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Transcription ICANN Johannesburg

ccNSO / GNSO Joint Council Meeting

Monday, 26 June 2017 at 18:30 SAST

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James Bladel: Okay good evening. So let's get started here. We only have an hour and I imagine folks have dinner plans or in the case of some of our jet lag colleagues would like to maybe call it an early night. So I'm James Bladel, Chair of the GNSO and to my left of course is Katrina, Chair of the ccNSO.

Katrina Sataki: That is correct. Yes.

James Bladel: All right, thank you. And since we don't often meet together except for a few times a year let's go around the table and have the councilors introduce themselves very quickly name, you know, constituency or country if you would. And maybe let's start down here with (Niles) - (Neils) want to go ahead or Avri want to start the introductions. Go ahead (Neils).

Avri Doria: Okay my name's Avri Doria. I am a temporary alternate on the GNSO council for this week sitting in for Stefania Milan.

Erika Mann: Erika Mann, GNSO Council.

Martin Silva: Martin Silva, GNSO Council.

Rubens Kuhl: Rubens Kuhl, Registry Stakeholder Group Elective Councilor.

Ed Morris: Hi, Ed Morris NCSG on GNSO Council.

James Bladel: Let me go back.

Man: Very well.

Man: Is GNSO ccNSO cooperation.

Ben Fuller: Okay. Ben Fuller ccNSO liaison to the GNSO.

James Bladel: Right, sorry about that.

Wolf-Ulrich Knoben: Wolf-Ulrich Knoben, IS PCP Constituency Chair and Councilor from the GNSO.

(Jan Jout):   (Jan Jout), ccNSO Council NonCom (unintelligible).

Nigel Roberts: Nigel Roberts, ccNSO Council from Guernsey.

Stephen Deerhake: Stephen Deerhake, ccNSO Council .AS American Samoa.

Pablo Rodriguez: Pablo Rodriguez from the .PR Puerto Rico North American Council.

Philip Corwin: Philip Corwin GNSO Council for the Business Constituency.

Donna Austin: Donna Austin, Registry Stakeholder Group representative on the GNSO Council.

Carlos Gutierrez: Carlos Gutierrez, GNSO Council liaison to GAC.

Heather Forrest: Heather Forrest, GNSO Council representing the Intellectual Property Constituency.

James Bladel: And I'm James Bladel, GNSO Council Registrar Stakeholder Group from North America.

Katrina Sataki: Katrina Sataki, ccNSO Council of .LV Latvia.

Michele Neylon: Michele Neylon, GNSO Council Registrar Stakeholder Group for Europe.

Byron Holland: Byron Holland, ccNSO Council .CA Canada.

(Ulf Hersing):   (Ulf Hersing), GNSO Council appointed by NonCom.

Darcy Southwell: Darcy Southwell, GNSO Council for the Registrar Stakeholder Group.

Paul McGrady: Paul McGrady, GNSO Councilor for the IPC.

Susan Kawaguchi: Susan Kawaguchi with the BC.

Woman: Okay.

Keith Drazek: Keith Drazek, Registry Stakeholder Group GNSO and GNSO Liaison to the ccNSO in a stealth capacity since you never see me.

Hiro Hotta: Hiro Hota, ccNSO Council from Japan.

Margarita Valdes: Margarita Valdes, ccNSO Council and .TL Registry.

Dem Getschoko: Demi Getschko, the ccNSO Council .BR.

Alejendra Reynoso: Alejandra Reynoso, ccNSO Council .GT Guatemala.

Young-eum Lee: Young-eum Lee, ccNSO Council .KR Korea.

Annabeth Lange: Ànnabeth Lange here, not the council but the Co-Chair of the Cross Community Working Group from country and territory names.

Peter Hollister: Peter Hollister, ccNSO Councilor and Liaison from Center.

Denver Maddux: I'm Denver Maddux, ccNSO council. KA Kenya.

Habib Rasheed: Habib Rasheed, ccNSO Councilor .TZ Tanzania.

Peter Vergote: Peter Vergote ccNSO Council .BE European region.

Katrina Sataki: So thank you very much and welcome to our joint meeting in ccNSO and GNSO council. And we'll start with our status updates from our Cross Community Working Groups. And first update we have is on the country and territory names. So as we know the group has worked hard. Probably the results are not what we would like to see. Nevertheless there are some results, some proposals and yes who would like to start? We have Annabeth and Heather yes? Okay Annabeth may I ask you to give a brief update?

