

Transcript GNSO Council Teleconference 21 January 2016 at 21:00 UTC

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<http://audio.icann.org/gnso/gnso-council-21jan16-en.mp3>

Adobe Chat Transcript

<http://gnso.icann.org/en/meetings/transcript-chat-council-21jan16-en.pdf>

List of attendees:

NCA – Non Voting – Carlos Raúl Gutierrez

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Jennifer Standiford, Volker Greimann – absent proxy to Jennifer Standiford

gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan

Non-Contracted Parties House

Commercial Stakeholder Group (CSG); Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoben, Tony Harris - absent, apologies proxy to Wolf-Ulrich Knoben, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Stephanie Perrin, David Cake, Stefania Milan, Edward Morris, Marilia Maciel

Nominating Committee Appointee (NCA): Julf (Johan) Helsingius

GNSO Council Liaisons/Observers:

Olivier Crépin LeBlond– ALAC Liaison

Patrick Myles - ccNSO Observer - absent

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 – Policy Director

Steve Chan - Sr. Policy Manager

Berry Cobb – Policy consultant

Lars Hoffmann – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Nathalie Peregrine - Specialist, SO/AC Support (GNSO)

Josh Baulch - Manager, Meetings Technical Services

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Donna Austin: I'm here.

((Crosstalk))

Glen de Saint Géry: Rubens Kuhl.

Rubens Kuhl: Here.

Glen de Saint Géry: James Bladel.

James Bladel: Here.

Glen de Saint Géry: Jennifer Standiford.

Jennifer Standiford: Here.

Glen de Saint Géry: Volker Greimann is absent. And Jennifer Standiford has the proxy for Volker Greimann. Valerie Tan.

Valerie Tan: Hello, good morning. I'm here.

Glen de Saint Géry: Thank you. And in the Non-Contracted Party House, Phil Corwin.

Phil Corwin: Present.

Glen de Saint Géry: Susan Kawaguchi. I don't see Susan on the line or in Adobe Connect room. Paul McGrady.

Paul McGrady: I'm here.

Glen de Saint Géry: Heather Forrest.

Heather Forrest: Here, Glen. Thank you.

Glen de Saint Géry: Tony Holmes is absent and he has given his proxy to Wolf-Ulrich Knoben. Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, I'm here.

Glen de Saint Géry: And I see Susan has just joined the line as well. Thank you, Susan.

Susan Kawaguchi: I'm here.

Glen de Saint Géry: Marília Maciel. I do not yet see Marília on the line. Amr Elsadr.

Amr Elsadr: I'm present.

Glen de Saint Géry: David Cake. I don't see David yet on the line either.

David Cake: Present.

Glen de Saint Géry: Edward Morris.

Edward Morris: Here, Glen.

Glen de Saint Géry: I see Marília is on Adobe. Thank you very much, Marília. Stefania Milan. Stefania, I do see you.

((Crosstalk))

Stefania Milan: Do you hear me?

Glen de Saint Géry: Yes, thank you very much.

((Crosstalk))

Glen de Saint Géry: Stephanie Perrin.

Stephanie Perrin: Present.

Glen de Saint Géry: Johan Helsingius.

Johan Helsingius: Here.

Glen de Saint Géry: Carlos Gutierrez.

Carlos Raul Gutierrez: I'm here, thank you Glen.

Glen de Saint Géry: Thank you. And our ALAC observer, Olivier Crépin-LeBlond.

Olivier Crépin-LeBlond: Present.

Glen de Saint Géry: The ccNSO observer, Patrick Myles. I do not see Patrick on the call. Mason Cole, the liaison to the GAC.

Mason Cole: I'm here, Glen.

Glen de Saint Géry: Thank you, Mason.

Mason Cole: I'm here.

Glen de Saint Géry: And for staff - thank you. And for staff we have Mary Wong, Julie Hedlund, Marika Konings, Steve Chan, Berry Cobb, Lars Hoffman and for the Secretariat support staff we have (unintelligible) and myself, Glen de Saint Géry. And then we have our technical staff on the line too, Josh Baulch and (Mike) - (Mike), (Mike), (Mike), help me. I think he's gone off. So we just have Josh on the line.

Thank you very much and before I hand over to you, James, may I just remind everybody to state their name before they speak for the transcription purposes. Thank you very much, James, and over to you.

James Bladel: Thank you, Glen. And welcome, everyone, to our Council call - our regularly scheduled Council call on January 21. Appreciate everyone attending this call as well as the special session we had last Thursday.

Before we get started does anyone have any statements of interest or any announcements or declarations relative to their status on the Council? Okay, seeing no hands we'll assume that everyone's statements of interest are intact.

We'll move then to the review of the agenda which is posted here on the Adobe Connect room and was circulated earlier. Phil Corwin, I believe, had made a proposal to change the order of the agenda and include Item Number 7, and move that up as that is the motion and/or discussion on the CCWG response.

I'm not opposed to making that change; I would just note that in the intervening time one of our items, Item Number 6 the PDP for RPMs and new - all gTLDs was withdrawn which gives us some additional time. And I would note that Items 4 and 5 are time sensitive. So I don't know, Phil, if you're still interested in making that change. I believe we have sufficient time to cover Items 4, 5 and 7 sufficiently but...

Phil Corwin: Yeah, James, I'll defer to the will of the group. I made that suggestion when we were also listing the RPM motion, which has now been withdrawn. I just want to make sure we have sufficient time to get into all the issues on the accountability. But we can probably click through the other votes in 10-15 minutes each I'm thinking. So I'll go with the flow on this one.

James Bladel: Thanks, Phil. I think you're right that we will need a lot of time for Item 7 but I also agree that Items 4 and 5 should go fairly quickly, although I've been wrong on that sort of thing before.

So we'll leave the agenda as-is for now with the note that Item Number 6, the motion on the initiation of a PDP for review of RPMs has in fact been withdrawn. I - not being familiar with this either as chair or as a councilor I asked staff their opinion on that. And certainly it is - that issue - that issues report, that motion could be reintroduced by another Council at a later meeting. Certainly would be subject to all of the other document deadlines and cutoffs. But for now anyway, for the 21st of January meeting that Item Number 6 has been withdrawn.

So if there are no other concerns about the agenda the status of the meetings for the previous sessions have been posted per the Council Operating Procedures. And I guess we're ready then for Item Number 2 which is the opening remarks, which we've fairly - effectively covered, and review of the open projects, staff action list.

So perhaps we can ask Marika's team to put that into the window now while they load that up and we'll go through the action list fairly quickly. And we've allocated 10 minutes for that. So oh that's very small.

Okay, Marika - and I should mention at the outset, folks, I have a terrible cold I'm struggling with so if I go on mute for a while it's probably to spare you a bunch of coughing and sneezing. So I would ask Marika, if you don't mind, to walk us through this fairly quickly noting that we have about a page and a half here of open projects and actions. So if there are no objections I'll ask Marika to take the wheel.

Marika Konings: Thanks, James. Yeah, so this is Marika. I actually noted that my beautiful color-coding has disappeared so for those that want to see - can see it on the action item list because in that we actually try to highlight by color-coding to give an indication of, you know, which items are actually coming back on the Council meeting agenda, which actions have been completed, and which are the ones still outstanding.

So actually the first two items on the action item list are those that will come back later on in the meeting so I don't think there's a need to spend time on those. Then we have two items that are on hold and already quite, for a while now, so at some point the Council may want to consider whether you want to move forward on those or whether we should actually remove them from the list as no further needed is considered for this item at this stage.

And also still have the outstanding IGO/INGO PDP recommendations. I believe we're still waiting to hear back from the board and GAC on this topic. At least I don't have any further updates in that regard.

Phil Corwin: This is Phil. I'm co-chair of that group. Actually we are waiting on imminent delivery of a paper on the scope of sovereign immunity by a law professor at George Washington University. As soon as that's received we expect to move forward. We've been waiting for a month for further guidance from the board and GAC and I suspect we'll keep waiting for many more months.

James Bladel: And to Phil's point, Marika, I think that was actually covered in the last Council meeting. So maybe we can make sure it's captured adequately here. But thank you for the update, Phil. Still on hold pending that report.

Marika Konings: Yeah, and this is Marika. Just to clarify, this specific item relates to the outstanding IGO INGO PDP recommendations that are basically the board adopted a few of those but not all. And on those that they didn't take action there's basically this conversation ongoing, you know, with the GAC as some of the recommendations were in contrary or in conflict with the GAC advice.

I know there's also a link with the IGO INGO curative rights working group and their activities which is covered separately in the project list but this item specifically relates to, you know, those outstanding recommendations where the board basically I think asks the GNSO to, you know, consider modifying the recommendations. And I think the GNSO basically asks well, tell us, you know, what you are looking for so then we can consider whether or not that's reasonable or not. And I think that's where things stand if I'm not mistaken.

The next item is the GNSO liaison to the GAC. That group is actively working on the items that have been identified here. And I think are on track to have their recommendations to the GNSO and the GAC hopefully in time for further discussion by the Marrakesh meeting. We have the item on the collaboration for the IETF. That has also been flagged as one of the items for - to be included in the schedule for the Marrakesh meeting.

Next item has been completed. We've received a response from Nora Abusitta on the global public interest framework. Of course if there are further questions or follow up that's something the Council can consider separately.

And then there are a number of items on the list here that - or two items that relates to the updating of the ICANN bylaws and GNSO Operating Procedures as a result of the adoption of a number of different items, the data and metrics final report, selection of seat Board 13 and then there are also the policy and implementation recommendations. So we're moving that along and we hope that that will happen shortly, we just need some plan especially in relation to the bylaws.

And as you know there are a lot of things going on but we hope that that will happen soon and we'll be able to post everything basically at the same time. James, you have your hand raised.

James Bladel: Thanks. I was just actually going to wait until the end here and ask for questions. I note that Donna had one question and I had a question so - but we might as well get through the end here and then we'll collect all the questions at once.

