new proposals that we haven't yet considered.

So this public comment period is the tightest for our progress and ultimately for our success. It is quite a long report, but we have a very punchy and to-the-point executive summary, which has been recently published in I think five or six languages. So we're trying to be as inclusive as we can with this. We have held two webinars and answered questions that came from the community.

We have created the question-and-answer document, which we're going to populate with more questions and answers as we move along so that the areas where we have not been as clear as we should be will be more explained for the community to better understand what we're doing. We have been working on graphics to show the processes that we have envisaged for let's say recalling or removing directors for - asking for reconsideration of budget, strategic plan and operating plan and so on and so forth.

We're currently in the process of creating videos that speak to certain topics of relevance to make it easier for the community to understand where we are. So we're

doing all this in order to enable the community to make informed decisions during the public comment period and to provide us with guidance as to whether we need to adjust our report and in what areas. And then hopefully we will be able to have extensive and informed discussions with the community at the upcoming ICANN meeting in Buenos Aires.

But in the meantime, I would really like to encourage you to provide feedback, even if it's not final feedback that you or your respective groups are going to put into the public comment box. But if you have questions or concerns, please do raise them now.

We think that many questions can be or many concerns can be removed by just explaining better what we have been doing so far. So please don't be shy. Please do ask questions. That will increase the probability of us coming to a consensus solution in the foreseeable future.

I should also say that we have been working extensively with an external law firm to make sure that the proposals that we're working on are compliant and that what we have defined in terms of requirement can actually be implemented under California law. And the reference model that we're currently considering, which we tagged the reference model in our report, is to make ICANN a true membership organization.

It is already a membership organization now but it doesn't have any members yet. But our plan is that we would have a community council -- that's the provisional wording that was used for it -- where the community has voting powers and in order to exercise such voting powers, the community needs to have a legal vehicle.

And we have been informed by the lawyers that we're using that the easiest way to get this done would be the use of so-called unincorporated associations. These are very lightweight, easy-to-set-up legal entity that would ideally be set up by all SOs and ACs that would not have any assets, and therefore they wouldn't make an attractive target for the action.

In fact we've been reassured that the legal risk would not be higher than they currently are for the community, so, you know, it shouldn't be much of an issue there. Again they are easy to set up and they would sort of be the legal tool for the SOs and

ACs through which they can exercise community powers. They would not replace SOs and ACs. The SOs and ACs would not transform into those, so the situation would remain almost as it is, only that they would have this additional legal vehicle which would need to be set up to exercise certain powers.

There has been a lot of uncertainty around this concept. This is why I'm explaining a little bit about his concept. The big upside of using this concept is that all the community powers that we've been working on would be fully enforceable by using that concept. We have looked at and are still looking at alternative implementation models, but they would not have such robust enforceability.

And so I really do encourage you to take a look at that, to let me or let us as a group or as co-chairs know whether you see any difficulties with that, ask questions that you might have because it would be very unfortunate if all the volunteered time and the money spent on external counsel's advice would be wasted in part or in total if we could not make progress based on misunderstandings surrounding the concepts that we're working on.

Again, we have understood our mission, and that's in the charter, to work on accountability mechanisms that help to replace the historical relationship that ICANN had with the U.S. government. And therefore we understood that it would be our task to look at robust and enforceable accountability mechanisms which currently we don't have, and therefore we came up with the legal solution that would best suit this purpose.

I think I should pause here and then hear whether there are any questions from councilors. Jonathan?

Jonathan Robinson: Thomas before I ask you, can you confirm the quality of my audio please?

Thomas Rickert: The quality is almost perfect.

Jonathan Robinson: (Unintelligible) all right. So that's good. Thomas, I was wondering -- and this is - I don't want to open up a hornet's nest -- but did you discuss in this sort of membership - I understand these unincorporated associations, they then are members I assume or perhaps understand, and then obviously we are here in a sort of GNSO context.

Did you talk about whether those members would all have equivalent standing or would - is that possibility that different members would have different votes, if you like? Was that something that was covered at all? So I guess the question is twofold. Could you confirm my understanding; and, B, could you confirm whether or not that's been discussed? Thanks.

Thomas Rickert: I'm more than happy to answer both questions. With respect to the first question, your assumption is correct. These unincorporated associations would be the members. We do need legal personalities as members. They can either be natural persons or legal persons.

And since we don't want a sort of parent thinking, no individuals, i.e. no persons, should become members of ICANN, we chose the option of having a legal entity, which would be the unincorporated associations. And that would be needed because as you know the SOs and the ACs, the way they're currently structured, are not legal personalities, so we can't use them on an as is basis.

With respect to the second question, our current thinking and proposal is that all SOs and ACs, except for RSAC and SSAC, would have five votes, and RSAC and SSAC would have two votes. We have been discussing different options, so there has been the idea of having four votes for the organization, which could then be allocated let's say in the GNSO to each stakeholder group, but ultimately the preferred option at the moment is to have five votes, because that would make it easier for the lives of ALAC or the GAC because they could then have one vote per world region.

Jonathan Robinson: Thanks, Thomas. That's helpful. Are there any other questions or comments for Thomas on the work of the CCWG at this stage? Amr, go ahead.

Amr Elsadr: Thanks, Jonathan, and thank you, Thomas. I was wondering about something and to be honest I haven't gone through the proposal very thoroughly yet. I hope to over the next maybe week. There's a section in the proposal about the implementation plan of the proposals being recommended. I was wondering if there is a role for a sort of implementation team of community volunteers to sort of work with ICANN staff on implementing the recommendations that the CCWG is putting forward or not.

And another question I have is regarding the association of the Work Stream 1 recommendations with the CWG stewardship proposal. I was wondering if there was any idea or vision to -- I'm not sure if this would belong to Work Stream 1 or Work Stream 2 -- but is there any thinking to what sort of in the future assessing how effective the recommendations coming out of the cross-community working group on accountability are and whether they may need revisions, perhaps periodic revisions, before every scheduled IANA function review happens? I hope my questions are clear. Thanks.

Thomas Rickert: Thanks, Amr. Yes, these are excellent questions. With respect to the CWG relation, we have been asked to look at certain aspects that were relevant for the CWG, and although we don't yet have consensus recommendations, our group has addressed all the requests that we received from the CWG and built them into our report.

And we have not heard any concerns from CCWG members that could speak against the adoption of exactly these recommendations. So I am more than confident that all CWG requests will make its way into our final set of recommendations.

With respect to reviewing what we have done, we don't have a dedicated review with respect to the work that we're currently conducting, yet we have - we are suggesting that the reviews stemming from the affirmation of commitments, the ATRT reviews for example, would make its way into the ICANN bylaws and would thereby be perpetuated.

So there will be reviews for accountability topics. We're also recommending to make the IANA functions review requested by the CWG a golden bylaw so that this review can't be sunset. So with this I think we are addressing exactly your concern, i.e. to make sure that the accountability in ICANN is regularly reviewed and that the ICANN board has to be transparent about the implementation of the recommendations or any issues speaking against the adoption of such recommendations stemming from regular reviews.