Annabeth Lange: Yes. As we have talked about this in several meetings and we have been working with this for many years now together with Heather and Carlos and the beginning with Paul Schindler but he left so it's only me from the ccNSO side. Unfortunately we haven't reached the goal that we would have liked to find a framework that all the stakeholders could agree on how to use country and territory names as TLDs first level. But we have some preliminary results,

some recommendations. And the report itself it's really good reading for those who want to know why it is as it is, the story about why we have ccTLDs two letter codes, how it all started, the technical development. So it's I would advise people to read it if you're interested a country and territory names and their use.

So what we and the result of the fine report was that we have a preliminary a recommendation that two letters, all two letter combinations should be reserved for ccTLDs for future countries. Three letter codes from the ISO list we did not agree on. There is conflict opinions from all sides of the stakeholder groups. And then we stopped discussing full and short country and territory names and went over to find a way to carry on with the work. How shall we do it in the future? We were not able to find a common ground so we have to discuss it further.

So then which way to go? Should it be in work track under the new gTLD subsequent round? Should it be a new Cross Community Working Group with a wider mandate or should it be more from the ccNSO side? So we are fortunate now to have these two policy forums on Tuesday and Thursday discussing not only content territory names but geographical names as a whole. And I would recommend everyone to be there and try to think what they - which opinion they have in this case. So I suppose that Heather and Carlos would like to add something? Thank you.

Heather Forrest: Thanks James. Thanks Annabeth. I'm Heather Forrest. So I will only add to Annabeth's remarks and say that just for clarity purposes Annabeth mentioned there was quite a wide and significant divergence of views on the three letter codes. And it's certainly not the case that there was not that widely diverging set of views on two letter codes as well. In fact we really started at about the same point on each of those efforts.

The two letter code recommendations, preliminary recommendation in the report were the product of very significant efforts that compromise. And

unfortunately those efforts broke down somewhat when we got to three letter codes. So that is where we find ourselves. And I think as we go back to our respective communities SOs in the course of this week and discussing the report and then I suppose in future meetings vote on action on those reports we need to think about quite critically think about why things broke down and how we can prevent that going forward. So I encourage all of us to do that. Thank you.

Katrina Sataki: Yes thank you very much. Are there any questions? Any comments? Donna?

Donna Austin: Thanks Katrina, Donna Austin. I just wonder if it's possible to have a discussion about, you know, what's the - if the CCWG wasn't able to fulfill what it hoped to do how do we take this forward? So is the work track under the GNSO PDP Working Group the right place for this to be? Personally I think it is because I don't know that there's any other mechanism available to us to resolve this issue about, you know, what - other names at the top level. I think the GNSO PDP Subsequent Procedures Working Group is the place for that to be but I'm sure that there's others that don't agree with that. So I just be interested to understand if there has - what the thinking is from at least the ccNSO side on where you think that conversation could likely play out and how that would happen. Thanks.

Annabeth Lange: Annabeth Lange here. We haven't had a chance to discuss that in the ccNSO meeting because that is tomorrow. But even if we had reach a - had a result from the Cross Community Working Group it would have been an advice a result that would have been delivered to the new gTLD subsequent rounds PDP because it's - they have the mandate as you say Donna to have the policy for new gTLDs. However when it comes to country and territory names that makes it very complicated because especially on two letters that grabs into our policy on the - in the CC side.

So here it we have crossing points here that we have to respect. And the problem I have experience in the - it's so many things going on in the

discussions in the new gTLD working groups. It's this is only a fraction of what's been discussed. And the four work tracks that have been established already are discussing different things like registration or registrars and legal and objections and a lot of things and the geographical element in it is quite small. So the problem for those coming into I know that the GNSO are open for - all of the working groups are open for everyone.

And I really try - I put really say that the chairs of these our - Avri and (Jeff) they really try to make possible for all the other stakeholders group to feel included and to feel that they are part of the discussion. But it is difficult because we still feel that this is the GNSO Working Group they're coming in and it's a few people compared with all of the attendants or participants from the G side. So I think it would be easier if we had talked about that that if it had been a special work track only for geographical names then perhaps we could achieve stronger participation from the other stakeholder groups because it takes a long time to sit in two hours it's 90 minutes, 60 minutes late at night, early in morning. And when 75% of those discussions they don't inflict our policy and our interests then it's difficult to keep up with it. It takes a long time. Yes you know that.

So we have to find another solution to do this. But as it is today as I see it we don't have the possibility to have a special PDP of the bylaws for the CCs but still if we are - if we have want to achieve that the GNSO get a process in the new PDP that really goes through with the new gTLDs we know that this is a controversial issue. And this we might end up in a deadlock. We have the governments there. We know they have strong opinions on this and we must try to find a compromise and give and take a little to find a way to go on. I don't think that this geographical or here country and territory names should be so - and that issue that stops the progress.

And to be honest how really popular is it - it's great success geographical names that we have had. So let's think about what we do to go further if we want the process to go on? Thank you.