Marika Konings: Okay. I think I'm almost through because basically I think the last three items are all items that have been completed and, you know, basically will be removed in the next iteration of the list. And I can maybe answer Donna's question. I believe yes, I think a session is being scheduled, if I'm not mistaken, currently foreseen for Monday where I think the expectation is that the process will be initiated on how to move forward on that topic. But I'm happy to reach out to my colleagues in I think the PDP department that are responsible for this item.

And that's all I had.

James Bladel: Okay. Thanks, Marika. Okay so first off I think there was first a question from Donna that, "Will public interest be a high level topic in Marrakesh?" And I believe this was in relation to the global public interest framework from - that we received a response from Nora.

I think there was a call for that for high interest topics. And so far I think the only thing that was responding was - and I think that call was directed not to the GNSO but to the SGs and Cs, is that correct? Okay, I just - I'm not sure - I'm not aware of any path for that, Donna. It's something we can raise if you would prefer, otherwise I think there's currently a thread being circulated amongst the SG chairs and I think that perhaps if you raised that through the registries it might get that on the docket as well. Oh okay. That's the question, fantastic.

The next point was from Rubens noting that there were some Council members tagged in the column of responsible Council members that are no longer on the Council, Jonathan and Thomas specifically. I suppose we can indicate whether or not we have changed those. I think Thomas in particular on the accountability was flagged not only as a councilor but also as a co-chair. I think we have a number of folks who participate on behalf of the GNSO on the CCWG on Accountability. I think Keith, for example, and Phil and myself to some extent. So be happy with any of those folks occupying that slot.

The other item is on hold, the SSAC liaison for the Council. And it says, "Jonathan to explore with Patrick." I suppose it's an action item for me to close the loop with Patrick there and see if we still have any interest in doing that, which I'm happy to do if nothing else to either move it forward or get it off this list.

My question was with regard - it's a little further down. It's collaboration with the IETF. And I'm not sure where we left this last time but I do note that there are still ongoing discussions on the IETF about topics that could be considered to have impact on GNSO policy, you know, or gTLD policy I should say. And I think that it's important that we stay connected to the activities of the IETF.

So perhaps I could propose - David, (unintelligible) you're tagged here as the responsible councilor. I mean, I'd be glad to help you but I think that we should, at a minimum, propose a outreach to the IETF (unintelligible) liaison for - or any other sort of direct interactions that we can facilitate to keep a close eye on what the IETF is up to. David, go ahead.

David Cake: I was going to suggest that we put a meeting with the IETF appointees to the TLD liaison group in our next - in our - Marrakesh would be an idea.

James Bladel: Okay so there will be some activities in Marrakesh?

David Cake: Well, I don't know, but there is a - there is - they're the people who are official liaisons to ICANN to the IETF. We may as well have them come and talk to us about. I think it would be worth discussing movement on the - I mean, these issues but.

James Bladel: Okay.

((Crosstalk))

David Cake: ...meeting planning how we do that.

James Bladel: In the interest of time let's just maybe put a marker down for you and I after this meeting to reach out to the folks at the IETF and understand whether or not they will have any attendance in Marrakesh and whether they can sit down and at least have

some preliminary discussions with us on some of their activities and how we can stay coordinated going forward. And unless anyone on the Council has any objections to that, we'll take that as an action item between now and our next meeting and report back.

And I think that's it as far as the questions on the action item list. Does anyone have any other thoughts, questions, spot any omissions here? Okay thank you, Marika and appreciate you walking through this very quickly.

We can now move to Agenda Item Number 4 and this is the motion on the final report for the Privacy Proxy Services Accreditation PDP. And this PDP was completed - I want to say it was completed in late November or early December right around the beginning of the holidays. The motion was submitted for our December 17 meeting, however I note that very few SGs or number of folks indicated at that time that they hadn't had a chance to fully review the report. I know some of us were not only reviewing the report but were actively involved in the PDP. But as is our convention we supported the deferral until this meeting.

So the motion, and I'll read through it, hopefully this is going to sound very familiar from our call in December. Was - I'll just read the resolve clauses here.

The "GNSO Council adopts, and recommends that the ICANN Board of Directors adopt all the PPSAI PDP Working Group final recommendations in the final report."

Number 2, "Should the PDP recommendations be adopted by the ICANN Board, the GNSO Council directs ICANN staff to convene a Privacy and Proxy Services Accreditation Implementation Review Team. The Implementation Review Team will be tasked with assisting ICANN staff in developing the implementation details for the PDP recommendations, evaluating the proposed implementation of the recommendations as approved by the Board, and working with ICANN staff to ensure that the resultant implementation conforms to the intent of the approved recommendations."

"The Implementation Review Team shall operate in accordance with the Implementation Review Team Principles and Guidance approved by the GNSO Council in June of last year."

And finally, "The GNSO Council requests that, following the adoption by the ICANN Board of the PDP recommendations, ICANN staff issue a call for volunteers of the Implementation Review Team, to be circulated at a minimum to the members of PPSAI Working Group."

So that is the motion as it stands. And I don't know if there are any - the motion was made by myself, seconded by Amr. I don't know if anyone at this time has any questions or proposing any edits to the motion itself or any questions regarding the report. But this is the culmination of the significant level of effort on the part of all the folks who are involved in the PPSAI. And I think if there are no concerns we can proceed to a vote. So I'll just wait for a second here and see if there's any hands.

And give me an opportunity to go on mute and cough for a couple minutes so great. Okay the queue is still empty so if there are no questions or concerns then we should proceed to a vote and I believe, Glen, for a PDP we should do is via roll call vote.

Glen de Saint Géry: Certainly, James. That starts now?

James Bladel: Yes please. Thank you.

Glen de Saint Géry: Tony Harris is absent. Wolf-Ulrich Knoben, would you please vote for Tony Harris?

Wolf-Ulrich Knoben: Yes.

Glen de Saint Géry: James Bladel.

James Bladel: Yes.

Glen de Saint Géry: David Cake.

David Cake: Yes.

Glen de Saint Géry: Donna Austin.

Donna Austin: Yes.

Glen de Saint Géry: Phil Corwin.

Phil Corwin: Yes.

Glen de Saint Géry: Edward Morris.

Edward Morris: Yes.

Glen de Saint Géry: Rubens Kuhl.

Rubens Kuhl: Yes.

Glen de Saint Géry: Marília Maciel.

Marília Maciel: Yes.

Glen de Saint Géry: Valerie Tan.

Valerie Tan: Yes.

Glen de Saint Géry: Keith Drazek.

Keith Drazek: Yes.

Glen de Saint Géry: Jennifer Standiford for Volker Greimann please.

Jennifer Standiford: Yes.

Glen de Saint Géry: Jennifer Standiford for yourself please.

Jennifer Standiford: Yes.

Glen de Saint Géry: Susan Kawaguchi.

Susan Kawaguchi: Yes.

Glen de Saint Géry: Amr Elsadr.

Amr Elsadr: Yes.

Glen de Saint Géry: Stefania Milan. Stefania Milan.

Stephanie Perrin: Yes for Stefania.

Glen de Saint Géry: Thank you, Stefania. Stephanie Perrin.

Stephanie Perrin: Yes for Stephanie.

Glen de Saint Géry: Johan Helsingius.

Johan Helsingius: Yes.

Glen de Saint Géry: Wolf-Ulrich Knoblen.

Wolf-Ulrich Knoblen: Yes.

Glen de Saint Géry: Paul McGrady.

Paul McGrady: Yes.

Glen de Saint Géry: Heather Forrest.

Heather Forrest: Yes.

Glen de Saint Géry: The motion passes unanimously 100% in the Contracted Party House. And 100% in the Non-Contracted Party House. Thank you, James.

James Bladel: Thank you, Glen. And thanks, everyone. Excellent. And if we could ask staff to now take that report and its recommendations and our approval and translate that to the Board of Directors. If we could also communicate its approval back to the co-chairs and co-vice chairs of the PPSAI PDP Working Group and let them know that a call for

volunteers on the Implementation Review Team will be coming shortly. So thanks, everyone, who took care of that and also for everyone who worked on that group over the last couple of years.

Okay excellent. So then if we can move on to Agenda Item Number 5 and similarly, this is a PDP I believe that was originally introduced for the agenda on our December meeting but was deferred. And I think there has been a late edit or friendly modification to this. So I would like to turn this over to Donna, if you don't mind, to present the motion.

I'm sorry, before we get going, Donna, I see Paul has his hand in the queue so, Paul, you have a quick comment on this or previous - I just went too fast?

Paul McGrady: No that's probably a premature hand. I'll wait and raise it after the introduction. Sorry.

James Bladel: Okay fair enough. Thanks, Paul. Donna, the floor is yours if you want to introduce this motion.

Donna Austin: Thanks, James. Donna Austin. So this is a - approval of the charter for the PDP Working Group on New gTLD Subsequent Procedures. This motion was the deferred from the last meeting because of some concerns over potential overlap or duplication with language in this charter that could be - that meant that the RPMs could be considered in this PDP and also in another PDP that we anticipate will be approved in the near future.

So Steve Chan from staff had - did some revision of the charter. And I believe that charter was circulated to the Council list. And in particular I know that it was Paul, Susan and Phil that had raised concerns about this at the last meeting so hopefully, you know, they're okay with the revised language.

So if there's no questions on that I'll just move forward with - I guess I just read the whereas the resolve.

James Bladel: Yes, if you'd like.

Donna Austin: Okay.

James Bladel: Thanks.

Donna Austin: "So The GNSO Council has resolved," with the link, "to undertake a GNSO policy development process to consider and analyze issues discussed in the final issue report on New gTLD Subsequent Procedures to determine whether changes or adjustments to the existing policy recommendations in the final report on the introduction of New Generic Top-Level Domains are needed."