With respect to the implementation, we do have a plan that speaks to the implementation prior and post transition. That comes from the Work Stream 1/Work Stream 2 distinction, and our group is working on the basis of establishing higher

level recommendations first and as time permits going to a greater level of granularity or detail.

So we certainly can't think of every minute detail we - our work is so all-encompassing when it comes to ICANN's accountability that, you know, if we wanted to be that accurate, we would surely need a few more years to work. So implementation oversight is built into our thinking. So at one stage we have to pass on our recommendations to the chartering organizations for adoption and then pass onto the ICANN board, which then passes them on for - adopts them and passes them onto NTIA.

And certainly there will be questions when it comes to implementation and we need to make sure, and we will make sure, that an implementation oversight team, the composition of which is yet to be determined, will make sure that the implementation is done in the spirit of the original CCWG deliberations and recommendations.

Jonathan Robinson: Great. Thanks, Thomas. I must, in the interest of keeping us moving through the agenda, move us onto the next item now. But that's a very comprehensive answer and I can see it's been helpful to Amr and I'm sure others as well. So thank you for that.

Obviously given that we skipped item four, we'll now go back to item four, which deals with the other cross-community working group running of substance, of significant substance, running at the moment. That's not suggest that others running are not important, but as you know this work is coming to a head rather rapidly under item four, the cross-community working group on the IANA stewardship transition.

Just to remind everyone why these are the agenda, they're on the agenda because we are a chartering organization for both of these cross-community working groups and therefore we'll have to ultimately review and approve the work. And so the objective of having these as rolling items on here, in particular given the substance, importance and relatively high speed at which these are operating, is to make sure that councilors aren't in any way surprised by the outcomes and the direction of work and the content of the work and that you're able to keep your groups fully informed.

So with respect to item four and the cross-community working group to develop a transition proposal, the public comment period closed yesterday and comments are now being processed. There are in the region of 50 public comments being -- that's 5-0 -- being received, so it's a healthy input to that public comment period, notwithstanding the fact that it was shorter than the standard 30-day public comment period as opposed to 40. And as I say, those comments will be - are being systematically processed as we speak.

The intention is to review those comments, take any additional work that's been done in the interim during the public comment period, synthesize those, and generate a final proposal comfortably ahead of the Buenos Aires meeting such that that proposal can in principle be brought to the chartering organizations at their meetings in Buenos Aires. Clearly that's us.

So we will and should expect to receive that proposal ahead of the Buenos Aires meeting and for formal consideration, all things being well, at our council meeting on the Wednesday in Buenos Aires.

So I guess there's two points here. One is does anyone have any comments or questions around the work of the CWG stewardship at this stage, and also what - has anyone got any thoughts about what the council and through the council, you know, the GNSO stakeholder groups and constituencies, should be doing to prepare for this? Any comments or thoughts on process and how we might manage and handle of this?

So if you've got any questions or comments on substance or process, I think this is an opportunity to air these, because the next time we meet will be on the weekend sessions in Buenos Aires and then we meet as a formal council meeting will be on the Wednesday session. Philip Corwin, go ahead.

Phil Corwin: Thank you, Jonathan. I just wanted to note for the record that the business constituency, which of course I represent on the council, filed a comment yesterday. And in the comment, the BC noted that the proposal that we were commenting on was not complete and had some major gaps in it. It was dependent on the work of the CCWG on accountability for its accountability provision so we couldn't judge how they were meshed yet.

So the BC did request that the CWG stewardship consider doing another 40-day comment period on a more complete proposal after Buenos Aires. From what I've seen of the discussion on the stewardship e-mail list, that is now their plan. Their plan is to take these comments into account and then send something final onto the ICG without further opportunity for community comments. So there is a concern there that I wanted to note. Thank you.

Jonathan Robinson: Thank you, Philip. I haven't seen that BC input at this point but I take your point. So in my capacity as chair, co-chair, of that CWG I'll make a couple remarks. I think on the latter, your point is very well taken. There is the dependency on the work of the accountability cross-community working group. It is the explicit intension of the stewardship cross-community working group to make and ensure - to make its proposal contingent on the measures which it is dependent on being put in place by the accountability group.

With respect to your other point as to the completeness or not of the draft proposal currently out for public comment, I acknowledge there's a point there. The work has continued on matters of I guess in my view detail, but I accept that's open to interpretation as to the materiality of those points. And it's - there has always been some element of risk that - from the CWG's point of view that some in the community may view those as sufficiently substantial, the draft proposal as it becomes finalized is materially different to the draft.

It's my opinion that the draft is substantial and while it's not complete in every detail, it's very clear where it's going. So there's a point to be taken there, and I think we have to certainly as we process those public comments see - recognize that and deal with that. So point noted and I appreciate you making it.

Any other comments or questions and in particular if you have any concerns about, you know, how you're going to manage to bring your groups or yours stakeholder groups or constituencies up to speed? Any other comments on as I said substance or process relating to this item?

All right. Well please do make sure you are as familiar as possible with the work and as we go forward. (Susan), your hand is up. Go ahead.

Susan Kawaguchi: Yes, I was just wondering with Fadi's announcement this morning how that might impact the - both working groups? Because we, you know, some of this I'm sure, you know, the thought process has been around Fadi being here, you know, in the community to lead this transition. Having an unknown quantity that we would hand this over to now to make that transition or to, you know, maybe as the transition occurs and then it is immediately put under their control after Fadi leaves, it seems like that could have a big impact, and I was just wondering what the thoughts were around that.

Jonathan Robinson: I think it's a really question and I'm sure it's something that's going to be in a lot of people's minds, (Susan). Obviously it's - the news is just being digested. I had the privilege I guess of being on the so-called SO/AC/SG leaders' call this morning at which Fadi was personally present and announced his intention.

I should say that there were three, at least three, board members there, the chair, the deputy chair, and the chair of the new gTLD program committee, that's Bruce, Cherine, and Steve. And all three of those and others emphasized - I guess -- and Fadi -- emphasized a couple of points. One, he's not leaving immediately. He's around until March or so next year. Two, the institution is bigger than the person and should in any event be able to cope. But I think it's an obvious question to ask and an interesting point.

I guess you could say that -- and you sort of touched on that in your remark -- is that may be implicit that the understanding is that in an ideal world in a fair wind, the transition is complete by the time he steps down, but it nevertheless goes to your point then that the incoming CEO will be taking over in a situation which is arguably significantly different.

But those are just some - little bit of further information from the call this morning and perhaps a couple of personal thoughts. But it is something we need to digest. And I see (Dan) in the chat also recognizes the value of the question and the point.

Okay. Well let's move onto the next item which is that - an update and really a discussion item. It's headed an update but in practice it's a brief discussion item on a proposed change to the charter for the cross-community working group. And I think

the -- on Internet governance. And I just (unintelligible). If you could just mute your mic (unintelligible).

Thank you. I'll just make a point on process here and that the proposal here is to consider a change to the charter, which Rafik or Olivier or both will talk to in a moment. But really the opportunity here is for us to consider this, and providing there is no objection, which at face value doesn't mean there will be but I won't presume that, we can simply accept that. If there is, I expect it would need to come to the council again as a motion.