James Bladel: Thank you. I have I believe Paul and then Carlos and then I think Avri. And okay Rubens are you in the chat room? Okay let's start with Paul. Go ahead.

Paul McGrady: Thanks James, Paul McGrady. I think you may have already answered part of my question which is would the ccNSO find it easier to participate on this issue if there was a separate work track? And it sounds like they would. And then my second request or comment is since we have the co-chairs of that PDP in the room Avri or (Jeff) maybe they could comment on whether or not such a work track is possible and practical. I would love to hear that. I know there's – we've been talking about a bit. And then lastly hopefully we can hear even more on the substance of the concerns that ccNSO members have in this area what, you know, what specific things raise red flags or where you have concerns when it comes to geographic terms in the top level? Thank you.

James Bladel: Thank you Paul. Give everyone a quick response from (Jeff) and Avri?

Avri Doria: Yes this is Avri speaking. First of all very much appreciate the sort of feelings and stress around that and very much want to encourage people to participate in the upcoming cross community discussions we're going to have this week. And we've brought in I think some very competent moderators to help us so that it isn't a GNSO person moderating, it isn't a ccNSO person moderating. It's a specialist who's come in, who has taken the time to learn what's going on I think has talked to a lot of people.

I think between (Jeff) and I there's certainly a willingness to at the end of all of this come up with another track to come up with a way of having that track go forward in an equitable way so that we can talk about. I don't want to predetermine anything at the moment. (Jeff) and I have worked very hard to stay neutral on the topic but we're both on the GNSO so our neutrality is also going to be from a certain point of view. We recognize that and therefore brought in the more - the truly neutral folks who come in with no point of view

on it. So looking for them to help give us guidance as we look forward in terms of what is the best way to go forward?

But I think that (Jeff) and I are both, you know, totally when we've talked about it before we're never quite sure how to kick it off, how to kick it off properly, how to as you say make it something where the ccNSO folks don't like feel like strangers in a strange land coming into a GNSO thing but also not get into that whole overhead and expectations that one has with CCWGs.

We've managed to take CCWGs now and turn them into this thing as opposed to just ways to work together. So I'm hoping that our, you know, (moderator) actually both sitting over there listening to us now and getting the feeling for all of this to help us find the way forward.

And what I'd like to ask is that we all come into these discussions over the next three days because there's two sessions Tuesday and Thursday and then Wednesday there's room for lots of discussion just to see, you know, with the attitude of where can we compromise? Where can we work together on these things? What are the things that you're willing to live with versus the things that you can't live with and just basically approach it in that sort of open spirit and see where we end up.

This is an experiment. There's a big hope though that we will be able to come out of it if not having the solution at least having a path to the solution for it because it is important to the PDP that we solve this. Thanks.

James Bladel: Thanks Avri. Okay just a note that we have Carlos, Avri, Rubens, and then I'd like - okay strike that. And then I basically I'd like to close the queue because we've got a lot of agenda left for tonight. We have sessions on this topic, Cross Community sessions on Tuesday and on Thursday. And I think the last thing we want to do is kind of spend the rest of the evening previewing something that we're going to have a much broader discussion on in the next couple of days. So Carlos and then Rubens.

Carlos Gutierrez: Thank you James. I just want to go back to what Donna asked and try to save some of the lessons learned because there are some positive lessons as well. First of all I think we got the history right as (Jeff) requested this morning. The document is a fine document and it's a document for the record. There is a lot of knowledge accumulated there so I really support Annabeth's recommendation to keep track of this document. It was very useful.

Second this is not the first time we try a mediation. We tried last year to make a mediation in a public forum not with external mediators, with internal ones. So we have been through these mediation process already once. And I think this is another record where we have very useful input that we should not forget of the long session in Finland.

The - on the negative side I mean it's of course a lot of uncertainty. This was not an official CCWG. This was only a CWG between ccNSO and GNSO and we had a competing GAC exercise. And this is - this was probably one of the worst external elements because we were in parallel tracks to put it mildly with the GAC. That does not help. So I support what Avri said, we need one place to solve it. What worries me…

James Bladel: I did call Phil but he was not happy with me that I dropped him from the queue but then he got a call so we'll need to move on. But this is a complex multidimensional issue and it's something that I know will be the subject of significant community discussions Tuesday and Thursday. I suspect it will be one of the headlines coming out of Johannesburg.

So moving on to our agenda. We have the CCWG and Internet governance. And Katrina if you don't mind I can give you an update that we had a session with the Board Working Group on Internet governance earlier today. We discussed their efforts in, you know, with respect to this group and just some Internet governance more broadly.

