
ICANN Transcription

GNSO Extraordinary Council Meeting

Tuesday 28 May 2019 at 2100 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<https://gns0.icann.org/sites/default/files/policy/2019/audio/audio-council-28may19-en.m4a>

Zoom Recording:

https://icann.zoom.us/recording/play/yRCq5Xkyt0nir_GZ20341ukdfI8pwF8ODxYi2JRtvVKEXc5zkmr406BUqJcJJzaz?startTime=1559077262000

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page:

<https://gns0.icann.org/en/group-activities/calendar>

List of attendees:

Nominating Committee Appointee (NCA): – **Non-Voting** – Erika Mann (absent)

Contracted Parties House

Registrar Stakeholder Group: Pam Little, Michele Neylon, Darcy Southwell

gTLD Registries Stakeholder Group: Maxim Alzoba, Keith Drazek, Rubens Kühl

Nominating Committee Appointee (NCA): Carlos Raul Gutierrez

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Marie Pattullo, Scott McCormick, Philippe Fouquart, Osvaldo Novoa, Paul McGrady, Flip Petillion

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent, Elsa Saade, Tatiana Tropina, Rafik Dammak, Ayden Férdeline (absent, apology sent), Arsène Tungali

Nominating Committee Appointee (NCA): Syed Ismail Shah

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Julf (Johan) Helsingius– GNSO liaison to the GAC

Maarten Simon – ccNSO observer (absent)

ICANN Staff

David Olive -Senior Vice President, Policy Development Support and Managing Manager, ICANN Regional

Marika Konings – Vice President, Policy Development Support – GNSO

Mary Wong – Vice President, Strategic Community Operations, Planning and Engagement

Julie Hedlund – Policy Director

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Steve Chan – Policy Director
Berry Cobb – Policy Consultant
Emily Barabas – Policy Manager (apology sent)
Ariel Liang – Policy Support Specialist
Caitlin Tubergen – Policy Senior Manager
Nathalie Peregrine – Manager, Operations
Terri Agnew - Operations Support - GNSO Lead Administrator
Sara Caplis – Technical Support

NATHALIE PEREGRINE: Good morning, good afternoon, and good evening, everybody. Welcome to the Extraordinary GNSO Council meeting on the 28th of May 2019. Would you please acknowledge your name when I call it out? Thank you very much. Pam Little?

PAM LITTLE: Here.

NATHALIE PEREGRINE: Maxim Alzoba?

MAXIM ALZOBA: Here.

NATHALIE PEREGRINE: Rubens Kuhl? I see Rubens in Zoom room. Keith Drazek?

RUBENS KUHL: Here.

NATHALIE PEREGRINE: Thank you, Rubens. Keith Drazek?

KEITH DRAZEK: Here.

NATHALIE PEREGRINE: Thank you. Darcy Southwell?

DARCY SOUTHWELL: Here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Michele Neylon?

MICHELE NEYLON: Here.

NATHALIE PEREGRINE: Carlos Gutierrez? I did see Carlos in the Zoom room. Marie Pattullo?

MARIE PATTULLO: Here. Thanks, Nathalie.

NATHALIE PEREGRINE: Thank you. Scott McCormick?

SCOTT MCCORMICK: Here.

NATHALIE PEREGRINE: Thank you. Paul McGrady?

PAUL MCGRADY: Here.

NATHALIE PEREGRINE: Thank you. Philippe Fouquart?

PHILIPPE FOUQUART: Here.

NATHALIE PEREGRINE: Rafik Dammak?

RAFIK DAMMAK: Here.

NATHALIE PEREGRINE: Thank you. Elsa Saade? Elsa said she might be having—

ELSA SAADE: Here but my mic is a bit limited.

NATHALIE PEREGRINE: Thanks. Arsene Tungali?

ARSENE TUNGALI: I'm here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Flip Petillon?

FLIP PETILLON: Here.

NATHALIE PEREGRINE: Osvaldo Novoa?

OSVALDO NOVOA: Here. Thank you, Nathalie.

NATHALIE PEREGRINE: Thank you. Tatiana Tropina?

TATIANA TROPINA: Here. Thank you.

NATHALIE PEREGRINE: Thank you. Martin Silva Valente?

MARTIN SILVA VALENTE: Here.

NATHALIE PEREGRINE: Thank you. And we received apologies from Ayden Férdeline. Syed Ismail Shah?

SYED ISMAIL SHAH: Here.

NATHALIE PEREGRINE: Cheryl Langdon-Orr?

CHERYL LANGDON-ORR: Here, Nathalie. Thank you.

NATHALIE PEREGRINE: Thank you. Erika Mann? I don't see Erika in the Zoom room. We'll circle back to her. Julf Helsingius?

JULF HELSINGIUS: Here, Nathalie. Fortunately, I'm here, finally. Thank you.

NATHALIE PEREGRINE: Thank you. Maarten Simon, who I don't see in the Zoom room either. We'll circle back to him.

From staff, we have on the call David Olive, Marika Konings, Steve Chen, Mary Wong, Julie Hedlund, Caitlin Tubergen. We have apologies from Emily Barabas. Barry Cobb, Ariel Liang, Sara Caplis, Terry Agnew; myself, Nathalie Peregrine.

I'd like to remind you all to please remember to state your names before speaking for recording purposes. Thank you ever so much, and over to you, Keith.

KEITH DRAZEK:

Thank you very much Nathalie. Hi, everybody. This is Keith Drazek. Welcome to the Extraordinary GNSO Council call of the 28th of May 2019. I will pause now momentarily to ask if there are any updates to statements of interest and then we'll review the agenda. So, any SOI updates? Seeing no hands and hearing no voices, the review of our agenda, agenda item 1.3, we essentially have two substantive issues on our agenda today.

I think as most of you know, we scheduled this extraordinary meeting of the GNSO Council in light of the ICANN board's decision and resolutions regarding the EPDP phase one recommendations that were communicated to us just prior to our previous regular meeting of the council where we had quite a full agenda and we really didn't have time to either digest or to address the board's action and the communication, the letter that we received from Cherine outlining the board's actions related to EPDP phase one.

So, we scheduled this meeting originally to deal entirely with that topic and I'll speak more about that in a moment. But in the [inter-

meeting] week-and-a-half, we had a preparatory meeting with the GAC leadership and the GNSO leadership had a conversation and then some follow-up communication in preparation for Marrakech and one of the topics, not to anyone's surprise, is the topic of IGO protections and the council's action back in April regarding recommendations one through four and recommendation five.

The reason this is on our agenda today is we have received a written communication from Manal, the GAC chair, asking for feedback from us as the GNSO Council by the end of this week as to whether we, the council, are willing to engage in, enter into, a facilitated dialogue with the GAC and presumably the ICANN board over the issues of recommendations one through four and recommendation five. So, we need to talk about that today, and by the end of this week, we need to get back to the GAC with our views and our positioning. So, we need some time to speak to that.