So just give you a head's up there as to the process and let me hand over to - I know Rafik is on the call but I'm not sure if Rafik or Olivier is going to address this, so whichever of you is ready and prepared, please make your remarks on this topic. Thanks. Olivier, Rafik will lead. So go ahead, Rafik.

Rafik Dammak: Thanks, Jonathan. Yes so, you know, we sent this request a few weeks ago, so maybe because I - maybe to give just the background is that when we started this working group in the beginning we didn't have a charter and then we worked on a charter. But that was before the cross-community working group on IANA stewardship and ICANN accountability.

So we didn't have the same, if I can say that, the same wording regarding the members of the cross-community working group. And we are trying here to be more open and to normalize like the other cross-community working group and we propose that as a change so no code. In addition the cross-community working group on Internet governance would be open to any interested person as a participant.

A participant may be from a chartering organization, from a stakeholder not representing the cross-community working group on Internet governance, or maybe self-appointed. A participant will be able to actively participate and may attend all the cross-community working group meetings or groups and sub work groups. However should there be a need for a consensus call or decision, such consensus call or decision will be limited to the cross-community working on Internet governance members appointed by the chartering organization.

So when the motion for the charter that was voted in the L.A. meeting in that time there was also noted that the several constituent stakeholder groups to appoint representatives, but that didn't happen for all of them. And we have a situation that still we got I'd say members from the previous working group still participating and so on. So just here we are trying to normalize and to be aligned with what other cross-community works are doing in terms of participant and members. Okay.

Jonathan Robinson: Hey great. Thank you very much, Rafik, and I think you make that point very clearly that this aligns the work - aligns the structure or plan with those of the other CWGs that we were just discussing a moment ago. Amr, I see you say no objection but note that an amendment was made to the motion that the GNSO adopt the charter of the CCWG specifically, and now that seems moot. Yes, okay point - fair point. Olivier?

Olivier Crepin-LeBlond: Thank you very much, Jonathan. Olivier Crepin-LeBlond speaking in my capacity of one of the co-chairs of that working group appointed by - a co-chair appointed by the ALAC on this. It's just worth noting that the work of the group has continued and is ongoing and it's - this effectively just to put things in line. The same question is being asked of the ALAC and there were no objections. Thank you.

Rafik Dammak: And I if can add, same for the ccNSO too, so.

Jonathan Robinson: Thank you, Olivier. Thank you, Rafik. Are there any other concerns or issues with this proposed change? In other words any points of detail or are there any objections? Okay so just for the record I'm going to make sure we deal with this properly. This is item 6.2 now. I'm going to ask if there any objections to this proposed change in the charter.

Okay. So if we could record for the minutes that there are no objections. And we should note also that there is a need to appoint a council liaison to this working group, cross-community working group. And in fact I believe Carlos has volunteered for that. I'm not sure if there have been any other volunteers. I think it was Carlos who volunteered. So thank you for that.

And I'll note that Carlos is not on the call. So unless there are any concerns with that, I think we can communicate that on the list to Carlos that he - it's acceptable for him

to serve as liaison. Okay good. Well thank you, Rafik and Olivier, for bringing us up to speed with the work and in particular this point.

We - you can confirm them that you can go ahead without an objection to that minor adjustment to the charter.

The next item, item seven, deals with the progress and any issues arising out of the work of the cross-community working group on the use of country and territory names as TLDs. And I think we have Heather Forrest available to present to us and give us the update about any issues or concerns. So let me hand over to you, Heather, and we can hear from you.

Heather Forrest: Thank you, Jonathan. Just to confirm that you hear me all right.

Jonathan Robinson: Yes, Heather confirmed.

Heather Forrest: Marvelous. Thank you very much, Jonathan. Carlos and I serve as co-chairs, GNSO co-chairs, of this cross-community working group and Carlos is not able to be with us today so has asked me to lead this update for you.

What I'd like to do we've prepared a very short set of slides. I'll go through those but relatively rapidly they contain links to various documents that are best pursued on your own time to the extent that you're interested to do, and I will instead focus on two things primarily really, the key substantive issues and any sort of obstacles or problems that we're facing, and then take any questions.

May I confirm with Glen or Marika or any staff let's say, do I have control of the slides or how should we do the slides?

Marika Konings: Heather, this is Marika. I've made you a presenter so you can move the slides for everyone. If you use the arrows at the bottom of the hub, you basically move them along as you speak.

Heather Forrest: Perfect. Excellent, Marika, thank you very much. This first slide presents a timeline of our work to date. You can see that this isn't exactly the fastest moving cross-community working group, albeit it's one with an issue that's proven politically and

policy-wise quite sensitive. And you see it takes us up to today where we are in terms of our substantive work.

I'll leave this to you to review on your own. It's safe to say that I'll point out what's happened between Singapore and now. You may recall from the GAC communiqué of Singapore that the GAC recommended cooperation with this cross-community working group, and I'll say something as to substance as to where we are with that in a moment.

The group is led by this straw man options paper let's say. It's capturing as we go the group's work. It's very much a work in progress. And there are, if you like, at this stage three principal sections to this options paper. The one deals with the context, and this has proven significantly more challenging and controversial than I anticipated, simply understanding the background and the history of how policy on country and territory names has come to be at the point that it currently is and in particular the removal of country and territory names in various manifestations from the current round of new gTLD expansion.

The second substantive section of the paper deals with definitions, and one of these is country and territory names. And this is also proving relatively difficult. This does not surprise me as an issue given that the predecessor of the cross-community working group is a study group that was formed by the ccNSO. I served on that study group to represent the GNSO, and this very issue really occupied the bulk of the study's group time and what do we, if you like, this goes to scope, what do we limit our work to.

And you'll see here in the slide the question that the group faces, and one of the points that I would like to have some feedback from formally or informally is the definition of country and territory names. Now this very much goes to the scope of what the group is doing and it also goes to the actual recommendations to the extent that we wish to define country and territory names more broadly than those are defined or perhaps more narrowly than those are defined in the applicant guidebook. That of course changes the measure of our inquiry, what we actually are looking at within this group in terms of making recommendations as to future policy in relation to those names.

I'll leave that there for the moment and perhaps answer questions about that at the end. And finally our first true point of substance, if you like, is this initial perhaps what you might say easiest, although perhaps not intuitive, representation of country and territory names, which is the two-letter country codes.

There's been a fair amount of work in explaining the relationship of that policy to now to the ISO 3166-1 standard simply summarizing the status quo which is to say that two-letter codes in ASCII were removed from eligibility in the current round and then options for future policy, what we do with two-letter codes. We started with two-letter codes because it was generally thought that that would perhaps be easier than starting with names. So building up from two-letter codes, three-letter codes and names.

What I will do is I'll post to the council list, we have a table of options, and I would very much like your input from the stakeholder groups and constituencies within the GNSO for your thoughts on how we deal with two-letter codes. Specifically what we're looking for is input on three things: what do you think about the way that we've articulated the options, what do you believe the benefits of each the stated options might be, and the burdens.