And what I found curious two key takeaways was they found that having some mechanism to engage with the community and develop the positions of ICANN on Internet governance they found that to be very valuable. In fact they referenced that many times that the usefulness of that. However they were I think the word that they used was agnostic about what vehicle or structure that community group took. That was very helpful because as I think we've expressed previously in the GNSO Council maybe not as a council as a whole but a number of councilors -- and it is something that's on our discussion for Wednesday -- that we - several of us have raised the question of whether the CCWG is the appropriate mechanism to do this. Now CCWGs have a very discrete beginning middle and end with deliverables and Internet governance by its own nature is very amorphous, it's changing and it's probably something that's going to outlive all of us. And so it begs the question of whether the CCWG is the right vehicle to conduct that work.

And I think a lot of us are coming to the conclusion that no but what should take its place particularly in light of what we're hearing from the board and that having this being able to use the community as a sounding board on some of these issues is incredibly important for their work. So that's where we stand. I don't know that we have any clear-cut answers but it would be, I think it would be valuable for us to discuss with you and to hear your thoughts from the ccNSO on what we should do with the CCWG IG. If we both a believe it's current form is not appropriate but B want to preserve the value of that work how do we reconcile those two pieces? So that's where we're trying to get to.

Katrina Sataki: Thank you very much James. We'll give a brief update from our side. We have reviewed the revised charter of the group and there are some questions that we raised in respect to the charter itself and in respect to our place on the CCWG in the work of this group. We hope that in the course of this week we will receive at least some of the answers and but I must say tell you that in general ccNSO Council recognizes the need for the group. But if you think of

that working group is not the right mechanism we do not have any ideas of what other form could be used for to deliver the work. So if there are any other ideas we are really willing and ready to review them and Young-eum anything you'd like to add?

Young-eum Lee: Yes as the - since Rafik is not here as a co-chair of that group I would like to provide you with a brief update. The - first of all I'm very glad to hear that both the GNSO and the ccNSO and the Board Working Group on Internet governance feel that some kind of a mechanism is needed. But since the purpose of the work the so-called working group is somewhat different from the regular sort of communitywide or Cross Community Working Group mechanism there has been - the group was able to at least briefly discuss a new mechanism.

And we will be having a meeting, a face-to-face meeting with the Goard Internet Governance Group tomorrow morning. And as to the details there is the most active chair - we have three co-chairs. The most active co-chair that is with us. And if it's okay but I - would it be okay to ask Olivier to come up and explain a bit more?

Katrina Sataki: Olivier please?

Olivier Crepin-Leblond: All right well thank you very much. Olivier Crepin-Leblond. I'm one of the co-chairs of the CCWG on Internet governance and on behalf of the At-Large Advisory Committee. I hope you have about half an hour for me to go through this.

Katrina Sataki: Twenty minutes max.

Olivier Crepin-Leblond: Twenty okay. I'll try and do it in 20 seconds but no James has been very eloquent in describing the issues and I think these have been taken into account. I've spoken personally to several of the people that have emitted concerns. I think there are three concerns. The one that James

mentioned about fitting a - something that's round into a square box when the CCWG was created the CCWG on CCWG had not defined what the square box was supposed to be. So obviously it seems that is not now within the bounds of the standard Cross Community Working Group.

So I think that tomorrow at the meeting of this working group there will be some discussion about looking for alternative vehicles. I'm not – I haven't spoken to any of the other members of the group so I don't know what the response will be on this but I certainly will be making the case that if the working group itself can continue to have the same relationship with the board and with the ICANN staff and have a formal relationship with chartering organizations so that it can then act as a conduit between the board, ICANN staff and the different chartering organizations and therefore a conduit with a community at that point you would have a vehicle that can be both effective by having definition of how the channels should be defined and the process by which information should flow from one end to the other end at the same time something that will fit more into a new box that will be shaped in the shape of a box itself so I think that's the other thing.

The other things that I've heard from various parties -- and certainly I've been in the meeting that you had with the Board Governance Working Group, Internet Governance Working Group -- was that there seems to be a need for this group to continue. I'd like to urge everyone to try and see if we are to translate it to something else that there wouldn't be any interruption in the work taking place. As you know Internet governance doesn't stop. Things just happen all the time and it would be probably worthwhile not taking too much time on process and just making it quite a smooth transition.

And then thirdly I've heard some concerns about funding that could be used as a conduit or a Cross Committee Working Group could have been used as a conduit to send people around the world. And that has never been the case. The people that go to IGFs and these other meetings are funded

through other means that have nothing to do with the Cross Community Working Group itself.

And thirdly I've heard concerns about the working group that is basically transmitting positions that have not been agreed by or possibly not been agreed by the communities by the ICANN wider communities. And this is definitely something where I think communication has been a bit of a problem. And if we can certainly improve communication that would be a lot better. So that's all I have to say and thanks for my 20 minutes.