Again, I'll just set the stage here on topic number one, the EPDP recommendations, and then we can get into the substance.

I note that in the chatroom, you may have an AOB item. Rubens, feel free to go ahead and type that in the chat. If we can get to it, we will.

But back to agenda item number two, item number two on the agenda, the EPDP on the temp spec. I think, as everybody understands, the ICANN board in its resolution regarding the recommendations forwarded by council accepted in full 27 of the 29 recommendations and then the remaining two accepted

portions but then have effectively referred portions of two recommendations. That's recommendation 1 purpose 2 and recommend 12 back to the council.

In the letter that we received from Cherine, as ICANN board chair, there was the letter and also an attached score card or essentially the documentation with the rationale and the justification for the reason the board chose not to accept portions of two of the 29 recommendations.

With the board not accepting everything, there has been a board-GNSO Council consultation, bylaw-[mandated] consultation process initiated. There is no current timeline or timeframe within which this consultation has to be concluded, but I think it's expected that we will act expeditiously and that we will engage with the board to engage in any conversation that the council feels like we need to have on the topic.

I think at this point with the action being in the council's hands, there's probably an opportunity and a need for us to reach out to the EPDP team and to engage the EPDP team as well as to prepare ourselves through our own internal deliberations as council as to how we intend to go back to engage with the board.

I do want to just take one note here and make it very clear that we, as council, with this are in a bit of uncharted territory in that this has not been a situation council has considered or had to deal with before. It is provided for in the bylaws. In other words, the ICANN board has the ability to not accept all recommendations if they find that it's not in the public interest or not in the interest of ICANN and to provide a rationale which is what they've done. But

because we are in relatively new territory, we will be setting precedent with how we address and respond to the situation.

So, I just want us all to recognize that we are sort of in precedent-setting mode here and we need to take our responsibilities as council seriously in that regard.

But I'm going to stop there and let me see if anybody has their hand up. I don't see any hands at this point. Michele, I see your hand. Over to you.

MICHELE NEYLON:

Thanks, Keith. I suppose in terms of timelines for any kind of back and forth between us and the board, I'm just trying to work out how on Earth that's going to play out because we've only got a couple of days before we're all in Marrakech or heading towards Marrakech. So I'm just trying to understand how that would work.

I mean, let's just say, coming off this call, we agree that we're going to have some kind of interaction with the board. What would the timeline be for that? Do you have indication from staff for anybody else?

KEITH DRAZEK:

Thanks, Michele. I think the answer is it's open at this point. There is some flexibility build into the language, in the bylaw provision. Marika has put something in the chat here, I'm just noticing, as well related to that question.

So, Michele, my view on this is this is our first opportunity as council to discuss this issue and I think that's what we're looking to do right now is for council to discuss or councilors to flag any concerns or any issues they might see and really just begin the conversation here amongst ourselves. And then probably have a follow-on conversation with the board when we get to Marrakech without necessarily having it be expected to conclude there. I mean, I think if we find that there are concerns or issues that need to be flagged, then we should make sure that we flag those early and often. But I think at this stage there's no deadline or anything imposed upon us and I think we need to go through the process of reviewing process that was followed and to try to figure out how we want to structure our next engagement with the board on the topic. Paul, I see your hand. Go ahead.

PAUL MCGRADY:

Thanks. I guess my question is about what happens in the meantime. Just because the council is engaged in some sort of conversation with the board, that doesn't stop what the board did for moving forward. We can talk to the board until everybody feels like we've talked to them enough. I don't know frankly at this point whether or not there's much to talk about, about what they did. But assuming that there is, that doesn't mean phase two is held up, right?

KEITH DRAZEK:

Thanks, Paul. My view of that is that, no, phase two is not held up. And just to recap for everybody that may not have been following it super closely, the portions of two recommendations that were

not accepted by the board, number one was recommendation one purpose two, which as it was self-described in the EPDP phase one final report was placeholder language and that there was an expectation that more work would likely need to be done during phase two on that recommendation. So the board has basically said noting that it's placeholder language and noting that there has been subsequent communication from the European Commissioner and the data protection authorities, that this is still open for further work. They decided to defer that one.

Then, the other one is a portion of recommendation 12 that basically says related to the collection and validation of data associated with the organization field that registrars are able to either redact or delete the data and the board simply said, "We're okay with this recommendation as far as redaction is concerned but we don't want you to delete the data until such time we've had the opportunity to go through and review the impacts of these recommendations on other existing consensus policies and procedures." I'm paraphrasing here but that's essentially what the board chose to do.

So, those are the two things that are not accepted. And Paul, to answer your question directly, I personally don't see how either one of those obstructs the work of the EPDP phase two. I think it actually – at least the first one that I described – sort of puts the ball back in the court of the EPDP phase two for further work. So, I'll pause there. Michele, back over to you.

MICHELE NEYLON:

Oh, thanks. I think the answer in some respects to the question is it's quite nuanced because EPDP phase two is meant to be dealing with issues that weren't addressed in phase ones and the certain ones that are obviously more important than others, etc. And the group has already started that work.

But it's not simply a question of taking the board action and running with it because we have to do something with what the board has done. Essentially, they've thrown two things back to us and then we have to decide on how we want to handle them which means that could mean referring them back to the EPDP group or it could mean us digging our toes in and getting into some kind of weird death match with the board. At least that's what I've understood from the email you sent earlier. Thanks.

KEITH DRAZEK:

Okay. Thanks, Michele. If anybody else would like to get in the queue, please put up your hand. This is why we're here and these are the discussions that we need to have. Rubens, I'll get to you in just one moment and I'll just ask, Marika, feel free to weigh in on any of this. Mary, feel free to weigh in on any of this if you like to help us all understand what the process and procedure is here. So, Rubens and then Pam.

RUBENS KUHL:

Thanks, Keith. Rubens Kuhl, Registry Stakeholder Group. One thing that concerns our stakeholder group is that what [board do] keep the practice of [inaudible] regular use of extraordinary measures. It started with temp spec, including Technical Study

Group discussions with regulatory bodies on their own regarding [inaudible] affected parties.

One thing in particular that we might want to look at is that the bylaws do not [explicitly] authorize the board to selectively adopt EPDP recommendations. It's actually quite the opposite. [inaudible] selective adoption. In particular, it seems to [inaudible] individual recommendations which happens with recommendation 12 when they didn't reject it all. They rejected parts of it.

So, in fact still under a temp spec because the board should either have punted everything back to us or [inaudible] concerns [inaudible] but from a procedure standpoint, I don't think that what's in the temp spec is enforceable anymore, [inaudible] of board to follow the bylaws.

So, one of the first things we might want to discuss with the board is the procedure we show [inaudible] applicable or not. Thanks.