(Donna), in relation to your question, this particular CWG its charter is limited specifically to the top level, so yes, we're only dealing with the top level.

As I say, I'll post to the list this options chart for you and I would be very grateful to have some input from your constituencies and stakeholder groups to take back with Carlos to this group.

In terms of the next steps, and this is helpful in identifying some stumbling blocks and some problems, one of the issues that we have in carrying out this work, clarifying what we're doing and dealing with definitions, which is quite a fundamental point to come this far in a year and we're still not quite agree on what country and territory names are. That's proving to be a problem. I suspect that the ccNSO and we may have differing interpretations as to what country and territory names should be defined to include or not include.

There is also the matter of the GAC communiqué from Singapore and the overlap, very significant overlap, of the work of this particular cross-community working group and the working group within the GAC on geographic names. That GAC working group is working very broadly at - or looking very broadly at geographic names, which of course would include logically country and territory names.

Olga Cavalli chairs that working group. She has not and is in fact a member of this cross constituency working group. We walked away from Singapore thinking that and certainly having read the communique that there would be some sort of increased communication between the two groups or cooperation and that certainly hasn't been the case.

Olga has just recently started attending the cross community working groups calls and at this point cooperation is fairly one way in a sense that Olga reports back to the GAC working group as to what we are doing and we don't have a great deal of visibility as to what's happening in the GAC or how we deal with this overlap.

So I raised that to council as a significant issue along with the scope issue. Another thing I'd like to point out as a significant challenge is we are the GAC or excuse me the GNSO is a charting organization this group along with the ccNSO.

The ccNSO routinely has a number of participants on our calls and GNSO participation is significantly lower. And my concern I raised this to council I think it's important that it be minuted is that if we don't have GNSO participation there's a risk that the outcome is not one that fully expresses the full range of GNSO perspectives on this issue.

I'm very happy to point you to Lars who supports our group to the extent that you know anyone in your constituencies or stakeholder groups who would like to attend by all means that's very welcome and Lars can get the details to you. With that I'll turn it to questions.

Jonathan Robinson: Thanks Heather. Go ahead (Donna).

Donna Austin: Thanks Jonathan, thanks Heather. So while this work is aimed at the top level the registry stakeholder are having somewhat of a battle and I've had a battle with staff and the GAC for some time now about the use of country codes at the second level.

And we've kind of progressed to a continuum I suppose where all two characters were reserved and we've got to a point now where unless there is comment or objection at the second level the (prominent) individual government most of those letter-letter combinations can be used at the second level.

One of the and I think this perhaps we could benefit from some of the work that you've done around use of country codes and if you have definitions of those it could be useful to us in trying to manage the challenge that we have with some of the individual government thing that we can't use certain strings of the second level which one is dot CM for China, IT for Italy. So there's a few that are still kind of sitting there as outliers.

On country and territory names at the second level requests have gone to ICANN through the asset to use those country and territory names for the second level entail these but that we had a discussion about this on the registry call yesterday.

Despite requests going in over 12 months ago we still can't move forward to the second level on country and territory names because the GAC is now developing a database and we don't understand what that database will contain and we don't understand what process the GAC will come up with in terms of the use of country and territory names for the second level.

So while your work is into the top level I think there could be some benefits certainly for the registries to have a conversation with you about definitions or any work that you've done that can kind of help us at the second level.

So I'd be interested in having a conversation offline with you on that Heather, thanks.

Heather Forrest: (Jonathan) may I respond briefly?

(Jonathan): Yes please Heather go ahead.

Heather Forrest: (Donna) thank you very much for your comments and I'll say something very quickly to each. I have very serious concerns about the utility of this cross community working group in terms of the fact that we have a very, very limited charter. And we have all of these other activities that are happening in the environment in the broader environment, the GAC activities happening at the second level.

And I just I'm not really sure how useful this cross community working groups outcomes are going to be to the extent that look this group is chartered to come up with a framework or first to establish whether a framework is possible, a framework is workable in terms of the use of country and territory names at the top level.

And to the extent that we have a GAC proposal that completely differs from the direction that this cross community working group is taking whether that be different at the top level or the second level that concerns me.

And I honestly I don't have the answer to that question. I throw that out to the wider community and say what do we do here? In terms of your comments about the RSTEP process and the GAC developing a database it's interesting you say that.

We were told on our last call two days ago I won't say that necessarily the concept of a database was denied but we weren't given very clear answers as to where that working group stands on putting together the database, how it would be used.

It was all very, very muddy and I don't quite know whether there is agreement within the GAC as to how that process is happening. So I have some very broad concerns as to what we as a community are doing disparately in this area and I turn to the guidance of much more experience and wiser councilor's than I to see through where we go through here. Thank you (Jonathan).

(Jonathan): Thanks Heather and well there's a couple things in a very mundane level. I'm mindful of time and where we are in the agenda here but I can see there's clearly some - the councilor's job in all of this (unintelligible) role is a manager of the process.

And it feels like we've got clearly as you've highlighted some process and substance questions. I'm going to try and pull some threads out of this and make sure we do keep moving and make some progress here.

It feels like one action is for the registries to talk directly with this group which may or may not impact the utility of its work. I expect the utility is in part impacted by the various issues you've highlighted including at its most basic the charter of the group.

But nevertheless that's agreed to have, that that conversation will take place. It feels to me like the council has to talk with the GAC about this and it has to be in that sense escalated.

And so I think there's an action on the council leadership, myself to reach out to the GAC leadership and open up a channel of communication here. I think I heard you say earlier Heather that there are some issues of substance in the work of the group that you would like help or input from questions for the stakeholder groups and constituencies.

So if those could be articulated and sent to the council list and then we can use the councilor's as a channel to get that input. And then there's the point of participation which we need to be aware of.

So I think we can at minimum put out a call to council seeking additional participation from GNSO members in your groups work to keep that. So I hope that our minute takers have got, have managed to capture those four items and we will try and work with you Heather to make more progress on it but our concerns are noted and it's really something that we'll have to keep alive to and work with you on.

All right thank you very much Heather I'm going to keep us nudging forward we're slipping a little bit in time. So our next item we have is a discussion and any issues arising from the work of the group working on the access to curative rights mechanisms PDP for the O and INGO's.

And I think we're going to get a first update and a highlight in any current issues. Phillip go ahead, Phillip Corwin go ahead.

Phil Corwin: I'm sorry I forgot to un-mute myself can you hear me now? Hello, hello.

(Jonathan): Yes Phillip we hear you thanks.

Phil Corwin: Okay fine. Yes I'm going to give a brief update and I had a (unintelligible) with my co-chair of the working group is on the call as well as Mason Cole who is the council liaison to the GAC and they may want to add to the discussion.

Our working group after making very substantial and rapid process, progress through the spring has kind of foundered at the moment. And what we have foundered on is the issue of determining the precise scope of sovereign immunity for IGO's.

To remind you of where we've come so far we determined to eliminate consideration of INGO's non-governmental organizations because they have no problem accessing the current CRP's and know sovereign immunity issue.