James Bladel: Thank you Olivier. Thank you as well. We're missing Rafik but we have 2/3 of the co-chairs here so I think we're hearing some understanding and agreement. Next we have Avri in the queue. Avri go ahead.

Avri Doria: Thank you. This is Avri speaking. And as a temporary alternate I wonder if I can be so bold as to sort of question some of what we're talking about. First of all I kind of worry that we created Cross Community Working Groups as a way of working together and now we've defined them so tightly that they're not flexible and usable when we want to work together so that concerns me.

I think if the problem is that it doesn't have a beginning and an end. It's really quite easy to create temporary ends I guess being a temporary alternate I think in terms of temporary.

But one can basically set a set of goals. One can set a renewal point. One can set milestones. One of the milestones being we've got to get renewed at this point and we have to show what we've achieved at this point.

So I guess I'd like to as opposed to – and we seem to do it every time oh we can't use a Cross Community Working Group because we don't quite fit the definition so let's create a Cross Community Working Party. Okay now we can't use cross Community Working Party for this because - so let's create a Cross Community Talking Shop.

So maybe so we're basically creating new elements each of them specialized in some way that they're meant to help us work together and yet we define them so tightly that we can no longer work together. So forgive me for my presumptuousness and perhaps for not going in accordance to the GNSO Council's collected wisdom on this but I'm just confused.

James Bladel: Thanks Avri. Next is Heather. I don't know, go ahead.

Heather Forrest: Thanks James, Heather Forrest. Sorry, I was up in the queue and now I'm gone. It - so I think it would be helpful just to note for the record here some of the comments that were made in the GNSO working session earlier today in addition to the remarks that Olivier pointed out.

I think it's not so much that there are concerns expressed in relation to let's say how many people attend or what events people attend. I think the concern really is that the primary concern is the accountability and transparency of attention of attendance. And that really needs attention. It - we don't have a clear communications loop whereby the community sends folks out however many whoever they are into the IG world to give a message that's - that comes from the community.

And then there isn't that clear reporting back to say well here's the event that we went to. Here's what you told us to say. We said it and here's what the response is to it. That needs to be enshrined in whatever this group is doing. I don't think there's any question Olivier that we think this is useful work and that we understand the space has changed and we understand the ICANN has a role in Internet governance. I think we've moved beyond those fundamental questions. But there is much more existential stuff that's being questioned here about the role of the community in that process and how we get that loop established because frankly there are concerns that it's not established. It's not just that it exists and it's not good. It's not there. Thanks.

James Bladel: Thank you Heather. If there are no other speakers on this topic we'll move to - did you have a quick response Olivier? Okay.

Olivier Crepin-Leblond: Yes thank you very much Heather, Olivier Crepin-Leblond speaking. Just in response to this we do need resources for this to happen. Volunteers to run absolutely everything from the reporting to actually being there to actually doing the work is very hard as you all know. And we've had very little support. We've been on I don't know if it's called a shoestring budget for this.

So if there are recommendations then yes we would certainly appreciate help from at least a member of staff that is not constantly working around the globe. I mean Nigel Hickson has been fantastic but he's obviously working and actually in (thus far) and doing all of this work. So we might need to have someone that would help with drafting the simple summaries of what's been happening.

We do receive some of the reports from Nigel and his team. And I think that they might be a little bit complex for people who do not follow the issues that closely. So they need to be translating it to more digestible material. So that's it, thank you.

James Bladel: Okay, thank you. A good topic that I think we'll continue to discuss at both of our primary council meetings in the next coming days here. Okay and proceeds.

Katrina Sataki: Yes, thank you very much James. So CCWG auction proceeds and as you know the ccNSO is one of the chartering organizations and we appointed three members. Unfortunately (Matthew) is one of our members had to step down. And we also foresee that (Ching) who is very active on this working group unfortunately his term as a ccNSO councilor expires this fall. So he also will have to leave.

But on the bright side I have good news. Today we've got two new volunteers. And during this week we will appoint two members so answer to your very legitimate question if we are going to continue as a charting organization taking into account this development with (Matthew) and (Ching). Yes we're going to participate. And I hope that ccTLDs will contribute to this working group and we'll share their views, and their knowledge their experience using funds for good cause. So that's an update from the ccNSO.

James Bladel: Thank you Katrina. And that's encouraging. I think, you know, from our perspective and maybe I'm speaking personally and maybe I'm speaking to a sentiment that's held on the GNSO is that, you know, we want this to be as broad a community effort as possible. I think there were some concerns early on that this was possibly going to be just a board level exercise. You know, and I think having a CCWG beyond just the GNSO helps us make that case but this is a community led community first issue.