KEITH DRAZEK:

Thanks, Rubens. So, without opining on the view that the board is not able to be selective in its approval or acceptance of recommendations, because I'd need to look into that, the temporary specification itself expired. It's over and done with, aside from the fact that there is this bridging mechanism that is now in place for contracted parties to either implement the new policy or to continue essentially living by the parameters of the temporary specification. But yeah, I think the point about the temp spec not being enforceable at this point is the temp spec itself went away on the 20th or 21st of May as I understand it. And I will

have to defer any substantive view on the question of was the board's action in being selective in terms of what it accepted and what it did not accept provided for in the bylaws or not. And it may not be explicitly provided for or allowed for, [be explicit]. But it may not be prohibited, either. Something that we should look into, though, to your point. Pam, I've got you next. Rubens, I think that's an old hand now. You're welcome to get back in queue if you'd like. But let's go to Pam and then Maxim.

PAM LITTLE:

Thank you, Keith. Looking at that possible next steps document sent to the council, we basically have three options. One is to accept board's non-adoption. The other one is affirm the original recommendation.

The third one is more interesting which is modifying the original recommendation. In order for the council to consider all these options including the third one, which is to modify the original recommendation – and I guess this would only concern mostly about recommendation 12 because recommendation 1 purpose 2 was really in a placeholder, so I guess it's less controversial if we accept or if the council accepts board's non-adoption. So this leaves us with recommendation 12. How do we deal with recommendation 12 in relation to board's partial adoption or partial non-adoption?

And if we are to consider referring it to the EPDP team ... Sorry. If we were to consider modifying the original recommendation including maybe referring it to the EPDP team, I was just wondering whether we should have a conversation with the EPDP

team or a representative of the EPDP team to give their thoughts on this particular recommendation, given the board has given the rationale about why they didn't adopt the [inaudible]. Thank you.

KEITH DRAZEK:

Thanks, Pam. Thanks for laying it out in terms of what the options are and the possible paths forward. I think if it's a question of ... I think, regardless, the council probably needs to go back to the EPDP team to better or at least ask the question of does the EPDP team have a view that it would like to share with council. And I think that, from a council perspective, I don't think we're in a position of substantively changing recommendations ourselves unilaterally. I think we would need to basically be approving a recommendation or a supplemental recommendation or something that was coming from the EPDP team. So, sorry, let me get back to the queue here.

So, I think you raised some questions. As you noted, because of the placeholder language around recommendation 1 purpose 2, perhaps not controversial on a substantive level and then, as you noted, recommendation 12 is the one that basically says, "Registrars, you can redact but you can't yet delete until such time that the implementation process reviews other existing policies and procedures to fully understand the impact of deleting that data." Again, I'm paraphrasing there.

So, next in queue. I think, Maxim, you were next. Go ahead.

MAXIM ALZOBA: I have a question about the board resolution and levels of support for the resolution. I wonder if it's possible to have an action item to get the level of support for the [inaudible] resolution, because for EPDP, some items require more than two-thirds of board members voting. Thanks.

KEITH DRAZEK: Thanks, Maxim. So, was that a ... Just so I understood the question, was that asking for us to request from ICANN staff and ICANN board support what the thresholds were for the board's voting? Did I have that right?

MAXIM ALZOBA: Yes, the levels of voting. How many members voted for which bit? Thanks.

KEITH DRAZEK: Okay. Thanks, Maxim. We'll take that as an action item and circle back with staff. I'm sure that the thresholds [inaudible] whatever they were, but we can certainly check to see if those are available or public or whatnot. Would anybody else like to get in queue? I know there's been some activity in the chat box, but feel free to speak up and ask any questions.

I think this is our opportunity for each of us as councilors to flag any concerns or questions that we have so far that we've received from our stakeholder groups and constituencies, if any. And thanks to the CPH colleagues for bringing up some points. But if

anybody else would like to jump in with any concerns or questions.

I guess one question I have is, again, acknowledging and recognizing that this is a bit untested and that we're in some unchartered territory. It is provided for in the bylaws by my read and now it's just a question of how are we going to deal with it and how are we going to address it.

The question I keep asking myself is when we talk about portions of recommendations not being accepted is to ask the question: would we be better off if they had rejected the entire thing? In other words, the entire recommendation rather than a portion of the recommendation 12, for example? That's just a question I have in the back of my mind. Marie, I saw your hand go up.

MARIE PATTULLO:

Yeah, I did, Keith, but I'm not sure it's the right point in the discussion. But I'll go for it anyway. There's some discussion about talking with the EPDP team, and of course in the chat, about speaking with our constituencies and stakeholder groups. Would fully agree with both of those. That's obvious. And like many of you, of course, we have been talking with our colleagues in the BC.

One thought that we might want to play into this is that on the less controversial one, on purpose two, it may also be worth us advocating that the board talks with European DPAs because if that goes back to the EPDP, we're going to keep this circle going round and round and round. But on the purpose, we know that the

DPAs have requested certain specific language to be tightened, so it might be better for the board and for Org to discuss with the DPAs about that, so that we have something solid on which to discuss rather than just keep the hamster on the treadmill. Thanks.

KEITH DRAZEK:

Thanks, Marie. I know that or my understanding is that ICANN Org is continuing to talk with the Commission with a goal toward speaking eventually with the Data Protection Board, or DPAs, if that hasn't happened already. And there was a letter sent by Goran to the EPDP team as it was entering phase two, basically offering and asking for engagement from the EPDP team with Org as it works towards trying to clarify some of the outstanding questions.

So, I think that conversation was initiated by Goran during phase one. I believe it's continuing. By all accounts, it's continuing, if you look at the letter that Goran sent to the EPDP team. And Janis on behalf of the EPDP team responded essentially confirming the team's interest in working with Org to craft and to make sure that the questions posed to the Commission and the data protection authorities are appropriate and right-sized and properly focused on the work that the EPDP team is doing or that the work that the TSG did to try to make sure that the right questions are being asked.

So, I agree that there is a need for that engagement to continue and I think the EPDP team is the right place for the community to

be providing input into those questions and into those conversations.

So, Marie, that's my initial reaction. I don't know if that addresses fully your question. Feel free to come back in if you'd like, and if anybody else would like to get in the queue, please do so.

I noted that Paul McGrady in chat said that we should ask if everybody is unhappy with what the board did, and if so, whether or not we envision it's possible for us to reach a unified position on what to do about it. So, I'm just reviewing chat. Michele, go ahead.

MICHELE NEYLON:

Thanks. Just to answer Paul McGrady's question, I think the question itself is a little bit too simplistic because us being unhappy with what the board did is one thing. Us being [inaudible] enough to cause major [eruptions] is another question entirely.

So, I think to answer the question about whether we're happy with what the board [inaudible], I know that from the registrar side, [inaudible] people are particularly happy with it. I'm not sure that we are willing to make this into a massive deal or not. I think we have certain questions and I think that's part of what this dialogue should be about. But from a pure kind of process, [inaudible] perspective, obviously we're not happy. No.