We've determined that IGO's which have exercised their rights to protection under Article Six Tier the Paris Convention do have standing to use the UDRP and now the URS and in fact we found examples of IGO's using the UDRP in the past.

We decided that we would not determine whether URS should be a consensus policy that that was outside the scope of our small working group and should be left to later and I want to get back to that issue in particular at the end of this discussion but I don't want to confuse things right now.

Where we have had difficulty is in determining the precise scope of sovereign immunity for IGO's. We, staff arranged for conversation and input from one legal expert but it was not satisfactory.

We're looking at some other documents and this only comes up in the rare circumstances that a IGO would bring a UDRP and would prevail as complainant in the UDRP and then the registrant would exercise its right which is in the current UDRP of appealing to a court of national jurisdiction.

That's the rare but possible circumstance in which this issue would arise. We're trying to get additional legal input on this and also Mason is taking steps to try to arrange for a meeting with members of the GAC and possibly some IGO representatives in Buenos Aires to discuss this issue because of its broader international political implications.

The one other thing I would mention is that on April 29 we after some considerable waiting period received a response from the GAC to questions we had posed to it several months earlier, actually in December 2014.

So there was a 4-1/2 month gap between asking the questions and getting a response. And the GAC's response was not all that responsive or helpful I must unfortunately say.

For example in its communique issued at the end of the Los Angeles meeting the GAC had expressed its view that the cost of access to curative rights processes for IGO's should be free or nominal.

We requested their opinion of whether the current fees for the URS and the UDRP roughly \$500 and \$1500 for a single expert in the UDRP were fit within the definition of nominal and they responded they had no position on whether the current fees were nominal.

So they've asked that the fee should be nominal but they don't seem to have a position on what constitutes nominal. So that's where we are. I anticipate that whether or not we get the meeting in Buenos Aires with the GAC and other principles we'd like to discuss this with that the working group will pick up speed post Buenos Aires and that we will have a final report and recommendations available for comment substantially before the Dublin meeting.

And that's my report on that and if (Petter) or Mason have any additional comment I welcome them.

(Jonathan): Thanks Phillip and while I wait for a hand from either of those two - I see (Petter) your hand is up please go ahead. Sounds like a dropped line we may have lost (Petter). (Petter) have we lost you?

(Petter): No I'm sorry I'm here. Thanks, it was a very good summary of our current status and I just wanted to add that the late response we got from GAC was rather neutral on all of our questions.

And if looking at when they posted the side of that there was no specific no's and don'ts on what we suggested. But that's also why we hope to have a smaller more informal meeting where we can discuss more openly in details.

I mean that's final stuff is on the written response (unintelligible) the national jurisdiction issues was just that there are along judicial means to ensure due process such as arbitration which the GAC believes should be considered in more detail.

And that's one of these since we want to get more specific inputs as the huge (unintelligible) process as such is a kind of arbitration. So it's the details of the next step we want to discuss.

But otherwise we think we need the working group but we have come to a pretty rolled and clear conclusion internally on what we think about our topic. So once we have got more specific clear replies from GAC and we also await for further response from our IDO questionnaire then we can as said come to our first conclusion and proposal, thanks.

(Jonathan): Thanks (Petter) and thanks Phillip before you. I want to make sure I and we are clear on what might happen next. What I'm understanding is you've given us an update, you've highlighted the issues, you're currently planning on dealing with those issues yourself and you are not specifically asking the council or the council leadership to take any action at this stage.

Can I confirm that or if not can you give me a specific request of any help or assistance you would like to achieve, what you are trying to do. Go ahead.

Phil Corwin: I think the only help we're requesting is being undertaken by Mason right now which is to attempt to arrange for a meeting between the working group and the GAC and other interested parties in Buenos Aires so we can have a phone frank discussion and get their input in particular on the broader political aspects of the sovereign immunity issue that we're dealing with.

Other than that assistance we're not requesting any council assistance at this point in time. And as (Petter) said we do have a pretty good sense of where we think we're going to wind up but we don't want to move forward to a final report and

recommendations until we give the GAC and other concerned parties and opportunity to meet with us in Buenos Aires.

(Jonathan): Okay good thank you Phillip and that's clear then but then just to highlight my point to Mason in the chat. What I'd like to do is make sure we are clear on the sort of scope of GNSO or GAC related issues and so Marika and Mason between us I'd like to make sure we try to capture that, which is effectively will become our agenda either formally for our session with the GAC when the GNSO meets with the GAC and/or with any smaller meetings that we have between the GNSO chairs group and the GAC chairs group or any others.

But it would be good to get a scope of activities including things like our work on the communique. So thanks.

Phil Corwin: Yes and as (Mary) just noted in the chat room bringing this up in the phone meeting with the GAC could be useful as well. There was one other informational item I wanted to address before winding this up. As I mentioned at a point in the working groups deliberations we addressed the question of whether it would be proper for us to make any recommendation regarding whether URS should become a consensus policy that is applicable to incumbent gTLD's as well as new gTLD's.

And we determined rather broadly that that would not be appropriate that was not the focus of our working group and that was preferably to be left to whatever PDP might occur after receipt of the staff issues report on the new gTLD RPM's which I believe is scheduled for September 30 of this year.

I wanted to note as an informational matter I have not yet brought this up within the BC so I'm not speaking for the BC but last week ICANN put out that the travel renewal registry agreement for comment and in that registry agreement they have written in the URS as being applicable to that travel which is an incumbent gTLD.

And if that can be done with dot travel that could be done with a renewal of any incumbent gTLD. And I have personal concerns that that might be creating a consensus policy through the contracting process with private parties.

So I wanted to bring that contract to the council's attention and it may be a topic for future discussion, thank you.

(Jonathan): Thanks Phillip. We should note that so if we could capture that as a possible future discussion the introduction of changes to the registry agreement by private negotiation relative to the policy of our new process in there.

So and the appropriateness of that. We can have that as a respective discussion item at some point in the future. Thanks Phillip, thank you others for your contributions there. Let's keep things moving then we're just about on track here.

And now (unintelligible) item 9 we will hear from the group that's worked on, the discussion group that's worked on the progress of a new gTLD subsequent round which is coming to a point of a perspective issue report.

You will see an email to the council earlier today but let me hand over to Brett I suspect who is supported by Jeff and possibly Liz. Brett go ahead.

Brett Fausett: Thank you (Jonathan) can you hear me?

(Jonathan): Yes Brett we hear you well.

Brett Fausett: Terrific. Well thank you for the time on the agenda. Over the last year I have acted as chair of the new gTLD discussion group together with co-chairs Jeff Newman and Liz Williams and we've been very capably supported by staff specifically here Steve Shen has done a lot of the heavy lifting and work for us.

Our group started last June at the London meeting. Our goal here is to wind up the group in Buenos Aires after a years' time and turn the work back over to the council.

That's why I wanted time here in May to basically give you a high level overview of what is coming so you can begin to think about it for the June meeting, consult with your various constituencies and take the time that would be required to go through the documents.