We have the co-Chair of the GNSO, Erika Mann is here. And I don't know Erika if you're willing and prepared to give maybe a brief update on where this work is from a status perspective?

Erika Mann: Yes happy to do the Erika Mann. Let me be brief because it's maybe more interesting if there's interest to have a discussion about it. So when you look back we defined practically six stages for this cross community working group. And currently we are in Stage 2 and we hopefully will move forward to Stage 3 relatively quickly.

Just to give you an idea what this means and encourage you to participate. We have very good participation actually very active participation. But we are always happy of course to have more participants actively joining us which will help us to define a common approach in a more maybe in a more community way.

So when you look back to Stage 1 the Stage 1 was a phase where we actually defined the charter. And the charter questions which will guide this whole process. This we have done. This was sent to the ACs and the SOs. And there was as far as I'm aware and participated from the beginning it was accepted.

We are now in Stage 2. And we are now debating all of the outstanding chartering questions which will define in more policy terms the future framework of this work. They are identified I'm not going through them because it will be much more detailed but they will have to be answered. Just to give you some ideas maybe this is shall there be a definition for the funding and how shall the future operation for funding how shall it be defined which is maybe one of the most future oriented (unintelligible).

So we are going through them one by one. And we try to frame them in typically we do ports which we sent out and we get requests back from the participant. So we have a relatively broad understanding. And then in particular Marika is doing an immense work in pulling this all together. We evaluated again so that we get- come together to a more common understanding between us what we can consider as something which is appropriate for this framework or we consider as more challenging and maybe not appropriate.

So we then will have to move to Stage 3 where we will compile a list of possible mechanism that could be considered by the CCWG. Mechanism will define in particular the way - how this operation will function in the future. And you can imagine there are many, many different ways how such a structure of granting funding to projects can be done.

You will have - you will know many from your professional experience. And there are many others so we will have to narrow this down to something which is appropriate for this particular environment. Super critical phase we will have in this phase we will listen to outside experts which have experience

and working in different environments which do something similar. And we have a good list but feel free to send us the list from a foundation or somebody else you're familiar with and you consider a super professional very qualified and appropriate for this environment. We would appreciate this very much.

We will continue to Stage 4, and 5 and 6. And in six we hope that we will have a consensus and mechanism defined which will actually then lead to the setting up of the final phase. Keep in mind we want to finish this by the end of the year so that we can actually give it then back to the community and can enter into a phase of consultation which we hope we can do by the end of the year.

We have done something as well which is available. You can check this online. We have a very good excellent summary from Sam Eisner about the legal and fiduciary constraints because we have certain conditions which we have to respect and we don't want to go beyond via constraint by the mission statement as well. Although the mission statement certainly depending on how you define it and depending how you interpret it will be some different will allow some variation of interpretation nonetheless it is guiding us.

And we had - and now our last meeting very interesting exchange with (Xavier) who gave us some more insight into the audit requirement which we will have to respect including the respect of the tax exemptions status ICANN does have. So there's certain legal constraints which we have to respect.

I would say we are pretty - we are moving forward pretty fast. We might slip maybe one meeting we might need more one more meeting than we expected. In the worst-case we in the moment we have two meetings per month and the worst-case we decided we will have one meeting per week. But I would my feeling is from different environments we're actually pretty good on record and not lagging behind in time. Does this help you to give you an overview?

James Bladel: Very helpful, thank you Erika. Any questions or comments or questions for Erika on the CCWG auctions? It sounds like it is making significant progress and expected to continue down that path and certainly between now and ICANN 60 and the end of the year.

Okay next on our agenda is the Empowered Community Administration which is holding its community forum first of its kind tomorrow morning to review the changes to the fundamental bylaws regarding the IRP. And I think, you know, I can say that I'm as the interim representative from the GNSO we are slowly figuring out how we work and how we participate in this new mechanism.

It's exciting, and interesting and intriguing but, you know, also we want to make sure we're being thoughtful about the potential precedents which we're setting for the next issue which may not be so simple and cut and dry. And so we're trying to be as careful as possible. I will note that as it indicated here that there are some timelines that are baked into the bylaws that we're finding to be a challenge in aligning that with our GNSO meeting calendar and some of the requirements that we have internally to for example publish documents and ensure that people have had it adequate time to review a decision or vote before we can actually speak with - no sorry speak with one, you know, with one collective voice.

And so trying to, you know, fit those two gears together has been a little bit of a challenge. I think we have some ideas on how we can do that. Of course I'm hearing now from staff that maybe I - it was a little too good to be true. My fix was maybe a little oversimplified but we're still working through those issues. And I'm curious as to the ccNSO's approach as another member of the Empowered Community a decisional member how you are approaching your participation in the ECA?