KEITH DRAZEK:

Thanks, Michele. There's still ongoing discussion in chat. I think on this one, yeah, I think we all need to be cognizant of, as I said at the outset, precedence being set and procedure being followed

and I think that even if we were all fully comfortable with the substantive decision that was made, if we have process concerns, then I think it's fully within the right of council to flag those and to put a marker down without necessarily having to fight the fight to overturn something that on substance seems perfectly reasonable. But again it's not clear to me that we actually have process concerns or procedural concerns that aren't provided for in the bylaws.

Again, we can ask staff to help us drill down on this and get the right language. We can all read it and compare it. But I think at the end of the day, the new bylaws provide for the board to be able to not accept recommendations or a recommendation and to justify it and then that's essentially what has triggered this consultation process and we need to find the right path forward. Let me stop there. Flip, I see your hand. Go right ahead.

FLIP PETILLION:

Thank you, Keith. I was just wondering whether we have a full picture of the reasons that make the board take this decision.

KEITH DRAZEK:

Thank you, Flip. I'll respond and I know that in the attachment to the board letter that we received from Cherine, which I have in front of me here, the letter was dated the 15th of May. There was the scorecard attached. I'm not sure if everybody has had a chance to review that. But essentially a scorecard that provided the rationales. So, whether that's a full picture or if there's more context, then perhaps that's an opportunity for a conversation with

the ICANN board if we feel like that's not sufficient or substantively complete. But I do know that they did go through I think a fairly extensive thought process and documented a bunch of that.

So, specifically, I will respond by saying my understanding based on the review of the scorecard and conversations is that recommendation 1 purpose 2 was identified by the EPDP team itself as a placeholder and then there was subsequent, after the EPDP team concluded its work and the council approved the recommendations, there was further communication from the European Commission on that subject that raised sufficient questions in the mind of the board that they thought it was prudent not to accept that recommendation and to instead return it to the EPDP team as was acknowledged in the reference to it being placeholder language in phase one.

As far as the second of the issue, recommendation 12, I think there was – again, in going through the collection and validation of registrant data related to the organization field, the question was the decision that was recommended by the EPDP team was that registrars would be able to redact or delete that data if it was not validated or verified by the registrant. And the board I guess in noting that the deletion of data without a proper review of other impacted policies and procedures would be potentially irreversible and therefore they wanted to be cautious about it. But they wanted to allow the community to review the other impacted policies and procedures before making, in their view, a decision that couldn't be fixed if something was found to be wrong.

Again, I'm just very high-level paraphrasing but that's my understanding of the rationale. But if there are further questions,

then we should certainly take the opportunity to ask those questions of the board.

So, in queue, I've got Rafik and then Flip is back in queue, so Rafik, over to you.

RAFIK DAMMAK:

Thanks, Keith. So, I think the expectation from having the consultations, we really need to understand more about the rationale. For now, we have just the letter. I'm not sure how much is convincing or [inaudible] give enough context. So, having maybe we can have rounds of meetings. We can start maybe asking the question. It's really to know more and get details.

I can say that was mentioned already, but EPDP team is interested to know how it can get engaged in the process and how much whatever we decide or this consultation will impact its work. So it's something we need to agree on.

I'm not sure what's the right format for this but something maybe we can explore different ways to [inaudible]. For example, do we need a meeting between the council and the EPDP team and so on?

Just about, think about ... I have one issue. It's that I can understand, for example, regarding the purpose that was triggered by the letter from the European Commission but it's kind of not that convincing because I think on this kind of matter, it's more to hear from the DPA but not from European Commission. I don't think they have the same mission or remit on this matter.

So, I'm kind of not that convinced that European Commission letter can be able to trigger the board to make such decisions, but this is still I think open for debate.

On the other hand, for recommendation 12, I'm really concerned that we asked and we did our best to have a board liaison, so I'm wondering here why if there was some concern that was not shared during the deliberation of the EPDP team. I'm trying to recall but I don't think there was any specific concerns shared at the time through the board liaison that this might be an issue for the board. So, that would have avoided in many aspects to have this kind of decision.

I understand that we [inaudible] placeholder and there was expectation that the EPDP team to continue deliberation but rejection is quite a [inaudible] option. So I think that maybe this is a question also to the board why that was not shared at an earlier stage.

KEITH DRAZEK:

Thanks, Rafik. I think you've outlined a couple of instances where the council could come up with some questions, both potentially of the EPDP team but also of the board. And in some other instances, we don't have to necessarily ask a question but we could flag our concern about perhaps the lack of comment or commentary by the board liaisons on a particular topic that might have avoided the situation.

So, I guess in what I've heard so far – and I know, Flip, you're in queue next – what I've heard so far is that the council perhaps as

a next step might come together and work on developing a list of questions, comments, and concerns. Maybe three categories. Maybe they're overlapping, I don't know. But the idea is to put down a marker with the council's views and incorporating – I think this is important. Incorporating any thoughts or feedback or input from the EPDP team because they were the policy-making group whose recommendations the council approved. So, on that point, Rafik made a good point about the possibility of the council and the EPDP team interacting, and maybe in Marrakech there's an opportunity for some of that.

But in the interim, I have been invited by Janis to join the EPDP team's meeting on Thursday to essentially provide a five-minute update or maybe ten minutes or so following our call today, to basically have that initial point of engagement with the EPDP team. Certainly recognizing Rafik as the liaison. But I think that was in reaction to the thought of is it even possible to have the EPDP team and the GNSO Council meet as a group before or even during Marrakech? And it's not clear that that's something that we can pull off. So, anyway, I thought I should note that. Flip, over to you.

FLIP PATILLION:

Thank you very much, Keith. I would very much encourage a dialogue and I would propose that we think of two things before engaging into a dialogue.

First is to try to understand the position of the board and try to understand the context that led the board to take this decision. I think that's only a suggestion. I think that one of the important

points is the discussions that, for example, Goran has had with European representatives, with DPA representatives, and it would be good to get some clarification about that. Actually, some of us have suggested that these talks would not be conducted on their own but it would have been good to be assisted by representatives of supporting organizations or others that that was [inaudible]. So now is the time for them to explain.

The second thing that I would suggest that we think about is what do we want when we want to engage in a dialogue? Do we want to discuss? Do we want to debate or do we want to argue? I think we should very carefully think of this before engaging in a dialogue. Thank you.

KEITH DRAZEK:

Thanks very much, Flip. I think you're right on all three points. The context for the board's decision, better visibility into the conversations between Goran and the Commission and any DPAs, and then have, to your third point, discuss, debate, or argue – have a clear understanding or agreed-to expectation as to what we want out of the engagement. Again, I think maybe going through the process of developing what I suggested earlier about questions, comments, and concerns might help us frame that discussion, ask for the clarification and the transparency and the things that you've identified here in terms of context and what were the details of some of those conversations, if they can be shared, and then to frame the discussion in a constructive way. At least that's my hope. So, Flip, thank you very much. Pam, you're next.

PAM LITTLE:

Thank you, Keith. I agree with what Flip was saying about be careful about our approach, what we want to get out of our conversation with the board. But in order for the council to make an informed decision about our approach, I feel it is really important that we, the whole council, have a good understanding from the EPDP team as a whole about their thoughts on particularly recommendation 12.