Two, "The GNSO Council has reviewed the draft Working Group Charter embedded in Annex A to the final issue report which was delivered to the GNSO Council on 4 December 2015 and agreed to amend the charter to address concerns of potential overlap or duplication with an anticipated PDP on Rights Protection Mechanisms. The final version is available here." So there's a link to the revised version of the charter.

"Resolved, 1, GNSO Council approves the Charter and appoints Paul McGrady as the GNSO Council liaison to the New gTLD Subsequent Procedures PDP Working Group. The GNSO Council directs ICANN staff to issue a call for volunteers for the PDP WG no later than seven days after the approval of this motion. And until such time as the working group selects a chair for the working group and that chair is confirmed by the GNSO Council, the GNSO Council liaison to the working group shall serve as the interim chair."

Thanks, James.

James Bladel: Thank you, Donna. Appreciate that. And just a note that we'll take a queue here before we open up the floor for a vote. And I note that Phil is in the queue. Phil, go ahead.

Phil Corwin: Yes, James, just I'm looking at the charter right now and it does seem to satisfy concerns that this PDP might cross paths with the ones on RPMs. It states clearly that proposing recommendations directly related to RPMs is beyond the remit of the PDP and that anything it wants to convey on that subject should be conveyed to the anticipated PDP on Rights Protection Mechanisms.

So speaking for myself and others who share those concerns we appreciate the amendment and with that change the motion looks acceptable along with the charter.

James Bladel: Okay thank you, Phil. I appreciate that. And I note that you and Paul both had comments last time around on this so not coincidentally, Paul is in the queue next. Paul.

Paul McGrady: Thanks. This is Paul McGrady for the record. I just want to understand, the section that Phil just referenced is labeled - I mean, essentially its second level RPMs. Is that the limitation that - so this won't prohibit looking at RPMs related to the top level - essentially top level RPMs only RPMs which are unique to the second level?

((Crosstalk))

Paul McGrady: ...or if I'm asking...

James Bladel: Yeah, I think Donna has her hand up but I was wondering if we could go to Steve if he would clarify that that is - or confirm that's in fact the case. Hate to put you on the spot, Steve.

Steve Chan: Thanks, James. This is Steve from staff. You know, it is under that heading. And I can see the concern that Paul might have with that. And I think the intention is that it would be any RPMs. And I, you know, it probably would be better to have some clarity there. So, yeah, I'm not really sure how to answer that other than to say it probably - it should be in regards to all RPMs.

James Bladel: Okay and...

Paul McGrady: It's Paul McGrady again.

((Crosstalk))

Paul McGrady: So I think that that might have caused some confusion because of the way that it's labeled. And as a result of that I think that that language needs to be clarified so that it's clear one way or the other so that we know with some precision what it is that we're voting on. And, you know, also part of the concern that led to the initial

deferring of this was that we didn't have the charter for the RPM PDP in hand either to compare them to make sure that we - that they're, you know, that the overlap wouldn't happen.

I know we've tried to build in the mechanism here to help prevent that. But without actually having the other charter in its, you know, final state to be approved we're not really where we wanted to be and so that was - obviously we were supposed to be looking at them on the same - you know, we all thought we'd be looking at them today together which is a different thing than one at a time.

So I'm concerned about that as well. If we really are wanting to make sure that everybody has a clear understanding of what's going to be in each I think we need to deal with the second level top level distinction and make sure that everybody is on board with how that shakes out. And then also having the other in hand I think would be helpful. I'm not trying to delay this forever, but I do think that part of the purpose for the initial deferment, you know, hasn't materialized yet. So I'll be quiet now. Thanks.

James Bladel: Okay thanks, Paul. I have a thought on that but before we go forward let's go to Donna.

Donna Austin: Thanks, James. Donna Austin. Paul, I wonder if there's some way that we can come to, you know, an understanding that we're able to move forward on the charter today. I mean, my concern is that if we can't come to an agreement today that means we've pushed this out, you know, it'll be three months by the time we get to it in February.

I do note that that in the charter that we're looking at now it does say, "To assure effective coordination between the two groups the community liaison, who is a member of both groups, is to be appointed jointly by both groups and confirmed by the GNSO Council." So there is, within the charter, a mechanism there to ensure that there is coordination and that we remove, you know, the possibility of overlap or duplication.

I appreciate that the RPMs, you know, charter won't be looked at until the next Council meeting but I really would like to find a way that we can reach agreement to, you know, potentially move forward on this today if that's at all possible. Thanks.

James Bladel: Okay thanks, Donna. And I see that there is now a queue forming on this point. You know, I would note that, you know, correct, that there is a mechanism for Council to amend the charter but I think to Paul's point, everyone would be a little bit more comfortable proceeding if we could just clear up this last bit of confusion.

Phil, go ahead.

Phil Corwin: Yeah, thanks. Phil here. Was I correct that I just heard staff say a minute or two ago that the RPM review was supposed to address both first and second level RPMs?

James Bladel: I - I mean that was Steve's intervention I believe. Steve, can you confirm?

Steve Chan: Thanks, James. So I would actually probably defer to Mary or Lars to actually talk about the RPMs PDP. So what I was speaking to was the item in the New gTLD Subsequent Procedures...

Phil Corwin: Yeah.

Steve Chan: ...charter. That one would probably be more appropriate to say top level and second level and to note that they're both - if there were recommendations to be recommended they would be beyond the remit of this particular PDP.

Phil Corwin: Yeah.

Steve Chan: I hope that's helpful.

Phil Corwin: Well, let me just say this. It seems - I don't want to - I think we should try to wrap this one up today. But since the anticipated PDP is going to be on the current state of all rights protection mechanisms implemented for both existing and new TLDs.

And since the new TLD RPMs included new protections at both the top and second level why don't we just make a decision right here that the RPM review should address both top and second level RPMs and just strike the initial two words at that bullet point in the charter second level, which would - is causing the confusion. And then it'll just say "rights protection mechanisms," colon. It doesn't seem sensible to

me to have one PDP addressing top level RPMs and a different PDP addressing second level RPMs for new TLDs.

James Bladel: Thanks, Phil. I think that's a sensible point and it certainly paints us a way out of this entanglement. And I note that Carlos is agreeing with you in the chat as well. Heather is next in the queue but if you don't mind, can we go to Mary really quickly? I think there were some questions that were directed specifically at staff.

Mary Wong: Thanks, James.

James Bladel: Mary, go ahead.

Mary Wong: Thanks, Heather and everyone. So I just - hi, can you hear me?

James Bladel: Yes, go ahead.

Mary Wong: Okay. So with regard to the scope of the potential RPM PDP the distinction is not made between a top level and second level RPMs because that's, you know, how the - now how that issue was scoped. Rather the way that that potential PDP is being framed is that the RPMs there refer to the RPMs that were developed for the new gTLD program. And those are indicated in the issue report as well as the UDRP. So that's Point Number 1.

Number 2 is that the draft charter for that potential PDP does speak to the possibility of having not just amendments but additional RPMs if the review of the existing ones, you know, find that perhaps they are not fulfilling their objectives. So I wanted to make the point that the distinction is not so much between what is at the top level, what is at the second level, but what we currently have both for the new gTLD program and the long-standing UDRP.

So in that respect what is being referred from this New gTLD Subsequent Procedures PDP to the potential RPM one is that universe of RPMs. So if there's additional thinking that is not captured by the potential RPM PDP scope as of now, then that may need to be looked at either when we come to that or at some appropriate time. So I just wanted to clarify how that was scoped and what it actually covers. Hopefully that helps.

James Bladel: Okay thank you, Mary. I think that does help shed a little bit of light here. And I think that it still kind of brings me back to Phil's proposal which is on the table to simply modify that bullet point to strike second level and avoid any confusion. Next in the queue is Heather.

Heather Forrest: Thanks, James. On precisely Phil's point, I'm not sure that that solves the problem. And I think the reason for that is we're using the term top level RPM and really in no place is that term used in these two documents, the charter or the documentation of the RPM PDP. And, you know, I take the suggestion, strike the word "second level" from the charter that we're dealing with today. But that doesn't take account of the fact that in basket 3 of this, you know, with the legal rights objection and other dispute mechanisms. And I suspect that that's what we have in mind when we're thinking about top level RPMs.

So with that in mind simply striking the words "second level" doesn't get us anywhere because it - that basket 3 in this charter for the PDP on subsequent procedures quite expressly deals with things that I think a number of us would put into this characterization of top level RPMs. That's my first point, James.

I have a second question, I don't know if you want to kick this one around for discussion and then come back to a separate point.

James Bladel: So just to clarify, removing the qualifier, "second level" doesn't address your concern because you don't believe that some of those other RPMs are specific to the top level so I guess could we go the other direction instead of saying - instead of striking second level could we instead replace it with, you know, rights protection mechanisms at all levels or something along those lines to encompass that universe? Would that - I'm trying to understand what's being left out by striking it and if we can pick it up some other way.

Donna Austin: Sure, James. It's not a matter of being left out. The charter for the Subsequent Procedures PDP includes within its coverage reference to third - or excuse me - reference to top level RPMs but it doesn't call them by that name, top level RPMs. So the entire third basket of work for - within this charter for the PDP on Subsequent Procedures deals with things such as the legal rights objection and other dispute

mechanisms. And so those are still left in is my point. Just by striking the words "second level" elsewhere doesn't remove all - doesn't remove RPMs from the scope of this PDP.

If the aim is to - let me put it this way - if the aim is to remove RPMs from the scope of this Subsequent Procedures PDP charter then we need a fundamental rework of this charter unfortunately. And I say that - perhaps it's a good opportunity for me to say this before everyone thinks I've thrown cold water on everything.

I don't have an issue necessarily with the idea of having RPMs in this Subsequent Procedures PDP and I'm not in any way, shape or form trying to torpedo the Subsequent Procedures PDP. My question is this, do we have to do this in two separate PDPs? I wasn't - admittedly, I wasn't involved in our discussion for December on this charter. And it's not clear to me do we have to do this as two separate PDPs.