As (Jonathan) mentioned Steve yesterday sent a link to one of the material documents. Let me drop it here in the chat as well. You can catch up on some of the work and see the draft documents.

The purpose of our group was to capture the experience of various members in the community around new gTLD's. To think about issues that might be appropriate for future policy work, think about places where we might make course corrections in the new gTLD program when we do it again.

It was an open group. We've had initial broad participation from I think every constituency within the GNSO. Our first task was to come up with a list of issues that people had from the past round and think about what we should do better for the future.

We have, we captured over 100 discrete issues. Some of them are very large in scope, some of them are quite narrow in scope. We did not try to distinguish between what was important to the various members in the community.

If they had an issue we put it up on the board and have captured it in our thoughts. We tried to phrase all the issues for subsequent work in a neutral manner.

We asked participants to phrase their questions in a way that did not pre-judge any outcome or slap the question toward any specific position and I'm happy to say that everyone contributed in that spirit.

By the end of 2014 I think we had a fairly comprehensive and robust list of issues. We have spent the time since then refining that list. We have organized that list against the council's previous policy work that gave rise to the last round of new gTLD's.

And we have a handful of documents that we're going to pass to the council for consideration in June. At June at the June meeting we anticipate (unintelligible) a motion to the council that will ask for the creation of an issue report to look at the possible creation of a PDP on new gTLD's.

We have a draft charter for that group that we will circulate to the council. The draft charter also has the issues as we have captured them as we have targeted them to the previous policy work.

The nice thing is that Steve and ICANN staff have played material roles in preparing that and they will also be charged with creating the issue report if the motion passes. So I think they have a very thorough understanding of what needs to be done.

Along the way we considered whether to ask the council to create one PDP or multiple PDP's. The consensus of the group was to go with one PDP and possibly leave it to the chair of that policy development group whether to divide into subgroups or not but we didn't try to pretext that up front but we did want to have one PDP and not multiple PDP's.

We've asked the working group if it's created to - in the chart to take account of the work going on in other aspects of the community to take account of the AOC reviews for example to be open to adding or dropping issues and to be open to various ways of working one group or possible subgroups.

So that's what is coming. You see on the list here the email that Steve kindly sent yesterday and you've got a link to where you can see the deliverables inside our working Wiki.

So with that I'll turn it over to any questions or possible additional comments from Jeff Neuman who is our co-chair who is also on the call or Steve Sheng if I missed anything.

(Jonathan): Thanks Brett. Jeff, Steve would you like to come in first and any other councilors with questions or comments please raise your hand in the Adobe Connect room.

((Crosstalk))

Avri Doria: This is Avri I'm not on the Adobe Connect can you put me in the queue?

Jeff Neuman: Yes this is Jeff I'm not on the Adobe Connect either.

(Jonathan): Jeff you go ahead and then we'll have (Donna) followed by Avri.

Jeff Neuman: Yes I think - thanks. I think Brett gave an excellent summary and we'd really love for you all to kind of review the documentation before the Buenos Aires meeting.

We're going to have a session there to talk specifically about the issues that we've come up with and to talk about the next steps. And we have divided even though we haven't recommended necessarily that subgroups be created we have divided up the issues into, you know, five or so categories of types of issues.

So that would help guide a future chair of the working group - I'm sorry yes the PDP working group if in fact the PDP is formed. So we're excited about it and we're looking forward to getting started if that's what the council chooses to do, thanks.

(Jonathan): Thanks Jeff, (Donna) go ahead (Donna).

(Donna): Thanks (Jonathan), and thanks Brett for the work that's been done previously on this. I guess I have a - I'm aware that given that there is 100, more than 100 issues that have been identified and other work that's going on by staff and the affirmation of commitment I guess I have an overarching question of how does - one, how does this all fit together.

And two, I think by reviewing or changing policy there is a potential that a next round is going to look significantly different from the first round which may require changes to the registry agreement.

I'm not suggesting that it will but I'm just trying to work out in my mind how do we address that at a macro level? What happens if the next round turns out to be significantly different from this round?

You have different registry agreements to manage and I just wonder whether that's consideration that will be looked at at some point during this process. Is it an issue that next round TLD's look or have different requirements to the round that's gone before?

So I'm just interested in whether any thought have been given to that and how that will be managed. Thanks Brett.

(Jonathan): Thanks (Donna), go ahead Brett.

Brett Fausett: To (Donna's) point I - there will be a subsequent round and it will look very much like the past round if we don't do anything about it and that could be a logical choice.

Perhaps we want to do nothing in which case the existing policy is that at the end of this after some minor course corrections that would be non-policy related we would launch again.

If we do have revisions I do contemplate that subsequent revisions around the way the registry operated would have to be in the registry agreements. That might be the only way to have those, you know, have effect.

And then there would be a legitimate question as to why you would treat new people differently than old people. The new people would then be the old people then and I think maybe there is a policy question there.

And so that would probably have to be addressed by the group, you know, is it fair that, you know, dot 2012 has a different registry agreement than, you know, dot 2018.

Perhaps that's a - I don't know if that raises - if that addresses your question but I think that that's an issue that is raised and probably ought to go in the policy development groups just of things to consider.

(Jonathan): Thank you Brett. I'm going to bring Avri in now.

Avri Doria: This is Avri, sorry I'm on a bus and it's making noises. I have (unintelligible) I think in terms of (Donna's) question. I think we're already in that situation with the incumbent TLD's versus the latest round.

So it probably is a policy issue that needs to be explored. I had a quick - for Brett. In the working group or in the discussion group rather we still had (unintelligible) outstanding you guys were working on revising the document.

I didn't notice whether - I've been offline most of today, whether that revision and that revised document had been made available yet and if the group has had a chance to review that or is it all (unintelligible) already, thanks.

Brett Fausett: No Avri we have not circulated the version that we want to send to the council yet back to the discussion group. That will take place here today. Hopefully we'll get the communities blessing to do that.

And if we don't if there is pushback on it we'll obviously not be able to get this teed up for the Buenos Aires meeting and that's certainly a possible outcome but we're going to work toward getting all of this wrapped up with the blessing of the discussion group at least ten days before Buenos Aires so that's our goal.

Avri Doria: Thank you.

(Jonathan): Thanks Brett and thanks Avri for the questions. I've got a couple more in the queue and I think we should - we'll probably have to close at that point so James go ahead.

James Bladel: Thanks can you hear me?

(Jonathan): Yes we hear you.

James Bladel: Okay great thank you (Jonathan), thanks Brett, Jeff for - and Liz for the work on this. (Donna's) question I think just building on that I think (Donna) has hit on a very important point, which is the degree of difference between this next round that we can anticipate versus what was recently launched.

And I think that, you know, one of the key considerations that has to be included in these discussions is the competitive impact of that of any new policies, any new operational burdens or requirements that are put on these second rounds.

And particularly because those all flow down to the registrar and we are the ones that have to manage the customer confusion when these things are, you know, kind of implemented in an unusual or a non-standard way.

I think there has to be a great deal of consideration given to some degree of inertia and standardization not only within this batch but a uniformity with the previous batch wherever possible.