I believe or understand that last week during the EPDP's regular meeting, one of the ICANN board members, board liaison, Chris Disspain, did brief or give an explanation to the EPDP team about the board thinking in partially adopting or rejecting those two recommendations.

And Keith, you mentioned you were invited by Janis to join the EPDP team meeting this Thursday. That's all well and good but I think the board recommendations or the board resolution is everybody is aware of what these two recommendations are and what the board has given as rationale, as you mentioned in the scorecard. So I'm not really sure what can be achieved in your interaction with the EPDP team. I would have thought the interaction really needs to be the other way around, where the EPDP team is giving the council that input as to what their thoughts are about the best approach because the EPDP team obviously, to me, is closer to those policy issues than the council.

So, I feel as a council member, I would really greatly appreciate some feedback and thoughts from the EPDP team before we

move on to decide our approach with the proposed board consultation. Thank you.

KEITH DRAZEK:

Thanks, Pam. Just to react. Two things. One, Janis invited me to participate in the Thursday call with basically the goal of helping to report out on the conversations that we are having today because there are questions I think that the EPDP team has – obviously we're discussing this for the first time today and it was really just an opportunity for an update. It was not intended to be me in any way instructing the EPDP to do anything because I think that's something that we, as council, need to figure out how we're going to approach.

On the second point, I agree with you completely. I think that the EPDP team is the group that is closer to this on a substantive level and that we, as council, should be doing everything we can to get the input from the EPDP team on these issues and that's one of the reasons I suggested coming up with the list of questions, comments, and concerns. That's not only for the board. I think that's for the EPDP team as well, and specifically maybe some of those questions.

I hope that helps. Pam, I understand and I agree with your general point, that the EPDP team is substantively closer to all of this and that we should be asking them: did they see any issues or concerns with regard to the board's decision as it relates to their ability to get their future work done? So, let me stop there. Anybody else want to get in queue? I'm scrolling over to chat here. Okay, Rafik, over to you. Thank you.

RAFIK DAMMAK:

Thanks, Keith. Just a follow-up to your comment and Pam's comment. I think with regard to the EPDP team, yes, I think we should ask them about the concerns. There was clearly an interest since the resolution was published and the desire to get engaged in one way or another. So, I guess we can work out that and probably start first with asking them specific questions because, on the same time, I got that request and I shared it in the council list. From the EPDP team, it's really about understanding how the impact of the consultation and what are the next steps, because we have this process starting. So, it's kind of I think in both directions. There is some expectation for guidance from the council, so we have I think the board resolution specific request asking the EPDP team. So, a question for us. Are we just going to pass them or not? Anyway, I guess a good start is to have those questions to the EPDP team. But I guess still we have also to figure out how we will kind of manage this process to be efficient, since this kind of [inaudible] will be three party and how we can do it and the way to not [inaudible] the EPDP team from its current work since now we are – it was shared on the council list to have ... We started to think about the next steps for phase two.

So, I guess one thing we can start to think about is maybe do we need to have [inaudible] and how we did with this to not impact the current work of the EPDP team.

KEITH DRAZEK:

Thanks very much, Rafik. You make a really good point about we need to make sure that this process doesn't interfere with the

ongoing work of EPDP phase two. It's probably a reasonable question for us as council to ask the EPDP team. Are either of these two issues potentially going to negatively impact your work or your timeframes? So, I think it's a really important thing.

I guess the way I'm looking at this, the more we discuss it, is that we as the community – the policy making community – and that's the EPDP team, all of our constituencies and stakeholder groups and the council, should make sure that we're aligned to the extent possible on our views going into any sort of formal consultation with the board. And that doesn't mean that we can't ask questions before that. It doesn't mean I think we actually could and should pose questions or ask for clarification, as Flip noted. But at the end of the day, I sort of feel like we have some work to do among council and among our stakeholder groups and the EPDP team to sort of make sure that we're in as much aligned place as possible and then we begin the more formal conversations with the board that are outlined in the process and procedure.

I guess my feeling on this one is I think we need to be deliberate. I think we need to be judicious. We have to recognize that there is precedent being set as to how we would deal with a situation like this and I think if we're deliberate and judicious in our approach, that once we get to the end, the board will be in a place that we're all much more comfortable with because clearly there's a lot of questions right now as to how to proceed.

So, would anybody else like to get into queue? If not, Marika, I'm going to ask if there's any words of wisdom you'd like to share with us as far as your view or staff's view about possible paths forward? Thank you for putting together the document you did. Is

there anything that I missed in terms of our conversation today that you feel like others would benefit from? Marika, go ahead.

MARIKA KONINGS:

Thanks, Keith. I think you all captured it very well. As you noted, there is some flexibility with regard to your details of how the council goes about consulting maybe with others, dialogue with the board. And I think as you noted as well, this may potentially set a precedent. So I think it's important for the council to think well through the approach it wants to take and may set an example for how future similar processes might have to be dealt with. So, it may be worth ... I think several suggestions have been made on possible next steps and maybe we're working those out in further detail, also potentially with a possible timeline associated to that and that may help move forward the conversation but also set expectations on the side I think of the EPDP as well as the board with expecting next steps and timing. And of course staff has sent out – ready to assist with that as needed.

KEITH DRAZEK:

Very good. Thank you so much, Marika. Would anybody else like to get in queue on this topic? If not, we will move on. I will just take 30 seconds to summarize and say I think we need to put together an action plan. I say we, I think council leadership working with staff, need to put together an action plan for our engagement with the EPDP team and eventually with the board to identify questions, comments, concerns, that we have. And again, the questions could be directed to both the EPDP team and the board to basically inform our deliberations about how we plan to move

forward on the topic, recognizing the precedent-setting nature of some of our actions and the board's actions and that we need to be deliberate in how we approach it. And as Rafik noted, we need to make sure that we're not introducing uncertainty, distraction, or delay into the EPDP team that has its work cut out for it on the phase two UAM work.

So, with that, anybody want to get in queue before we move on? We might actually be picking up five minutes here. Okay, I'm not seeing any other hands, so let's move on to our agenda item number three, substantive item number two, which is a council discussion on next steps related to IGO-INGO curative rights.

As I noted at the outset, I'll just summarize again where we are. As everybody knows, we approved the recommendations one through four in April in our April 18th meeting from this and then referred or deferred recommendation number five for further work and rechartering within the RPM PDP Working Group with the idea of creating a small, dedicated, focused sub-team within under the auspices of the RPM redrafted charter, to basically focus on this issue with a goal towards driving towards a conclusion that the IGOs, the GAC, and the members of the group could live with.

So, as we all know, the approval of recommendations one through four was not consistent with or in opposition to previous and longstanding GAC advice and that, not surprisingly, the GAC is continuing to want to discuss recommendations one through four with the GNSO Council and with the board.