James Bladel: And was that your second point, that question about whether or not it needs to be...

Heather Forrest: Yes.

James Bladel: ...broken out. Yeah, I think it's - it's a fair question. I think that they were on separate tracks initially but it's certainly within the purview of the Council to merge them, although I think that and the significant rework of the charter, both of those take us back to the drawing board or at least take us back a couple of - take us back a couple of steps.

And to Donna's point, and I think some of the others, is that we - we're already way behind the curve on this particular PDP. Let's go to Paul.

Paul McGrady: This is Paul McGrady for the record. So I guess there's still to me, as I'm listening in, quite a bit of confusion about what's covered. We've got the second level designation, we're talking about striking it but as Heather notes there are -- there still remain RPMs in this particular PDP. We don't really have the full universe of what the other PDP will cover to know whether or not there is anything that's being left out of that process.

And yeah, I just have concerns that without that other draft charter to look at and compare them we don't -- we can compare I guess a draft of what was going to be voted on but that it was withdrawn for some reason, I don't know why it was withdrawn really and what changes might appear in it between now and next time.

And again, I'm not trying to throw cold water or delay this indefinitely. In fact I volunteered to be the liaison because I'm really interested in this topic. But I just, I think the purpose -- the initial purpose of the deferral was to get both of those documents side by side and compare them to make sure that we are not either double working something or missing something or creating a situation where somebody has an idea in one of the two PDPs but there's no place for it to go because it wasn't accounted for in the other PDP charter.

And so again, I don't think another deferral but if we all agree to work real hard to actually get the other PDP charter finalized - does that mean I'm over time? But if we work real hard to get the other charter in front of us to compare them side-by-side I think that's worth doing. Thanks.

James Bladel: Okay thanks, Paul. And I note that Mary has some other points here in the chat saying that the potential PDP for RPMs as currently scoped does not include legal rights objections to the extent that the - that process is considered by Council to be an RPM and that would still be - come under the new gTLD PDP rather than the potential RPM PDP. I think that - that's a good point, Mary.

So, look, I feel like we are kind of stuck here. And I think we were stuck last time on this one. So we are trying to find a way forward here. And I think part of the concern that I have is that we are trying to steer this effort to ensure that it doesn't collide with another PDP that has been deferred. And, you know, I think to the note that Amr posted is - when he withdrew the motion is that that PDP also still needs some work. So I'm concerned that we don't have -- we have a moving target and we are trying to adjust the target to accommodate it.

Whereas I feel that we can make an intelligent (unintelligible) with this PDP since it's ready to go that it will help guide the subsequent PDP on all RPMs. So, you know, I feel instead of adjusting this one to head off something that we think or anticipate might come down the pipe in the other PDP but the proper move now would be to

establish some, you know, some firm footing on this PDP, on this charter, and then explicitly - and I think this is what Paul was recommending or proposing at the end here is to then to specifically call out what is and what is not covered in this PDP and would instead fall into the other one.

I note that we have a couple of folks responding to that and Heather has a proposed path forward so we'll go to Heather. Go ahead.

Heather Forrest: Thanks, James. I'm wondering if we can't fix this with - if we go back to the wording that was (unintelligible) in this charter in the PDP for Subsequent Procedures charter, if we go back and we say - let's say we go back to those amendments and we say this PDP - I don't have the language right directly in front of me so I need to pull the charter up.

This PDP will take account, it says broadly, of the work of the - of the RPM PDP. Can we say something along the lines of this PDP will take account of the RPM PDP or if such a PDP doesn't occur we'll deal with RPMs. I mean, can we give ourselves the option, the flexibility of pulling this back into one PDP is my question.

James Bladel: Thanks, Heather. You know, I think all the doors open to us right now is - I think that that result would mean that this would probably then fall over into our next - into our next meeting. You know, and I'm not saying that that's necessarily a bad thing, I'm just - I'm looking for a path forward that gets us, you know, I sound like a car salesman but gets us into this PDP today. And I know that's only because we've already fallen a month off the curve here.

So - and I see that you are, you know, trying to - I think we are on the same page, Heather, when we're saying that we're trying not to defer a vote and we're trying to put some language in this particular charter that accounts for the anticipated PDP but also has a trap condition underneath it so that for example if that PDP does not happen or if the charter takes a turn in a way that we had anticipated that it still provides enough flexibility in this PDP to address that. And I think that's what we're trying to accomplish here. I'm just concerned that we're not going to be able to wordsmith the charter on this call.

Yeah, and I see okay, yeah, we're landing in the same place. Great. Phil, you're up next.

Phil Corwin: Yeah, having listened to all this and having looked at the proposed charter for the RPM group, which Mary graciously provided, I'm going to withdraw my motion for - or my suggestion that we strike second level. I now understand, and I think I understand that the RPM relates to second level protections; protections related to really disputes between a rights holder and a registrant. And the other things that gets - a really objection process is aimed at the potential registry, at the applicant, including the legal rights objection.

I have no objection to this subsequent procedures PDP looking at the top level objection procedures. And the second level procedures being over in the RPM PDP. The one thing I want to avoid is two different groups addressing the same subject. So if we all are fine with this PDP addressing the top level objections directed toward the registries or the applicants and the RPM PDP that's coming up for discussion probably next meeting being directed at the second level RPMs I'm fine with that. What I don't want is two different groups tripping over each other and making conflicting recommendations.

James Bladel: Thanks Paul - Phil. And I think we're agreed that not everybody - no one wants that contention over the same issue, especially those people who are going to dedicate their time to working in these PDPs. So I note that there's been some chatting here, there's been some exchanges in the chat but I think that - and it does sort of come back to Heather's idea that we try to merge these into a grand unified PDP.

You know, I'd like to propose that we modify the charter that is along the lines of Heather's note here. I guess I would have a question for staff is whether we are authorized to modify the charter, you know, here to address these concerns or if we include - modify the motion to note that we have identified an issue with the charter and that we would like to see this addressed as part of the formation and launch of the PDP.

And we put in the proviso that we would like the PDP to consider a merger with the subsequent RPM PDP, which is anticipated to launch next time. And if we can, you know, put those down in this motion because I think as someone noted, this was

already deferred once so a deferral is really not on the table unfortunately, we either have to withdraw it or vote it or kill it. And I think our options here are dwindling.

So if we could put that option into the - and I don't know that we can put it in the charter directly. I think we have to indirectly note that in a resolve clause. I don't know if we have anyone that would be willing to make a friendly amendment to this motion that would tack on a fourth resolve clause, noting the discussion and the concern and that, you know, that we want to build that flexibility into this particular charter and then just have it circle back once that other PDP is launched. And then we can consider whether or not those two groups are in conflict or whether they need to be merged into a single PDP.

So anyone - let's see, I'm trying to do this while I'm also trying to keep an eyeball on the chat here. So (unintelligible) note here is that, you know, that we could essentially tap the working group to review its charter and identify whether or not any amendments been made. I think that's typically an optional exercise for PDPs - PDP working groups. We could certainly make that a mandatory exercise in this case and reference that PDP should coordinate with its charter with review of the second charter for the RPMs charter.

And we can make that as one of the edits to this motion. And I think that would establish that link. So I see that a couple more folks have their hands raised. I just note that it is three minutes before the top of the hour of our first hour and we do need to kind of start to bring this one in for a landing. But Susan, you're up next.

Susan Kawaguchi: I just wanted to call out Mary's language that she posted in the chat. To me that seems clear. I mean, it's already in the charter for this - for the New gTLD Subsequent Procedures. And I was wondering if, you know, there's a lot going on in the chat and - but it just seems to me that that makes it clear enough to avoid any duplication of effort. My view. Thanks.

James Bladel: Thanks. Thanks, Susan. I'm actually scrolling back a little bit because you're right, the chat is moving pretty quickly right now. So the - I think Mary - I think this is the part. Mary says, "There's a sentence in this charter that says duplication or conflicting work between the New gTLD Subsequent Procedures PDP and the PDP on RPMs must be avoided. The topics relating to RPMs are uncovered and discussed in the

deliberations of this PDP, those topics should be relayed to the PDP on RPMs for resolution.”

I think that to Heather’s point we should modify that to essentially say, you know, or leave the door open that we would merge those two PDPs into a single effort. But I think that is a clean way forward, as you’ve indicated, Susan. I would just tack on that bit about potentially merging them together.

Phil, you’re up next.

Phil Corwin: Yes. And I’m speaking having just been offline for a minute, I lost my phone connection so I didn’t hear what my fellow BC councilor just said. But, you know, I’m looking at the clock here. We have one hour left and we have to deal with the CCWG. We have a charter that seems to have some issues here.

We’re certainly talking about adding another resolve clause that could potentially merge this PDP with the RPM PDP after some of us worked hard to make sure that they would not trip over each other and were not contemplating a combined subsequent rounds that would address all the RPMs which leaves the question of what happens with the UDRP. So I’m just not comfortable with agreeing to another resolve clause under this time pressure at the last minute when I don’t understand the implications.

James Bladel: Okay thanks, Phil. That’s clear. And that would essentially then roll us back to the sentence that Mary has already identified which is that the desire of the Council that these two groups not overlap.

Now Phil, just a question - a follow up here, are you opposed to the other approach which is to simply include a resolve clause asking this working group to review its charter against the forthcoming RPM PDP once that group is approved and launched?

Phil Corwin: Well, James, respectfully, and saying this as someone who a few minutes ago withdraw a suggestion to try to expedite this being completed today. I can’t agree to a resolve clause without looking at specific language and having at least a few minutes to think about it.

James Bladel: All right. Thanks, Phil. Okay well, you know, I think we're backed into a bit of a corner on this one, folks. I mean, and a deferment is not - is not an option. I don't know if Donna is willing to withdraw and work on this again. I have a feeling that, you know, on this point that's probably extreme. While we do need to iron out this wrinkle on the charter I don't think we want to throw the baby out with the bathwater.