I think that has to carry a significant amount of weight and if we deviate from that I think that, you know, that has to be for a very compelling reason. Otherwise I think we're just continuing the fragmentation of this industry and this market and it just results in further confusion.

So I'm glad to hear that you are thinking about Brett in this work and I think it's an important element that I know our stakeholders will be looking at as this new round, the PDP's that affect this new round will certainly take shape, thank you.

(Jonathan): Sorry I had an audio glitch there. Thanks James that sounds like an important theme emerging there. Go ahead Susan.

Susan Kawaguchi: This is Susan Kawaguchi for the record. I haven't reviewed the matrix and I will but I was concerned and wanted to know whether you've included some of the negative behaviors of some of the new registries that have launched, you know, dot (unintelligible) pricing in general and then forcing domain names, free domain names upon registrars or registrants such as in the dot XYZ. Are those issues that are included in this matrix?

Jeff Neuman: Hey this is Jeff can I respond to that?

(Jonathan): Go ahead Jeff, go ahead Jeff.

Jeff Neuman: Okay great sorry I'm not on Adobe. So Susan that's a great question and if you look at the - when you look at the matrix what we tried to do was to jot down all the issues that the group had come up with in a kind of neutral manner to note presuppose or pre-judge the activities.

So there are questions or issues in there about phishing and whether it should be more regulated or less regulated in that kind of way. But not in the - they weren't as specific to point to.

One specific registry or one specific action but there should be questions in there that refer to the activity that a PDP working group can discuss whether that's positive, negative or whether any changes should come of that. I hope that helps.

Susan Kawaguchi: Thanks I'll look for those then, thanks.

(Jonathan): Thanks Jeff, thanks Brett for that update. It sounds like there's quite some substance going to be discussed here and this is just the start of it. But it's very useful to have that update and start getting the thoughts flowing on all of this.

I think I'll move us on then to - well actually a further item not - I think we can skip 10 for a moment and try and come back to that but I do think it's important that you hear the updates relating to our committee.

Eleven so there is progress on the GNSO review and I believe we are fortunate to have Jen Wolfe with us here to give you an update and for you to raise any questions or points. Ten minutes locked at the most that would be great.

Jennifer Wolfe: Thanks (Jonathan) can you hear me?

(Jonathan): Yes Jen I can hear you.

Jennifer Wolfe: Okay great, thank you for making the opportunity for me to present today. I apologize I'm in my car so if there is background noise I apologize for that and I am not on Adobe Connect.

(Lisa Bernick) is also on the call from staff and I know she'll be advancing the slides for everyone. So to provide you an update on the status of the GNSO review working party since our last report we have held two meetings to review the draft report that was provided by (Westlake) who is the independent examiner.

We met first on May 4 and then had a wrap up call on May 12. During these calls we provided detailed comments and feedback to the (Westlake) team on their draft report.

And (Westlake) has been developing a draft report after taking into consideration our comments on the working text. So in other words I want to make sure everyone understand collectively we as the working party have had two rounds of comments to (Westlake) throughout the drafting phase.

And throughout all of this process (Westlake) has been tracking all of the comments that have been made and they are responding to each comment so that we have an understanding of what they have included.

And then subsequently we are provided a report and what was not included and why. So that's been very helpful for us to work effectively and providing feedback (unintelligible) consistency and then understanding how that feedback was incorporated.

So if there are future questions we have a complete record to go back to to understand how they revised the report in the process. This is all available on the community Wiki for the GNSO review and staff will also be sharing links to this information.

The draft report by (Westlake) will be issued for public comment on June 1 and will remain open for comments until July 20. Several activities are planned to (unintelligible) the community and make it easier to submit comments.

These include updates and highlights from (Westlake) during the upcoming ICANN 53 meeting. A template to facilitate public (unintelligible) use of video and social media.

The working party will meet in person during the ICANN meeting in Buenos Aires. We plan to use that time to analyze the draft, recommendations made in more details, to compare the recommendations with work quality that's being done in the ICANN community and be prepared to offer recommendations on steps forward based on community response and feedback from the structural improvement committee.

The draft recommendations from (Westlake) are approximately 40 in length. They fall into four groups, justification of representation, continuous development including the PDP process, transparency and alignment with ICANN's future.

So I invite you all to provide your feedback on the draft report during the public comment period as well as during the ICANN meeting and also please let staff know if you would like a briefing during the upcoming ICANN meeting.

Many of you have already expressed interest and we thank you for that interest so that we can provide those updates. And (Westlake) will issue its final report on August 30.

I'm happy to answer any questions or provide any further updates.

(Jonathan):

Thanks Jen for that very crisp and thorough tour of the work that's been done and the opportunities to contribute further to it. Any comments, questions, input at this stage relating to the work of the GNSO review working party?

Sorry I got cut off there. Any comments or questions relating to the work of the GNSO review working party? And I see no hands up in the chat are you sure no one, anyone has got any points or questions?

Well that's very useful Jen we'll look forward to meeting with you in Buenos Aires and I know you've had as you said substantial input by the review working party online and your various meetings. I think that was very clear thank you for that presentation.

And I know there is a link in the chat being provided by (Karla) so thank you to the staff (Larisa) and (Alice) who worked on this as well.

Item 11 then - sorry item 10 we'll go back to item 10 and just deal with an update on the GNSO drafting team working to respond to the new ICANN meeting strategy and I think we're going to hear from Marika. I know Volker has also been involved here but he's been away for a while.

And so let's hear from Marika as to the progress and what the expectations of next steps are. Thank you Marika.

Marika Konings: Thanks (Jonathan). So this is Marika and just to note Volker is on the call as well as the other members of the drafting team. So if at any point they want to speak up or chime in then just raise your hand or interrupt me.

But just very briefly as I know we're running out of time and, you know, this information has also been circulated I think already twice on the mailing list. The drafting team was basically formed after Singapore to look at the new ICANN meeting strategy and see how the GNSO related meetings would fit into that new strategy.

So what the drafting team did is basically develop a kind of skeleton framework for the different meetings. So the meetings A, B and C and trying to map into those our current structure, which I think to - and broad lines applies to the meeting A and C. And then discuss how to deal with meeting B which is the one that is very different from the current format as it's reduced four days compared to our current six to seven days that sometimes the meetings for some even longer.

So basically what we've done is initially just look at the guidance from the meeting strategy working group. What did they already map as part of their work as the guidance for each of those days and then highlight and that's what you see in yellow for each of those boxes what will be the GNSO focused meetings proposed for those days.

And then we went even further and went into actual dividing the time up into time blocks and to try to provide a little bit more detail around how those meetings could or should or would look like.

So the whole idea behind this framework is to be able to share that with other SO's and AC's to be able to have a conversation ideally in Buenos Aires to understand what their thinking is to make sure as well that at the end of the day when, you know, we agree on how the GNSO related meeting should look that we don't have any major clashes.

And especially for those parts of the meetings that are focused on inter-community work. So joined meetings with other SO's and AC's or cross community working group sessions that we make sure that we carve out the same part of the day and the same timeframes to actually make that happen.