In the letter that we received from the GAC chair last week, there is an explicit request for a facilitated dialogue among GNSO

Council, GAC, and interested parties among the GAC and the ICANN board.

The specific request of us is to respond to the GAC by the end of this week, indicating whether we as GNSO Council are prepared to engage or enter into a facilitated dialogue with the GAC and the ICANN board and whether that's something that we're prepared to do. So, I'll just put a period there and then remind everybody that during the preparatory call that we had for Marrakech between the council leadership and the GAC leadership, we made clear that the recommendations one through four were approved by the GNSO Council and they are currently with the board for action.

So, we basically said if we wanted to have an ongoing conversation in Marrakech with the GAC and the IGOs but we preferred that it focused on looking ahead to the re-chartering of recommendation number five under the RPM group and trying to ensure that that small group, that small, dedicated and focused team would be able to address the issues, would have participation of the IGOs and that we were really wanting to look ahead.

But the letter that we received subsequently essentially asked for us to engage through facilitated dialogue, GAC, board, and council to I think – what their view is, what their hope is, that we would reopen or be prepared to discuss recommendations one through four again.

Let me pause there, and on this topic I will turn probably early and often to Mary Wong for any additional support or help in terms of

context and background. But let me just stop here and see if anybody has any comments or questions at this stage.

CARLOS GUTIERREZ: Keith, this is Carlos. I'm on the bridge only, I'm afraid.

KEITH DRAZEK: Okay. No problem, Carlos. Go right ahead.

CARLOS GUTIERREZ: Yes. Thank you very much. I think when we took the resolution, we focused mostly on the PDP team and probably the message that the GAC got was a little bit scary for them, so I really look forward to make a better explanation what we mean with this small group and if the small group is going to be limited by the recommendation number five alone or if there is option to look at different alternatives.

I have repeatedly mentioned that we have the precedent of solving similar issues with a restricted list, and Mary's last call confirmed that there was on record a list of IGOs that could be used as a restricted list. So, going forward, I really support the idea of engaging with the GAC and presenting a chance to engage and not limiting the next step to recommendation number five only. Thank you very much.

KEITH DRAZEK: Thanks, Carlos. Would anybody else like to get in queue here? Rafik, over to you. Then, I've got Marie.

RAFIK DAMMAK:

Thanks, Keith. So, I think maybe we need to try to understand or how to interpret what the GAC is looking for here. I think – this is also my feeling from the beginning – is they don't want really to talk about process and I think they made that clear last time. It's about the substance. And this is concerning a lot because what we need to think about is set up or the setting of any meeting now with the GAC on the matter.

As we are a council, the manager of the PDP or policy, we are not supposed to get into the substance and try to negotiate, for example, with the GAC on recommendation. I don't think that the point. And this is kind of ... I'm not going to say setting the precedent but we need to be careful here.

So, the reality is, as was said, the recommendation one to four was already approved and sent to the board. We cannot do anything here. Trying to discuss or try to make any action now doesn't make sense.

Recommend number five, we had the decision that we can work on it within RPM with a different way or [inaudible]. So we can [inaudible] the GAC. They can engage. We know that they are not happy and they still want to kind of ... They want to [inaudible]. And I find it's really problematic here to do so because it's not just IGO and INGO that can [inaudible] in future for other PDP and we don't want to jeopardize our PDP in that manner. We have a process that we ask working groups to [deliver us] policy recommendation and we [want] any other group like the GAC to engage at [various stage].

I know that we had a lot of discussion about the concern about the engagement in the working group and so on, but we need to think beyond that and how that will impact any other PDP in the future.

So, I guess we can accept or we [inaudible] the meeting with the GAC. I don't think we need at this stage any facilitated dialogue involving the board because the board is supposed now to make a decision or action on recommendation number one and four, so I don't think they should be [involved] now based on the agenda that we are expecting from the GAC which is related to the substance.

I think we can maybe explore that later on, depending of what the board will decide, recommendation number one and four.

I do believe that we need as council to manage our own processes here until the end. We are looking forward to hear from the different, their concerns, but we ... Okay.

KEITH DRAZEK: We can hear you fine, Rafik. Go right ahead.

RAFIK DAMMAK: But just [inaudible] situation we are going into [inaudible]. I'm sorry for taking too long, but I want really to emphasize this.

KEITH DRAZEK: Thanks, Rafik. If everybody can mute your lines if you're not speaking, we're getting a little bit of feedback there. Rafik, thank you for that. I agree. I think we're on the same page there. The

council – and I did, I tried to communicate this, however effectively during the meeting that we had early last week with the GAC leadership. In our view, the council has approved recommendations one through four and they are currently with the board for action. And of course among us we know that it's up to the board now to take that action.

Presumably, the board could ask questions or ask for further conversation but essentially right now the action and the decision is with the board and we're not in a situation or position to reopen the decision that was made at this time.

So, I think we do want to engage. I committed that we, the council, or a subset of council or members of the GNSO would engage with the GAC in Marrakech on the topic of IGO protection, and ideally focusing on looking ahead to recommendation five, the rechartered RPM PDP working group.

I think as Carlos noted, maybe there is an opportunity for conversation there. I don't know if it has to do specifically with the list. But basically trying to find a path forward that will involve the IGOs and other members of the GAC in the discussions, in a PDP, under a PDP 3.0 construct that's focused on the issue and that will deliver something that is more palatable today to the IGOs than what they've got but still follows the PDP process and tries to bring this ongoing process and challenge to a conclusion.

So, I really do think that ongoing conversation and dialogue is important. I think some folks in chat have said the same thing. But at this stage I think we just need to recognize that we're not going in there to negotiate about the recommendations that we have

forwarded to the board. It's really now with the board to make a decision.

And frankly, if the board rejects those recommendations and gives us rationale to do so, then we're back at square one and we start over with a fresh group and we'll figure it out from there. But at this point, the action is with the board.

So, looking ahead – and Marie, I'll get to you shortly. So, looking ahead, I think we have the opportunity for a dialogue in Marrakech. I think that dialogue will inform what we want to do next in terms of helping to move forward the RPM PDP Working Group re-chartering to incorporate this issue. And at that point, if there's some sort of facilitated dialogue, whether it's with the board or with somebody else, like for example Bruce Tonkin or Heather Forrest, folks who have a lot of experience on the issue that can help us map out the path forward, then maybe that's something we ought to consider. But I think we're not quite there yet in terms of making that decision. So, Marie, over to you.

MARIE PATTULLO:

Thanks, Keith. Just to pick up on your last point, having somebody like Heather there I would really support. I think that's a great idea because of her knowledge in this and her knowledge of procedure. On the pure procedural basis, I think we have to remember that we have reached out to the GAC not just on this specific dossier, but we have talked about having early engagement with them on matters going forward. We knew that the GAC had the opposite view here, so I would really support us being calm, speaking with them, fully agree with the small group,

fully agree with not going in with the entire GAC in the room and all of GNSO in the room. But we do have to realize that we knew this was coming. I don't think any of us are surprised by this.