And, you know, I think that that, you know, Phil, if your objection is solid then I think that our only option is to fall back to the sentence that Mary had pointed out, is this already in the charter which is basically the charter as-is noting that it shouldn't, you know, it shouldn't overlap with the forthcoming PDP and then that essentially puts us on track to vote on this motion as it stands. Which sounds like could jeopardize the motion but for a variety of different reasons.

Okay, Mary, you're up in the queue. I hope you're going to rescue us here.

Mary Wong: Hi, James. Everybody. I don't know about that but one alternative to having a new resolve clause at this point, although that would also make it clear but one of the benefits is since the council has time now to consider the charter for the potential RPMTDT that with the understanding that you reach today about what is to be covered in this versus that one.

And when you come to review that draft charter that either similar or even more clarifying language being further into that one so that when you vote on that one, people reading both charters together - assuming that second one gets launched - will have the same understanding and potential as reached as to what is covered by what.

James Bladel: Alright, thank you (Mary). I think that - and I just want to point out that (Susan) has reiterated to (Phil) that (Mary)'s segment that she copied into the chat. (Donna) you're next.

(Donna): Thanks. I am going to also - so in answer to your question yes I would be reluctant to withdraw this motion given it's, you know, second time it's been on the table and I don't necessarily want to withdraw it.

I do believe that the duplication language that is in the charter should address the concerns and I also strongly agree with (Mary) that when we consider the next, you know, the charter for the RPN PDP that we make sure that we have complimentary language in that or that we find a way within that charter that we address any concerns that go back to the new DTLTD subsequent procedures PDP.

And I think (Jennifer) made the note in the chat that, you know, one of the first things that a working group will do will go back and review the charter and I think there will be a number of us on that working group that have participated in this discussion and we will, you know, be diligent to insure that we cover up the concerns before moving forward. So, you know, if it's possible, I'd really like to get this done today. Thanks.

James Bladel: Thanks (Donna) and I tend to agree. This has been - this has been on the table now for two of our meeting cycles and it is - I think it speaks volumes that we need to - we need to find a way to proceed.

I just want to note that as I've been reviewing the chat that (Heather) also proposed a new result clause. Number four, issues relating to RPM's not addressed by RPM TDP. I would put anticipated in front of that but otherwise the RPM TDP shall be addressed by this CDT.

I think that is the very clean condition that probably addresses a lot of these concerns but it does also run a fowl of (Phil)'s note that he wouldn't be comfortable noting for a motion that has a result called added, you know, at this late phase of the game. And I know bad objection (Phil) but I also note that we've got to move forward so maybe...

Phil Corwin: Well I think I can satisfy your concern here. I'm looking at that one and what I was objecting to was a concept of a new resolve clause that contemplated not having a separate PDP on the second level RPM's and possibly folding that work into the work of this group. I don't see this new resolve clause doing that so I'm not objecting to it. I was objecting to the concept of not having - not having a separate PDP on the second level RPM's. I think they're important enough to deserve their own focus and that's been the expectation up to now.

So as long as we all understand that this - this one so-called procedure is going to address the top level objection process. The other one which we'll deal with in a

month or two will address the second level RPM's I think were fine. I think that I view this new resolve clause as just clarifying the understanding we reached in the conversation that the top level objection process would be dealt with by this PDP.

So with that understanding, I'm ready to support this motion.

James Bladel: Fantastic, we've reached a breakthrough. I'm going to go to (Susan) next in the queue but before I do I think just procedurally we would sure assume that (Donna) as the maker of this motion and (Valerie) as the seconder would both take that change - that additional result clause as a friendly amendment. We just need to confirm that that is in fact - I think it is. Let's not take that for granted.

(Donna): (James) it's (Donna). I have supported the amendment in check so yes, I agree.

James Bladel: Thank you. (Valerie)?

Valerie Tan: I support that too. Thank you (James).

James Bladel: Awesome, thank you (Valerie). Okay, next up is (Susan).

Susan Kawaguchi: The next, yes. Okay, I thought you were going to just keep on going there. Just clarification is all. Do you still - you're maintaining (unintelligible) that we could pose before this meeting in the charter so, right?

James Bladel: I believe that is correct and hasn't changed.

Susan Kawaguchi: Okay, but I'm fine?

James Bladel: Yes. The only thing I believe that we're changing here at the council - we're not digging into the charter itself. We're just changing this motion by adding that forward result clause.

Susan Kawaguchi: Perfect.

James Bladel: So yes, and I see we're just kind of going back and forth on the chat between anticipated and forthcoming. You know what? I say while we have (Donna) and (Valerie) I guess would have to sign off on that since they have noted forthcoming.

So if they are still on the friendly on this one then I think - I think that that gives us the clarity that we need.

Coin toss, yes good idea. Okay so amazingly enough it seems like we've brought this one home and the queue is - I'm assuming that's an old hand (Susan).

Susan Kawaguchi: Sorry.

James Bladel: So okay, the queue is clear. We have a new slightly revised motion that given some clarity we have the changes to the charter that were made prior to this meeting and I then recommend proceeding to a roll call vote to adopt this PDP. Glen de Saint G ry if you don't mind.

Glen de Saint G ry Thank you. I will start.

Man: Yes.

Glen de Saint G ry: (Donna Austin).

(Donna Austin): Yes.

Glen de Saint G ry: Edward Morris.

Edward Morris: Yes.

Glen de Saint G ry: (Unintelligible).

Man: Yes.

Glen de Saint G ry: Marilia Maciel.

Marilia Maciel: Yes.

Glen de Saint G ry: David Cake.

David Cake: Yes.

Glen de Saint Géry: (Unintelligible).

Man: Yes.

Glen de Saint Géry: Paul McGrady.

Paul McGrady: Yes.

Glen de Saint Géry: Stefania Milan.

Stefania Milan: Yes, can you hear me?

Glen de Saint Géry: Yes, thank you (Stefania). Volker Greimann is absent Jennifer Standiford for Volker Greimann please.

Jennifer Standiford: Yes.

Glen de Saint Géry: Valerie Tan.

Valerie Tan: Yes.

Glen de Saint Géry: Jennifer Standiford for yourself please?

Jennifer Standiford: Yes.

Glen de Saint Géry: (Unintelligible).

Man: Yes.

Glen de Saint Géry: (Unintelligible).

Woman: Yes.

Glen de Saint Géry: Glen de Saint Géry.

Glen de Saint Géry: Yes.

Glen de Saint Géry: Susan Kawaguchi:.

Susan Kawaguchi: Yes.

Glen de Saint Géry: Also (Rick Noban).

(Rick Noban): Yes.

Glen de Saint Géry: (Unintelligible).

Man: Yes.

Glen de Saint Géry: Philip Corwin).

Philip Corwin): Yes.

Glen de Saint Géry: Thank you (James). The motion passes unanimously. 100% of the contract is passing now and 100% of the noncontract is passing now. Thank you.

James Bladel: Thank you, Glen de Saint Géry. I would note in the chat that (Heather) is indicating that you did not call her name and that she is voting yes.

Glen de Saint Géry: Thank you very much (Heather).

James Bladel: If you can correct that record to reflect that please.

Glen de Saint Géry: Yes, I will correct it. Thank you very much. Yes, I have corrected it.

James Bladel: Okay, thank you.

Glen de Saint Géry: (Unintelligible).

James Bladel: Okay well thanks everyone for your faint like patience in working through that issue - item number - it looks like it was item number five and item number six was withdrawn. So now we can move into the really fun bits. I'm sorry - just a note of the

usual that our staff please communicate the results of the vote to the board and to the - and then (Paul) is - I assume that there's no other issues which remain in the affiliate liaison in the interim chair on that effort.

So great, thank you and if we could move them to item number seven (unintelligible). This is also something where we are kind of on the spot here. We have approximately 48 minutes to resolve some issues. The good news here and perhaps I'm, you know, just woefully naive or dizzy from cough syrup but I do believe that we are very close to a position that we can all feel confident in communicating clearly to the CCWG. Co-chairs are on their third draft report.

And this - if you recall - we determined that - that this would be in the form of a letter from myself and (Heather) and (Donna) and it would reference a table that we have been iterating on on the list that can go through each of the recommendations and give a general sense of the level of support for the GNSO based on the comments submitted by the different stakeholders and then it also touches on any qualifications or conditions or concerns that were raised in those comments as well.

And again I think we're fairly close here. So let's start if we could by taking a look at the draft as it stands on the letter and at least - and staff can confirm here - I believe that this has incorporated all of the changes that we've seen. We've had a fairly healthy bit of traffic on this on the council list and I believe that all of those suggested edits have been captured in these two documents. So as we go through this please - if you see something new or if you see something that you felt should have been in there and picked up and wasn't - please get our attention. (Marika).

Marika Konings: Yes, this is (Marika). Just to note that (unintelligible) definitely a question in the chat. What I'm basically doing here is sharing my screen so we're able to capture any further changes or update lines. You can change this to a full screen option if you have difficulty seeing it. I can also enlarge a bit further in my screen so you have it larger in front of you although you see less text on your screen.

And just to confirm indeed that this captures all three changes that I believe were submitted by I think (Keith) some initial edits and some edits or buyouts of the registry stakeholder group. The edits are suggested by (Phil). Edits suggested by

(unintelligible) but just to note that we didn't make the change on recommendation eleven as we understand that it's still under discussion.

James Bladel: Okay, thank you. Just one second, please. Oh, thank you (Marika). Okay so primarily it was the changes to the letter were coming in from (Keith) but - is that correct? If we take a look down here, I think there are mainly just cosmetic changes until we get to which is (unintelligible) here.

Yes and (Keith) I don't mean to put you on the spot immediately here but you had made a change here by moving this bullet around. Is that - can you talk us through (unintelligible)?