So the reason why we're presenting this now here is to allow for all of you as well as your stakeholder groups and constituencies to have a look at that and provide the drafting team with any feedback you have that you think needs to be factored in or addressed before we actually take this to the different SO's and AC's for further discussion.

So I think the action item here is to ask you and, you know, ideally within the next week at the latest or of course if you already have any feedback during this call to share that on the (counts) and mailing list so the drafting team can look at that and incorporate that.

And I said the next step basically is then to finalize or update this draft and share it with all of the SO's and AC. And our expectation is that it is probably ought to be a topic of conversation on the Friday evening session that is held for stakeholder offer and SO AC and CGC chairs and so that may already be an initial opportunity to exchange some views.

And then the drafting team has sent invitations to the different SO's and AC's asking them to identify who from their groups are responsible or dealing with this issue and, you know, they may I think some groups are following similar approaches as we've been doing.

So basically that would allow then the group to compare notes and hopefully after Buenos Aires it would then allow the GNSO to kind of finalize the broad framework for the meetings that would - a new meeting strategy that would start in 2016.

So I think that's in a nutshell what is there. As I said most of the information is in the document. If you have any questions or any comments feel free to share them now or as I said I'm happy to send it out again after the call as well and maybe give people a specific deadline by which comments should be received before we share it further with the other SO's and AC's.

(Jonathan): Thanks Marika. I'd like to then just capture two action items. One from (Mary) on the previous item making sure that the stakeholder groups and constituencies are aware there is an opportunity to meet with Jennifer Wolfe of the working party during constituency day in Buenos Aires.

And then two, your urgent request for feedback on this format, meeting format prior to it being circulated more broadly. And I note that the (unintelligible) that it's important to start to work on the practicalities of the implementation of this and the impact on ICANN meetings.

Any other comments or questions at this point relating to item 10, this GNSO drafting team and their work on the meeting strategy? Marika.

Marika Konings: Yes this is Marika. If I maybe make one more point inspired by what (Donna) has posted because I think it's especially important for people to review it in meeting B.

And I said before I think on the meetings A and C I think you'll see as well that the schedule is relatively similar to, you know, what we currently do, the amount of times the groups will have available.

But I think meeting B is really shortened and the idea is the focus is really on, you know, policy development activities as well as a part outreach. And not only will the council have to make sacrifices in what they will spend their time on the same will apply for stakeholder groups and constituencies.

So I think it's real important for everyone to start thinking ahead and are there other ways in which you can do maybe sort of an (administrative) part of your work and some of the suggestions we've already included here from a GNSO council perspective would be are there certain updates or briefings we could do in advance through Webinars or on our - and mechanisms.

But it is probably something as well that will need to be done, you know, by all the groups as, you know, the clear direction is the meeting will be four days. There is no, you know, before sessions or after sessions and we'll all need to be able to fit and to work into that timeframe.

(Jonathan): Thanks Marika. Any other comments or questions at this stage? All right let's move on to any other business then the final item on the agenda today. We do have item 12.1 which is an update on the Buenos Aires meeting planning but I covered that when we dealt with our action items earlier and reminded you of the Tuesday evening session required and so you should be aware of that.

You see before you the full detail of the schedule there. I encourage you to read that, you know, offline or by email and then come back as soon as possible if you have any concerns, questions or issues you'd like to raise there.

Is there anything else under item 12.2? Any other business that anyone would like to raise for the council at this stage? Susan go ahead. No audio yet Susan.

Susan Kawaguchi: Sorry I was desperately trying to take myself off mute. So this is sort of late in the meeting but I am concerned with ICANN's reaction to the IPC letter concerning dot (unintelligible) and how they punted and (unintelligible) that off to the FTC and the Canadian equivalent.

And I do think that that is a concern for the GNSO. It's definitely a concern for the BC and we may want to have some sort of discussion around that in Buenos Aires, put it on the agenda.

I'm not sure that was the reasonable thing for ICANN to do and they haven't really responded to the community concern but asking government to respond, which is a concern when, you know, here we're trying to prepare for taking on the IANA transition and that being the mature organization that we should be to do that.

So I was hoping we could maybe schedule time for discussion.

(Jonathan): Okay Susan that's an interesting point and if I could ask you to think carefully look at the BA schedule and think about where best this fits. Don't necessarily answer now but come back to us as to is this a discussion with Fadi, is it a discussion with the board, which item or is it something we need - and of course we have prep sessions.

So if you could think about where you see that fitting best and in fact that might see further discussion for those items anyway which we need to get moving on creating content for those sessions.

So thanks for raising that and let's take that approach if you wouldn't mind.

Susan Kawaguchi: Will do.

(Jonathan): Next in the queue. Thanks Susan. James go ahead.

James Bladel: Thanks (Jonathan), James here and I agree with Susan we could put that on the agenda for Buenos Aires for more substantive discussion in the council and certainly not rushing to the defense of dot (unintelligible) but I would caution just one part of Susan's last statement.

I would caution all councilors and liaisons perhaps to resist linking any one particular issue or the resolution of any particular issue to the IANA transition and overall accountability and suitability of IANA to becoming IANA functions operator.

And my concern is that outside parties are listening and we're playing with fire here I think that if we say that, you know, unless ICANN does X, you know, to, you know, that it's clear that they're not ready to assume this.

And I think it is something that is something that I think that we should avoid as councilors and I think it's something that we should put back into our SG's and constituencies that it's not necessarily going to advance the issue it's going to probably just drag down the IANA transition and drag that out.

And I'm just pointing out it's not a criticism or anything it's just a note maybe of something I've been thinking about for a couple weeks, thanks.

(Jonathan): Thanks James and I'm always mindful of not necessarily the content but also the time, place and context for any discussion including when and whether that's appropriate at the council level and how we use our position as council manager of the policy (unintelligible).

But we do have - I'll remind everyone that the weekend sessions are whilst they are managed by the council they are GNSO sessions. So that's also something to think about in context but of when and how these topics are covered.

So good points all. Phillip I'll give you the privilege of being the last one to contribute because we are past the top of the hour by a couple of minutes, go ahead Phillip.

Phil Corwin: Yes just to respond briefly to James. You know, last week I was a witness before one of the congressional hearings. Steve DelBianco with a BC was at both of them.

We were not testifying for the BC but for our organizations. But I think if you review what we said people were not saying stop the transition until ICANN does this or that.

But they were expressing some concerns about existing operations and I don't think we can be silent until the transition is completed but I think at least the testament at those hearings was pretty careful about how people were portraying their positions.

Of course we have no control about how third parties take our testimony and may use it on other context.

(Jonathan): Okay thanks Phillip and that together with the chat I think we've got the gist of the issue there so that's helpful. And be mindful of the context, the overall context.

All right I'm going to have to bring this to a close now given the time. Thank you very much. It's been a very dense meeting and a lot of emotion but some issues of substance to cover.

We've picked up a few actions along the way including me to make sure that we bring the minutes up to speed and get the actions out from this current call. So thanks very much everyone. With that we'll bring the meeting to a close and obviously be seeing you all in the not too distant future in Buenos Aires.

END