As a practical point for taking this forward – and this does include the [inaudible], this does include recommendation five – I think meeting with, saying, “Yes, we are happy to meet with you. Yes, we are happy for this to be facilitated. Let's find common ground and let's take this forward.” To me, that's just logical. And your idea of Heather, yeah, great idea. Great idea.

KEITH DRAZEK:

Thanks very much, Marie. Would anybody else like to get in queue? I know there's some activity going on in chat. Feel free to speak up. Anyone else?

I'll note, Marie, you're absolutely right. We knew that the GAC was not going to be happy with the vote that we took on recommendations one through four. It was not consistent with GAC advice previously and long-held. I think one of the reasons they're a bit confused or upset is because they have requested this so-called facilitated dialogue prior to our vote, I think back in January. And we ended up not engaging in the facilitated dialogue with the board at that time. We knew that we had a tough decision to make and we did the best we could.

So, I think that there's some further context there and why we need to be sensitive. We need to be willing to dialogue and talk but understanding Rafik's point, this is not something where the

council is procedurally in a position at this stage to negotiate on substance or to negotiate the actions now with the board.

So, Maxim, over to you.

MAXIM ALZOBA: I had a question. Who and when is going to draft the amendment for the RPM PDP charter? Thanks.

KEITH DRAZEK: Thanks, Maxim. It's a good question. I know that we had discussed that during our last call and I know that there were several folks who volunteered to help contribute to that. I think it's important to note there's really two components of that work I think. There is looking at the current RPM group and looking ahead to phase two and figuring out where do we need to apply the PDP 3.0 recommendations and reforms to help improve the efficiency and effectiveness of the RPM group as a whole going into phase two.

And then there's a separate portion of the work that is focused on developing the parameters for this small dedicated team to look at IGO protections under the auspices of the broader RPM group.

So, I know that we've had some volunteers. I think there's also been some concerns raised about bandwidth and timing. I personally think that in order to engage with the GAC and show that we're working in good faith that this is maybe more urgent than others might, and based on the actual timing of the RPM

group and all of that, wouldn't otherwise warrant it. But that's my personal view.

So, the answer, Maxim, as quickly as I can to your question is that we've had some volunteers but the work hasn't started yet. I think we need to try to get that moving, at least on one or both of the fronts. But that's essentially up to council to make sure that people volunteer and that we get to work.

Would anybody else like to get in the queue? Cheryl, I see you've typed in the chat. You're welcome to speak up as well, if you'd like. If not, no worries. Okay. So, I'm not seeing any other hands. Mary, any words of wisdom for us at this point?

MARY WONG:

Thanks, Keith. Hi, everybody. It's Mary from staff. I think that you've described the situation very clearly and councilors have expressed their views on behalf of their constituencies.

So, just to note that obviously any background materials that you and the council may need going forward, we're happy to continue to provide from the staff end.

Secondly, as you noted, to the extent that there is any discussion with the GAC at Marrakech and beyond, that could involve a number of various folks with knowledge of the issue, not necessarily just councilors. And thirdly, to Maxim's question, as you noted, there are two possible tracks of work and how that progresses, the speed at which it progresses, where you end up with re-chartering the RPMs and carving out this piece for a work

track of however you end up could depend on what it is that you and the GAC discuss when you do meet. Thanks, Keith.

KEITH DRAZEK:

Thanks, Mary. I'm going to come back to you here in a moment and ask you if you could just spend five minutes if that's even possible on describing some of the other dependencies around these issues that are sort of sitting with the board awaiting the conclusion of the work so it can be dealt with as a package. But hold on one second. Prepare your thoughts on that and I want to respond to Philippe's question in chat that says: is the re-chartering entirely dependent on the board's vote as it relates to the recommendations one through four?

So, Philippe, I think it's a good question and it's actually, I think if the board were to reject one through four, I think that could have an impact on the chartering of the subgroup in the RPM re-chartering process. But it probably wouldn't have an impact on the redrafting of the charter for the overall group, if we wanted to get started with the PDP 3.0 issues and reforms.

But that's probably one that's worth digging into a little bit more, and Mary may have further views on that as well. Paul, I see your hand up. Then Pam and then I'll come back to Mary.

PAUL MCGRADY:

Thanks. I just wanted to verbally offer to lead the redrafting effort for the PDP charter with this issue in mind. I know we took it as an action item but I didn't know if it's needing a chair to gather

volunteers and kick it off. I'm happy to do that if that would be helpful.

And to the extent that we have a small team meet with the GAC on this issue, I'm happy to participate in that. I think it would make sense. If I'm going to be involved in the re-charting effort and as the council liaison to this particular PDP, I think it makes sense for me to be involved. I'm happy to be involved with the small team as well. And [inaudible] to the GAC, I think it makes sense for me to [be along]. Thanks.

KEITH DRAZEK: Thanks very much, Paul. I completely agree. I couldn't agree more. So, thank you for being willing to serve in such a capacity and very welcome. Pam, over to you.

PAM LITTLE: Thank you, Keith. If I may, I want to make two points. One is going back to Philippe's question about whether the re-chartering is entirely independent from the board's vote. I seem to recall that the referral of recommendation five, the language was to really ask this to be [inaudible] to relook at the recommendation five issue which is the jurisdictional immunity issue. But to develop potentially, develop policy recommendation to address the issue, but in a way that's generally consistent with the recommendations one to four that were approved by the council.

I think that language was deliberate in that. If we didn't have the language to set some kind of parameters for this new group when they deal with recommendation five, it would seem to render those recommendations one to four meaningless.

So, therefore, I personally think it is really ... It seems to make sense that we hold off the re-chartering until we know what the board decides or has decided what they are going to do with recommendation one through four. So, I think it is actually inter-dependent because otherwise it will really change how the chartering exercise ...

The other point I want to make is about back to this proposed meeting with the GAC. So, I completely agree with the take that Rafik had from the council leadership meeting with the GAC

leadership about a week ago. My impression from that conversation is that the GAC really wasn't interested in talking about or understanding council process or procedural issues. The language they used was to find solution oriented or to have a solution-oriented conversation or something along that line.

So, I just want to make sure that from the registrar stakeholder's perspective we seem to feel that this is not something that our stakeholder group has a huge interest or concern about but we have spent enormous amount of time, the council as a whole, on this particular issue. It's most unfortunate.

Certainly, we are talking about PDP 3.0 and improved efficiency and effectiveness. Certainly, this is kind of like the lesson learned. Not just only how not to work in a PDP, but also at the council level, we haven't managed this PDP well and even in the ensuing deliberations we took a long time to make a decision. And once we made a decision, as Keith you have said earlier, this action is now with the ICANN board, so we should really wait and see what the ICANN board does with our recommendations.

So with that – and I hope I'm speaking and my RrSG colleagues would agree with me that we are not objecting to a discussion with the board or either in a small setting, as some councilors seem to prefer, so that seemed to make sense. But definitely we feel that a so-called board facilitated dialogue is not appropriate at this point. Thank you, Keith.