(Keith): Yes, happy to (James) and again I think the changes that I made to the (unintelligible). Hi everybody. The changes that I suggested to the letter were - as you said - mostly cosmetic or just sort of editorial and non-substantive.

I moved the paragraph or suggested moving the paragraph just for flow primarily. Both of them referred to the GNSO anticipating a supplemental report that would be further reviewed or reviewed by the GNSO at a later time before we, you know, had to make a thumbs up or a thumbs down approval or not approval on any of the recommendations.

So, you know, I think it was really more about flow and making sure that the reference to the anticipation of the supplemental report was a little bit more clear. I hope that's - I hope that's clear and for the record I strongly support the letter. I think it absolutely captured the concerns and the expectations of the council and I think that the table itself is in also very good shape. I submitted a few comments from the registry stakeholder group.

I know we had a lively discussion on the list earlier today but just for the record I don't have any heartburn about the way that the - either the letter or the table are presented.

James Bladel: Okay, thanks (Keith). I think that's helpful. So there was another proposed edit here. I believe it generated some discussion of changing - reflecting the larger community.

We'll have adequate opportunity to review and comment on the supplemental proposal.

I note that there was sort of a divergence of opinion there that some folks thought that was encouraging the CCWG to - or directing them to have an additional comment period while others were noting that the timeframe may not allow for that.

I wonder if there's a way we can split the difference and thread the needle here and just say something like, you know, we'll have adequate opportunity to review and, you know, it's possible or something along those lines - comment on the supplemental proposal. I'm just putting this out here as something to consider that will get us past this because I think that that is still an open question on the CCWG and I think you're correct that we don't want to - if we can't arrive at a unified position on the GSO then we shouldn't steer that in one direction or another. (Paul) you're up next.

(Paul McGrady): (Paul McGrady) for the record. I kind of feel strongly about this. I think that there were a lot of changes in this last draft from the prior draft and the 28 days during the holidays that we all had to look at it prior to the end of the comment period was really insufficient. I didn't hear anybody say, you know, what a great outcome that was and I think that if we're - I think if we're going to take the position that something is important as that will hopefully be the final draft of this thing, doesn't go out for a robust comment period.

That's a pretty, you know, that's a pretty strong divergence from the way that we've always done things. And so I, you know, I'll just be really careful that we don't end up being complicit in a situation where, you know, there are major changes and it's viewed by the community generally that it was just pushed through at the last minute without any potential for comment and that we were sort of helpful in that outcome.

In order for this thing to actually result in a transition, it needs to be sort of, you know, out in the daylight with enough time for people to digest it and, you know, if they come back with changes that were significant the last time then I think that calls for a significant amount of time to look through it.

I would go the other way and chastise them a little bit for the short timeframe that we were given last time and ask for something more robust rather than trying to thread the needle on the side of no comment period. I would call for more. So anyways, thanks a lot.

James Bladel: Thanks (Paul) and I can assure you you're not alone, even if it's just me that agrees with you that the 28 day comment period spanning between Thanksgiving and New Year's was not helpful and probably didn't result in the highest quality review at least on my part of the draft recommendation.

You know, to your point - and I just want to kind of play this out a little bit from a practical standpoint that if there is a comment or if there - if this is a final report - the final recommendation - and it is put out for comment but there's no intention of let's say reworking the final report to reflect any of the comments received, you know, in that last round then wouldn't it make sense to allow groups like the GNSO and the other chartering organizations when they are submitting a comment to simply - I guess I'm saying could we as the GNSO and other charting organizations conduct our own comment period, collect those comments from our SG's and C's and individuals and submit them along with our assessment of the final recommendations.

I mean that might be one way to both get that final record - final comment on the record while still preserving the timeline. I'm just poking that out there. If the CCWG co-chairs are not anticipating any changes to the final recommendations anyway, maybe that's one way to have the last word.

So just a thought, you know, I think I'm trying to find a way to get through this here. (Phil) you're up net and then (Keith) after that. (Phil).

Phil Corwin: Yes, (Phil) here. Three quick things. Number one, (James) with all respect, I find your proposed insert of this possible. I couldn't accept that because it seems to say if it's possible for the chartering organizations to comment on the supplemental and I think it's absolutely mandatory that we have an opportunity to comment.

The reason I suggested the slight chance to reflect in the larger community is just - and I'll go whichever way the council wants to go on this but look - here's the reality.

NTIA said they needed the final proposal delivered to them by mid to late February to have a decent chance of getting the transition done in calendar year 2016 based on a briefing that the BC got from (Steve Delbianco) the CSG liaison representative on the CCWG that we got this morning. We're probably going to miss that anyway even with just a chartering organization review.

He said the best that could be done would be to deliver it to the board right about the time they're leaving for Mayor (Kesh) which means that the - we won't be done with the proposal by Mayor (Kesh) and we'll have to probably deal with it there but if we have a three or four week public comment period open to the general public and receive dozens of comments, again I don't think - we can't have a comment period and say we're going to ignore the comments. That would be a fraud on the public.

It's just going to add another month or two to the process and it's probably going to jeopardize or substantially reduce the chance of getting a transition completed in 2016 which goes to the credibility of ICANN in the multi-stakeholder process as well as the political considerations. So again I'll go. If the majority of the council wants a public comment period, so be it but just within the dwindling timeframe, it has consequences.

James Bladel: Thanks (Phil) and to your note there, I just ask we're going to remove the - if possible (unintelligible) as I was just kind of putting that out there as a proposal. I certainly wasn't intending to take things off course.

You know, so here's my issue. I tend to agree. I note to (Paul) that, you know, public comments have seemed too been sort of given pro forma treatment these last two iterations. You know, I'm just looking at it from a practical standpoint. If the CCWG releases their final recommendations here in the next couple of weeks, even if they were to have a comment period, the user recommendations would not be amended or changed. They couldn't be. There wouldn't be enough time.

So it would really just be commenting on the final work product, not necessarily commenting with an eye towards continuing to steer the outcome because the outcome would have been resolved. So from a practical standpoint I feel as though, you know, we could certainly attach whatever, you know, finding statement or comment we would like to as an attachment to our approval as an SO and I would

encourage other SO's and AC's to do the same but I don't know that we should, you know, either jump behind a comment period - a formal comment period conducted by the CCWG itself.

And I think noting (Keith)'s - I'm sorry - (Phil) your notes about what that would impact on the transition timeline itself. (Phil) you're up next. Sorry, that's an old hand. (Keith) you're up next.

(Keith): Okay, thanks very much (James). (Keith) (Unintelligible). So I typed some stuff into chat that I won't repeat and I see that (Thomas Rickert) has his hand up behind me so I'll try to be brief. But the charter of the CCWG actually really does allow for at this stage of the process for the chartering organizations to consider the proposal.

You know, we have - the CCWG has absolutely done very diligent work on all of the public comments that were submitted through every one of the previous three phases and at some point the CCWG needs to turn to its chartering organizations and say how have we done? Have we got it right?

They've tried to do that at this stage and I think we're in the process now of giving our chartering organization GNSO feedback. We clearly will have some, you know, key dependencies and some concerns that we will communicate and I think the next phase really should be and will be the CCWG asking us have we addressed your concerns as described in the last public comment period. If the answer is yes, the chartering organization's approved. If the answer is no, the chartering organizations do not approve and further work needs to be done at that point.

But just to reiterate, the charter of this group of the CCWG actually absolutely anticipated at some point turning to the chartering organizations and I think the expectation in the CCWG is that time is upon us. So thank you. I'll stop and turn it over to - back to (James) and then to (Thomas).

James Bladel: Thanks (Keith). I appreciate the context. (Thomas) you're up next.

Thomas Rickert: Thanks very much (James) and thanks to counselors to allow me to speak. I would like to add to what (Keith) has said that what we have requested from the chartering organizations at this stage is to indicate their support or their willingness to reject

individual recommendations. So what would suffice at this stage is actually a feedback speaking to exactly that so it is not necessary for a counselor to comment on the process and whether or not public comment period is to be conducted is a discussion that we're having in the CCWG anyway.

So this is not a determination to be done by the co-chairs only but I would say that if you look at the whole process from the very beginning, we have undergone four public comment periods already. If you count the public comment period conducted last summer where the community was asked what accountability enhancements it would like to see.

So we took that onboard with three reports resulting in public comment. We had a turnout of 90 public comments through the third report which is not too bad although several commenters have suggested that it was bad timing over the holiday season but we did get a lot of comments. I should say that we did get an awful lot of support also during that public comment period and let me conclude by saying that all these 90 commenters were either rooted or part of or related to the starting organization.

So what we're doing now is basically taking the refinements that we're working on back to the chartering organizations so we're exactly talking to those that have expressed either support or concerns. We're working on refinement of the report diligently with two hearings at least on each of the topics and the chartering organizations will for sure get another opportunity to look at the supplemental draft.

So we do what we can in order to be transparent about the changes and although some of the changes that are made may be perceived as extensive by some. We are considering these primarily as refinements - what we had already presented to the community a couple of times. Thank you.

James Bladel: Thank you (Thomas) and I appreciate all your clarity there. So I know that (Paul) is next in the queue but just wanted to note here that this was a - this issue is a, you know, is an important one but it's really not one - and I'm going to go out on a limb here - it's really not ours to solve at least not now. I think that we shouldn't have it on the critical path for us to get this letter and responses out to the CCWG. We can express it separately or we can express it as through all of GNSO participants on the

CCWG but I don't know that we should allow it to sidetrack this particular task. So with that in mind (Paul) you're up.

(Paul McGrady): So thanks. (Paul McGrady) for the record. I guess I would be more sympathetic to the idea that there have been several other public comment periods already if this last round of changes weren't so dramatic. I mean we had included in recommendation eleven essentially a proposal that had already been in front of the community, was voted down and then resurfaced. We had missing language related to the physical location and the organization law of ICANN - essentially two things that would enhance government positions and could essentially unhook the ICANN from its United States jurisdictions. Those are major, major things.