Katrina Sataki: Yes, thank you James. Well in our case we also need to have internal procedures in order to proceed basically as any decisions. And our timelines

also are timelines required by internal rules are way longer than the ones in the bylaws. So we have to find some ways to deal with that.

Initially we started with luckily we have Guidelines Review Committee and it was tasked with development of the guidelines for - to deal with these new mechanisms for Empowered Community. We wanted to start with the rejection petition because we did not expect any approval actions.

But then of course the board unexpectedly decided oh yes there's an urgent need to introduce some changes to the fundamental bylaws. So we put rejection actions on hold and worked with approval actions. And so we developed a guideline (unintelligible) actions are way simpler then rejection actions.

And so we developed guideline and we have at this point we have three alternatives to present to the community tomorrow. I have a discussion on which alternative is more acceptable to the community taking into account that we cannot follow our usual process because we need to stick with short timelines given the bylaws.

And on Wednesday we'll have another very interesting exercise. It's going to be on rejection action. And in order to make it easier to understand our community we decided to have fun which well yes I know it sounds a little bit crazy to have fun with a rejection action but nevertheless we decided to have fun. And so we have a scripted play where the players are actually are trying to, you know, come up with solutions to the situation they are presented with.

Yes and I hope that we will have some fun and that would help our community to get some at least some basic understanding of what it is, what can be expected and what's – what we need to decide on. Stephen as our representative to the EC Administration he's very active and he probably is the only one who has read okay not the only one but he reads the bylaws and he knows everything and tries to keep us all on track together with (Bart) who

is another person I know that - who has read bylaws. So there are two people have read bylaws and know what needs to be done when. Stephen anything you'd like to say?

Stephen Deerhake: Yes I think our session tomorrow on the rejection action procedures won't be Shakespeare but it should be fun. With regards to tomorrow 8:00 am in the GAC room which is next door not to be missed I'm sure it will be exciting we will procedurally have a short introduction. We have a short slide set to be followed by remarks by other ECA members to be followed by (Chris)'s defense of the proposal.

The proposal on the surface seems noncontroversial. There were however some comments made during the public comment period that suggests that there is some issues that the community might have with this. And I hope those who commented do show up in express their concerns and questions to (Chris) accordingly.

For the record the role of the ECA in this activity tomorrow even though we all sit here as decisional participants is strictly nonpartisan shall I say. We are to run this with neutrality and fairness to all parties concerned. And I think that will happen without a problem. And I think unless Katrina has anything more she wants for me.

Katrina Sataki: Thank you very much Stephen. Some things that I really wanted to add is that while we used this really uncontroversial proposal for the change in the fundamental bylaws to test how it all looks and how like it - whether the community is ready for the new powers. And well at least my feeling is that probably not. Definitely we do not see or at least we - my sense is that the community does not see EC administration is something worth yes well now I'm struggling to find some polite words here.

Woman: (Unintelligible).

Katrina Sataki: So probably my English is not good enough to express that. Maybe Stephen you'd like to add something from your experience because well Stephen is our - according to the bylaws by default is the chair who is under the Empowered Community Administration. In our case we have an internal guideline. And according to the guideline we selected Stephen to be on the CC administration.

And personally I think that's the right way to do things because when - for example a chair write an email to I know ICANN staff or whoever people automatically assume that you're not for example James if you write an email. Everybody automatically assumes that you are writing the email as the chair of the GNSO not as a member of EC Administration. So in our case when we have Stephen he explicitly says okay I'm writing on behalf of the EC Administration.

And again everything is clear. So we have the separation of not power but I swear of have separation of hats is probably the thing I could use here. Stephen and anything you'd like to add from your own experience as our appointee on EC Administration?

Stephen Deerhake: Yes. I think the model that ccNSO has adopted makes a fair amount of sense for one thing because of SO AC chair overload as it is. It's a nontrivial amount of work. There are points in the process that require really quick, i.e., 24 hour turnaround on the part of the ECA in order for the community to prevail with a measure against ICANN specifically case in point rejection actions.

This has been a bit of a dance with ICANN, ICANN staff. It hasn't always gone smoothly to date. I will say that I think we're getting better in our rehearsals. I don't say that we're ready for Dancing With the Stars yet but we're getting – we're both ICANN, ICANN staff and the ECA are feeling their way forward in this process because it's without precedent.

And as James printed out the ECA is trying to proceed with the idea of setting precedent for the future with regards to further down the road ECA empowered community actions execution of their power shall we say. With this - and with this regard the approval action is the easiest one of the lot. It still is as we're finding out fraught with unsettled issues between what's actually in the bylaws and what's in NXD you can find some variations there for example.