KEITH DRAZEK:

Thank you, Pam. I think that was all very well stated. Let me just take a crack at summarizing where I think we are on this and I think we're all in agreement that, at this point, one through four is with the board. We're happy to talk and continue to engage with the GAC looking ahead to number five and re-chartering whatever comes out once the board makes its decision.

But the action item before us this week is I need to respond to Manal. We as the council need to respond to the GAC to the formal letter that was sent. So, what I propose to do is to draft a letter that would be sent before Friday or on Friday which is the date that they asked for it, after full council review. But basically provides a very brief rationale as to why we approved one through four and the fact that it is now with the board. Put that marker downright up front that says reconfirming the council's view that the ICANN board is now responsible for dealing with recommendations one through four. The council and the GNSO is looking forward to focusing on dealing with the IGO protections issue moving ahead in recommendation five with the RPM group.

To note then that it is premature in ICANN 65 at Marrakech to have a board-facilitated discussion. That's not to say we couldn't – and this is just an aside. This is not to say we couldn't invite board members to participate in the meeting that we have with the GAC in Marrakech. So there's still the opportunity for engagement but not something that would be considered a formal facilitated dialogue.

I think it would make sense for us, as council, to follow-up with the board, to ask them their current views or their latest thinking and that's probably a topic of conversation for our council board

meeting in Marrakech is to ask them for an update on their thinking on this topic, specifically recommendations one through four.

Then, I think we should probably not communicate it now but to say amongst ourselves that we shouldn't write off the possibility of some sort of further dialogue or facilitated dialogue, perhaps with somebody like Heather Forrest or Bruce Tonkin who have experience in this to try to help us work through issues, depending on how the board acts and depending on how we decide that we need to charter the focused sub-team within the RPM group.

So, those are my high-level takeaways from the conversation, but again I think most important, everything I'm hearing today is that nobody wants to reopen one through four, at least until such time the board takes its action. And I think that's a common position.

So, let me stop there. Any comments, corrections? Anything that I missed?

Alright. So, I'll take the action item to draft that, working with staff to get that out to the list for review and then to make sure that we can send that back to the GAC by Friday which helps everybody understand what Marrakech might look like.

So, with that, Mary, can I turn back to you? And on the topic of the other issues and dependencies that the board is looking at – and I know that there are obviously concerns for registries and contracted parties about the ability to release or use some of these names. I'm just wondering if you could help the council and all of us understand what some of those dependencies might be.

MARY WONG:

Thanks, Keith. Hi, everyone. I can try. For some of you, this might be repeating the obvious. For others, hopefully it's helpful revision and summary.

As you know, right now when you talk about recommendations one through four and recommendation five, it really is all about curative rights, meaning dispute resolution after the fact. In other words, someone's registered a domain name, what do you do? What are the appropriate dispute resolution mechanisms?

There was a prior PDP, as you may recall, that concluded its work in 2013 that dealt with what has come to be called preventative protections and that includes things that they discussed like a sunrise registration period which is not recommended ultimately, notice like the claims notification service that applies to trademark owners and whether that should be on a longer-term basis or whether it should be for a shorter period like the 90 days for trademarks. That group also discussed early on and discarded the idea of reservations of IGO acronyms, for example.

So, those are examples of the preventative protections. As you may recall, in late 2013, the council approved the consensus recommendations from that group that went up to the board. The board indicated – and here I'm going to cut a long story short – that it wanted to consider the question of IGO protections in a holistic way, meaning that in the board's view, ideally if it can consider both the preventative aspect as well as the curative aspect at around the same time, that would be the most appropriate and best solution.

In the meantime, as you may also recall, there was conflicting GAC advice with some of that earlier GNSO PDP recommendations. So, what the board did was it adopted those of the GNSO's recommendations that were not inconsistent and not conflicting of the GAC advice and that led ultimately to implementation work which, as you all know, especially those with the contracted parties, we now have a consensus policy that's permanent, that applies to IGO names not acronyms.

So, that's kind of the background, and the ultimate summary here – and I'll pause and I'll stop with that – is that there are still outstanding items from that previous work that relate to certain aspects of preventative protections for IGOS. The board has not indicated that it feels differently from what it said before, which is that ideally it would like to act on those as well as the curative rights issues at around the same time, meaning that to the extent that work on what is now recommendation five that you're referring to the RPM group, the longer that takes, then the likelihood is that will further postpone the final resolution of all of the issues pertaining to IGOs, both preventative and curative.

In relation to that and in relation and coming back to the recommendation five issue and re-chartering the RPM PDP including this work track that you've discussed, that does have an impact on the timing, how long you take to do that, what the final charter looks like, getting all that buy-in.

But the other point that staff would like to emphasize is that regardless of the history and the reasons and beliefs, it is likely to be essential that some IGO input and participation in that effort, however that turns out, what that looks like and when you start it

will be ideal as well, so that you can go forward into that holistic conclusion, hopefully.

So, Keith, that's hopefully a wrap-up that works for you and, as always, we're happy to provide additional information.

KEITH DRAZEK:

Thanks very much, Mary. I really do appreciate that summary of a very complex history and situation, but I think everybody, we all need to remember while we're not going to reopen the discussions of one through four at this point, that it is with the board, that this is just a small part. It's obviously complex and complicated and has become somewhat convoluted, but it's a small part of a bigger picture. And at the end of the day, the protection of IGOs and for the IGOs and for the GAC to feel like this multi-stakeholder model and this consensus policy development process is working for them. I really do feel like we need to demonstrate progress around this particular issue or this broad set of issues.

So, as we deliberate and as we figure out how to move forward, I'd just ask everybody to keep that in the back of your mind. In the eyes of some, and particularly the IGOs but the GAC more broadly, I think this is a really important topic that we need to be sensitive about. We're doing our best under the circumstances right now but I'm just laying that out there as we look ahead to next steps over the coming months and potentially years.

So, Mary, thank you very much for that. I'm going to ask now for any final comments or questions. Marika or Nathalie or anybody from staff, you're welcome to jump in. Feel free to weigh in. I'm

going to try to get us out of here on time which is within the next minute. Any final thoughts? Any questions, any comments?

So, a couple of action items for me. Rubens, did you have an AOB?

RUBENS KUHL: I did but I don't think we have enough time for it.

KEITH DRAZEK: Alright. I do apologize. Feel free to take it to the list. Alright. Thanks, everybody. I've got a couple of action items to get back to the list with some draft letters and communication and a summary will follow. So, thanks, everybody. Have a great rest of your day. Thanks in particular to those of you who are either up early or late. Have a great rest of your day. We can wrap up the call.

UNIDENTIFIED FEMALE: Thank you, everyone.

NATHALIE PEREGRINE: Once again, the meeting has adjourned. Thank you very much for joining and please remember to disconnect all remaining lines. Have a wonderful day.

[END OF TRANSCRIPTION]