And so if the CCWG is, you know, I'm sympathetic but at the same time if we in this next version get major, major things, there just simply has to be a chance for the community to react to that. And so with that said, I agree that we are going down a bit of a rabbit hole here. I think that the CCWG needs to make its own decision on whether or not it's going to allow people to review and comment and take the heat for that.

And so I just am concerned that what we're doing in this letter is, you know, sort of helping them decide not to let people have a comment and we will join in taking the heat for that and I don't think that that's our role. I think that we are, you know, it's their decision to make and they can deal with the consequences if they choose no comment over comment, right. Thanks.

James Bladel: Thanks (Paul) and, you know, for the record I agree with you that those changes were fairly substantial and we're probably staring down the barrel of another raft of material edits or amendments. You know, I think if it came to that - if the, you know, hypothetically if this supplemental report comes back as a final take it or leave it no comments allowed sort of approach - if that's how it's positioned to it then it's very much within the GNSO and the other SO's and AC's purview to say then we can't support it as written and there goes the transition.

I mean it sounds kind of like drawing a line in the sand but at some point we have to kind of - I understand the CCWG has to stop iterating and present a final report but if they go too far afield from the feedback that they've received to date or if they try to,

you know, kind of - and apologies and forgiveness for (Thomas) - if they try to sneak something in there at the last minute that has not been supported by the SO's and AC's throughout the process then we have that lever and will need to pull it and simply say no.

So but I think that where we wanted to get to at this point is just an acknowledgment that we and the council are not - that's not our decision yet. I understand we don't want to stand idly by and let it happen but we're also not steering it in one direction or another.

So let's see here and (Keith) - I think you posted something here in the chat about...

(Keith): I did (James). I'm happy to read it if you like.

James Bladel: Yes if you - well (Paul) was that an old hand or did you want to respond (Paul) or - I'm sorry. Old hand, okay. (Keith) go ahead.

(Keith): Okay, thanks (James) and thanks (Paul). So just as a possible way forward, you know, I take (Paul)'s concern or point that if, you know, hypothetically if there were major changes that were unexpected for the public comment period or full-blown public comment period might be necessary. I don't think that's likely but I understand the concerns.

So my suggestion would be changing the language that was proposed to say the GNSO council expects that it and other chartering organizations and possibly the larger community will have an adequate opportunity to review and comment on the supplemental proposal. The keyword there is possibly the larger community because we don't know if that's going to be required or not but we recognize that it could be. So we use the word possibly and hopefully this lets us move forward so we can get onto the rest of the substantive issues. Thank you.

James Bladel: Thanks (Keith) and (Paul) I don't know if you take that as an edit that it captures your concerns. I think it, you know, it leaves the door open but essentially it also lets them know where we stand on this particular issue of reviewing - adequate opportunity to review and comment at a minimum at the chartering organization level.

- Paul McGrady: This is (Paul). Can we tack on a dependent clause at the end that says comma especially if the supplemental proposal contains material changes?
- James Bladel: Sure. Can we say particularly if there are material changes to the recommendation - to the recommendation? Does that work for you?
- Paul McGrady: Well I think we need to - it could be if there were materials changes to the recommendations in the supplemental - in any supplemental proposal.
- James Bladel: It already said supplemental proposal in this.
- Paul McGrady: Somewhere, yes but I would like to find a way to tie that to the issue of the larger community because the way that - the way it's written now is sort of makes it sound like, you know, starting organizations may not need to look at it if nothing material's changed but I guess what I'm trying to do is have the materiality standard trigger a greater need for the larger community to look at it so we've got the larger community sort of tucked in here in between commas so this is the right idea on saturates written the right way. So if a smither can help us that would be great.
- James Bladel: Okay well we'll massage that but I just note that we have about 20 minutes left and we still haven't tackled the chart yet so I think we just need to move on here quickly. I know that this was an area that we wanted to cover so I do appreciate those folks who weighed in on the list.
- The bulk of the trash on the list was with regard to - I'm sorry (Marika) are we - was that the end of the edits for the letter I believe? I can't tell (unintelligible).
- Marika Konings: Yes, that's correct - those are editorial edits from (Keith).
- James Bladel: Okay, thank you for that small edit (Keith). So okay if we could then move then to the chart itself and I think that for, you know, in the interest of putting the microscope where the interest lies, that would bring us squarely to recommendation number eleven and the - the recommendation on the role of the GAC and CV and its level of support.

Now the first point of contention is in the very first sentence where I believe that (Wolf Ulrich) has noted that the first sentence here about overall - GNSO overall does not support this recommendation I think and then (Ed) noted that he would object to that being removed.

I think that the question here is is there another way to say this that addresses - that more accurately reflects the statement here and addresses those items that (Ed) would like to see preserved and one of that - I think one of the proposals was that there is broad opposition to this recommendation as written and I think if we can - if we can capture that as an alternative does that satisfy (Wolf Ulrich) and (Ed) if we were to restate this first sentence as there is broad opposition to this recommendation as written.

(Ed) is saying that he is onboard with that so I guess (Wolf Ulrich) and (Wolf Ulrich) agrees. Fantastic. Thank you gentlemen for your contribution to that item on the list. I think that was helpful and I think our response has improved so I appreciate that.

So there were a couple of notes here and (Marika) if we could scroll down here a little bit because I wanted to get to the next point which was that we had a number of - we had a change proposed by (Keith) to be the footnote here which is that - and I'll just read the footnote as it's modified.

The ITC, NCSG and registrars expressly objected to changing and specifying the threshold for board action. Registries, stakeholder group and ISP CP constituency did not expressly object but highlighted significant concerns about the implications of such change.

The registries stated it was unlikely to support the 2/3 threshold for board action unless three additional requirements - provision of rationale, consistency with bylaws and within deck, scope and defined consensus applied to object advice. The BC and (unintelligible) support the change. Both also noted concerns over the implications with BC support expressly conditioned upon certain qualifications being made to the proposal.

Still I don't, you know, I don't have any objective to (Keith)'s inclusion here because I believe it does actually make this a little more accurate. This footnote now is a little

bit more explanatory so I just wanted to see if anyone believed that their stakeholder group old constituency comment has been - I want to say - downplayed or missed on this - on this particular point - and I see (Keith) your hand is up. Go ahead.

(Keith): Yes, hi (James). Thanks. So I just wanted to point out and I typed this in chat that, you know, this proposed debit from the registry stakeholder group was just intended to insure accuracy with the comments that we submitted and that, you know, we're not looking to necessarily change anyone's mind on the substance of this one. It was just for accuracy sake. Thank you.

James Bladel: Okay, excellent (Keith) and thanks and I think (Ed) is noting as well that he also either supports or doesn't oppose this inclusion. So (Marika) were there other changes to recommendation eleven on the list? That couldn't have been all of them or were they all just around that first sentence?

Marika Konings: This is (Marika). Yes, that is correct. I think the only - I'm just (unintelligible) - I think the only other change that was made was a reordering of - wait a minute - a reordering of the bullet points under item and here we are (unintelligible) number five and that was suggested by (Wolf Ulrich) but no text has changed. This is just a different order of how they were originally positioned.

James Bladel: Okay, thank you and if I'm not mistaken (Wolf Ulrich) made that recommendation or proposed that change because he believed that we should start with those bullet points that it had broader support and then move down to those that had less support. Is that generally the sequence or (Wolf Ulrich) if you wanted to weigh in on this before we move on? I don't know. Does anyone have - go ahead (Wolf). I see your hand up.

Wolf-Ulrich Knob: Yes, thanks (James). I'm sorry. My voice is down. But I wouldn't like to add anything more which as I told you already in my email so it's just for more - it seems to me more clear and I was wondering if we could send it in a way to to the CCWG which is better understand to them in regards to opposition. Thank you. My voice is down. I'm sorry.

James Bladel: Thank you (Wolf Ulrich) and I will tell you that my voice is probably just one day ahead of yours so I'm glad we're having this call today and not tomorrow or at least I

think (Marika) is. So I appreciate that and I note some folks in the chat as well are indicating that they believe this is a clearly statement of the bullet points that were conditional to recommendation number five.

There was another point which was recommendation number nine and I don't know if we had any changes to that. I just wanted to point out that since our special session last - it was number five and number nine - last meeting we had some discussions around those two recommendations. I mean I just want to make sure that everyone has had an opportunity to read through this and is fine with the new language of recommendation nine because 5, 9 and 11 I think were the ones that were drawing the most attention last time around.

So certainly want to give folks ample opportunity to weigh in on those and can we scroll down? Yes, (Marika) either that or I know you can't un-think the document and edit at the same time.

Marika Konings: This is (Marika). Just a note - we all have it in our inbox as well so if you want to read this at your leisure or if you prefer me to change this share screen option but then you won't be able to see if I make any changes. I'm happy to do it either way.

James Bladel: Okay, thank you. I don't believe we had any other updates here since the last review and I believe that each SC or constituency position was specifically called out and labeled with that - with its own abbreviation. So I think we were, you know, we aired on the side of an abundance of clarity here rather than trying to convince and compress this and perhaps lose something in the translation.

So here's - yes - is someone trying to break in here? (Yule) yes - (Yule) pointed something out in the chat that I note that (Ed) raised on the list as well that there is - in the - in the comments expressed by the NCSG there are concerns that - I'm sorry - there are observations of the linkage between recommendation I believe one and eleven and two - a couple of the early recommendations and item number eleven - and it all boils down to this concept of balance between the SO's and AC's and the role of the GAC.

I think that, you know, I think that that - it's important to capture that and it's important to not be lost and I think that we did at least reference it but I want to make sure that

it is - and from (Ed)'s perspective and I don't mean to put anyone on the spot - but I want to make sure that you feel that we have sufficiently captured that in those recommendations even when we're expressing support or expressing our conditions for support for those recommendations.

Thomas Rickert: Yes, hi (James).