It's a good exercise for us. The approval action actually has a really high threshold for ICANN in order to get what they want as uncontroversial as this bylaw fundamental bylaw amendment seems to be. They need the explicit approval of, you know, fewer than three SO ACs and no fewer than one objecting.

And I would argue going into this particular one that ICANN's biggest obstacle is not objection to what's being proposed in the fundamental bylaw change but it's the inability of the AC, SOs because this was sprung on us rather unexpectedly relative to the adoption of the new bylaws to actually get our acts together collective acts together to be able to procedurally rend decisions one way or another. If we end up all abstaining it fails because an abstention in this case is not considered an approval. So is going to be challenging for all of us I think.

James Bladel: Thank you for giving us that color Katrina and Stephen. Thank you not only for your thoughts but also for some of the heavy lifting that you've done on the ECA. I put Mary Wong on the short list of folks who actually read the bylaws. She's been very helpful and kind of shepherding this process along.

We are also both through our bylaws revision and we are also considering a motion I believe at this meeting on how we will select our permanent representative to the ECA. And I think that we have a good process potentially going forward but until then I'll keep referring to myself as the interim until we get that settled. But thank you for that. And we might, you

know, depending on how that goes we might steal your idea for the little skit comedy. I can see that is a nice little workshop activity. So we're over time.

Stephen Deerhake: Wait till the reviews come in.

James Bladel: Yes. We're over time. We have a few - okay (Bart) very briefly please.

(Bart):   As always ccNSO meetings are open. So if you want to attend this particular session you are more than welcome. It's on Wednesday morning at 10:30 at the ccNSO meeting rook.

James Bladel: We'll just – we'll make sure that not only that, that is attended but also that we're capturing the video and archiving it so that we can reference it later and that the transcript starts to look a little bit more like a screenplay.

So okay next up we have a couple more items that we can probably go through fairly expeditiously. The first one is the charter review CSC status pending. And I was a little confused to see this until Donna I think correctly explained to me that and council that this is a function of the ccNSO and the Registry Stakeholder Group from the GNSO which is why I think it caught a lot of us scratching our heads. I don't know that we have a whole lot to report here necessarily except that this charter has to be reviewed periodically and that that is coming up. Do we have a timeline when that has to happen?

Katrina Sataki: Yes currently we're working on terms for the review and then we'll form review teams from both the ccNSO and RSG. And they will do the reading according to the terms. And if they find that there's a need to update charter then charters will be updated accordingly. And then both ccNSO Council and GNSO Council will need to approve the charters. If not then well we've just done our job the charters have been reviewed and everything goes smoothly forward.

James Bladel: Okay thank you. And then the final item is the planning for the fiscal year '19 PTI budget. We had a presentation and a bit of time to engage in some Q&A with Elise Garrick today during our morning sessions. I think that we are just getting started as far as thinking about what types of things could be proposed as far as the PTI budget.

But I think at least for myself and I think a number of others have mentioned that because it is a cost center with zero revenue associated very responsible in proposing ideas that would generate and drive more cost to the PTI. But there were some discussions about areas where they could improve particularly in customer facing tools and communication services. So I don't know if you guys had any thoughts on that or…

Katrina Sataki: Well no not really but apparently (Bart) has thought about that.

(Bart):   And the thoughts just procedural on I think on Tuesday so tomorrow Elise will do the same presentation during the PTI session at the ccNSO members meeting day.

James Bladel: Okay. So then you'll get the same story that we received earlier this morning just a day later so okay. And that is the end of our agenda. And we've lost a number of folks at the table either to, you know, maybe they had a better offer for dinner or something (unintelligible). Anyone else have any additional business they'd like to bring? You know, we don't have these joint meetings very often so we'd like to take the opportunity to – Donna go ahead.

So we're reminded that Hiro was the recipient of the Ethos Award, 2017 recipient of the Ethos Award. And we wanted to acknowledge and that lend our congratulations from the GNSO. You're probably hearing no shortage of accolades from your own community so let's add ours to the pile and say thank you for that.

Any other orders of business or acknowledgments? If not we can end only 12 minutes over schedule. That's not too bad for ICANN that's…

Katrina Sataki: It's excellent. Yes...

James Bladel: …that's pretty good.

Katrina Sataki: …excellent results.

James Bladel: All right.

Katrina Sataki: Thank you very much for being here.

James Bladel: Yes and thanks for the sticking around through the late hours with refreshments. It's an odd hour but …

Katrina Sataki: Well it's always a pleasure.

James Bladel: Thank you.

Katrina Sataki: Thank you.

James Bladel: We can stop the recording.

END