James Bladel: Yes, go ahead.

Thomas Rickert: I'm sorry. Okay, thanks. (Thomas) here. I just want to stress when you see the objection to eleven most of us if not all of us - that objection is linked to our concern on recommendation ten and the lack of accountability reviews to the GAC. In the increased role of GAC through its participation in the community mechanism and one so they're all linked and when we're trying to work through and find a solution to the problem, it just may be that movement on ten should accept support on eleven the same for one.

So they're all interlinked and it seems that the opposition is focused on eleven but the others are involved as well. And in terms of letter I don't know if it's too late. On recommendation one we note the linkage between one and eleven but there's also a linkage between those two and ten. I don't know if we could - if it's possible at this point just to put in recommendation 10 too so these linkages are complete in what we submit. Thanks.

James Bladel: Thanks Ed, I think that does help clear things up and I don't have any - you're saying the letter or do you mean the table?

Edward Morris: Sorry, the table. On recommendation one we note that there's a linkage between recommendations one and eleven. Recommendation ten also plays a role so I would just request if possible if we could just throw in ten in between one and eleven so the folks in the CCWG that get this understand that there's this balance between the three recommendations and when we're looking for a solution to get us moving forward, it just may be tinkering with then could create support for eleven or one. It's just a triad and I would like to include ten as well as one and eleven.

James Bladel: Alright so you're talking about under recommendation one for the comments - the first bullet point really today. Some of the GNSO has identified a clear link with recommendation number ten and eleven.

Edward Morris: And one as well.

James Bladel: Exactly. Well this is under the - this is under the comments for item number one.

Edward Morris: Okay, I don't have that before me. We only have two of the three in there. Is that correct?

James Bladel: Correct. Item number one references item number eleven. I'm suggesting that item number one references ten and eleven.

Edward Morris: 10, 11 and 1 - okay it's already in one as well. I'm sorry. Perfect.

James Bladel: Yes, it's first mentioned in item number one.

Man: Exactly so just have quick findings of it in there rather than just eleven. That would be perfect. Thanks so much (James).

James Bladel: Okay. Yes and I don't - yes and I think (Mary) has it in her chat here. Since the comments to rec ten refer to one and eleven, it makes sense to the comments in rec one reference ten and eleven as well. I think that's exactly what (Ed) is saying (Mary) and I think we just need to be consistent on all three of those when they reference back to one another and that will address the point that (Ed) is raising and (Keith) I think is noting.

It's not just - this isn't just semantics here. This is (Keith) or a lot of folks that these are all tied together. Okay, thank you for capturing that. Good catch (Ed).

You know, I would just kind of ask the council at this point with nine minutes remaining in our call, here's what I would like to propose - that we would distribute because most of the traffic was on that linkage - the recommendation five, recommendation nine and recommendation eleven which I believe we have tackled

and the language of the letter and whether or not that left the door open for public comment or strongly encourage that or not.

Here's what I'd like to propose. We circulate a clean copy of the letter and the table with a strong predisposition that it would be - this would be a final review. we circulate that to the list for approximately 24 hours and then, you know, unless someone catches a major error or omission, we send it to the co-chairs of the CCWG on behalf of myself and (Donna) and (Heather) as the consolidated response from the - from the GNSO.

And if everyone is okay with that approach then I would withdraw the motions that were placeholder motions - still don't have a second by the way - but this placeholder motion item number seven - I would just withdraw that and we would proceed with this letter in (unintelligible) table and I just wanted to see if there was support here for that approach and I got a couple of folks - we've got some green checkmarks in some chat so okay, no one's throwing any rocks at me.

I want to make everybody has one last opportunity to put eyeballs to this document before it goes out under all of our names and make sure that we're all comfortable with it and that the CCWG co-chairs have something that they can use that draws their attention to the statements submitted by all the components of the GNSO. So we'll proceed that way.

Thank you very much for all of those - particularly those who worked on the sub team but really everybody, you know, that worked on this as well as the staff members who we really ran through the ringer. It was good to have (Mary) in Singapore so she could work on this while we were sleeping so thank you to all of the staff members. So with that said then I will formally ask that we withdraw the motion that was made on item number seven and that will just go into the desk bin history.

The last bit here - we have a couple of minutes to talk about Mayor (Kesh) but just out of the closing notes of the CCWG and I think you guys know where I'm coming from is we should expect a final report, supplemental report - whatever it's going to be called - we should expect that in short order and I think that we're going to have a slightly different approach because both the timeframe will likely be compressed

because it'll be targeting in February so even if there is a public comment, it will be a brief one.

And secondly I don't think we'll have opportunities to introduce conditions or changes or qualifiers to our support. I think that the GNSO itself as a chartering organization will be, you know, asked to put its cards on the table and say we support this or we don't and we need to be clear and concise about that and so I would ask those who are, you know, working closely with their stakeholder groups and constituencies to make sure that you set the expectation that this is coming and it's going to require perhaps a short turn around and that we're going to have to take a formal position on these recommendations and in some cases, you know, if the registrars are way off on left field on one of these recommendations then I have to make sure that (McKaley).

And all the other registrars understand that if I vote for something and it doesn't carry that that's still the position of the GNSO as a chartering organization and I think that's kind of where we are now but the good news is I think that if the CCWG incorporates a lot of these comments on board, they'll see a great degree of unity in most of the recommendations but I just want to put that out there that that is something that lies in our future so we're not completely out of the woods yet.

So - yes and (Phil) said it - my whole paragraph in just one sentence which is that the supplemental report will start to look like a binary choice - yes or no. Okay so then we can get maybe a quick update from (Susan). I know we've got about five minutes so I apologize but (Susan) and Amrif you have any updates relative to the Mayor (Kesh) meeting that you could talk to us about, I would gladly turn it over to you.

Susan Kawaguchi: This is (Susan) and we do have some planning in place but I'm not up to date on it. It's been a really crazy week so we're working on it. How's that?

James Bladel: That's - at this stage in the game that's acceptable and I think that Amrwas dropped from the call. You know, I could - can I ask that if you have any significant updates to either the schedule or any of the event plans for the Mayor (Kesh) meeting that we can circulate that to the list in advance of our next call?

Susan Kawaguchi: Yes, we can definitely commit to that.

James Bladel: Okay, fantastic and I notice that Amr is back on the list and she's agreeing with you that there are no significant updates at this point.

We have - this has never happened perhaps at least in my history on the GNSO - we have a couple of minutes to spare and I would just want to circle back to item number six which was a motion on the - on the RPM's that were withdrawn. Amr wanted to take the floor here briefly to discuss why his rationale for withdrawing that so I would ask two things.

Amr if you could give us a brief overview of why - your thinking behind the withdrawal and the rest of the counselors could just give Amr an extra minute or two, that would be fantastic to hear them out so Amr the floor is yours.

Amr Thanks (James) and I will be brief. What's - as you recall when I sent in the motion for the council maybe about an hour and a half or two hours prior to the deadline to submit motions, I had mentioned that I hadn't had a chance to go over the final issues report before sending it out but in terms of process I think it was very proper to go ahead and since (Beth) had prepared the report it was - it seemed pretty straight forward to submit it for consideration by the GNSO council.

However after going over it and comparing it to some of the points raised in the NCSG comments on the public comment period, I felt that I couldn't support the issue report as is and I believe more work needs to be done on it. Maybe some small elements on what to include may not have been there and that's why I asked for the staff report on this and then (Lars) thankfully pointed me in the right direction on where to look at that.

But more importantly I think we have a real problem on the stages - the two phases that were recommended by staff in the issues report on how to conduct the review of the RPM's and specifically the recommendation was in the first phase to review the RPM's that are specific to the new GTLD program which are like the URS and the others and wait to perform the review of the UDRP following that.

Now I don't really want to get into a substantive discussion on council on why the NCSG believes that a review of the UDRP first is more desirable but what I would like to say from a process perspective - I don't think that the GNSO council should be

adopting an issues report where there are disagreements. Issue reports are supposed to be very straightforward and uncontroversial documents - that scope and issue that is meant to be deliberated upon by an APDP working group.

If there is disagreement on something like the process by which the working group will work then I believe that this should not be included in the issues report and should be deferred to the working group to sort of work this out. Like I said, the issues report is just meant to scope the issues that are meant to be discussed by the PDP working group so I think if the GNSO can't agree on something like the order of the two phases which some RPM's would be reviewed first and which would be done later - I think that this decision should be deferred to the PDP working group and not included here.

And I would be happy to continue to work on this with the rest of the council members and staff in the weeks to come. Thank you.

James Bladel: Thanks Amr and so just as a note here, I think that, you know, the work will continue on this until it is in a form that we feel comfortable we can proceed to reintroduce the motion and I think it's worth noting that because it was withdrawn that it was not deferred. So it doesn't necessarily have to be at the next meeting nor does it move the eligibility for a deferral if that made any sense.

So thanks for the justification there and I think the takeaway from my end is that there's more work to be done on that and it just wasn't - it wasn't fully baked yet. So thank you Amr and we'll continue to work on that one.

Okay so with that, I note that we are just one minute over. Lots to do but we've made a lot of progress here today. (Ed) is that an old hand or did you have a closing comment?

Edward Morris: Old hand.

James Bladel: Okay, no sweat. Thank you. And so let's go ahead and adjourn if there are no other AOB here which we always seem to skip but, you know, that's becoming a tradition. So if there's no other items, we'll adjourn for the day and I would just say again thank you everyone for your work on these issues. We'll get some of them in our rearview

mirror but we know that the road ahead has quite a bit of - there's no shortage of things to take on here in the next few weeks as well.

So thank you everyone. Have a great week and weekend and for those of you on the east coast, make sure you pick up lots of bread and milk and hunker down for the blizzard that's coming your way and folks in the Midwest here, we will just, you know, we will try not to point and giggle to you loudly. So take care everyone. Have a good weekend.

Woman: Thanks (James).

END