

**Transcript GNSO Council Teleconference
5 September 2013 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-council-20130905-en.mp3>

on page :

<http://gnso.icann.org/calendar/#sep>

Adobe chat transcript

<http://gnso.icann.org/en/meetings/transcript-chat-council-05sep13-en.pdf>

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House

Registrar Stakeholder Group: Mason Cole, Volker Greimann

Yoav Keren,

gTLD Registries Stakeholder Group: Jeff Neuman, Jonathan Robinson, Ching

Chiao

Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Wolf-Ulrich Knoben, Zahid Jamil, John Berard, Osvaldo Novoa, Brian Winterfeldt, Petter Rindforth

Non Commercial Stakeholder Group (NCSG): Maria Farrell, Joy Liddicoat, Magaly Pazello absent apologies, Wolfgang Kleinwächter, David Cake, Wendy Seltzer – absent, apologies

Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers:

Alan Greenberg – ALAC Liaison – absent – apologies

Patrick Myles - ccNSO Observer

ICANN Staff

David Olive - VP Policy Development, Marika Konings - Senior Policy Director, Rob Hoggarth - Senior Policy Director, Mary Wong – Senior Policy Director, Julie Hedlund – Policy Director, Berry Cobb – Policy consultant, Lars Hoffmann – Policy Analyst, Glen de Saint Géry - GNSO Secretariat, Reed Quinn - Systems Engineer

Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections you may disconnect at this time. You may begin.

Glen Desaintgery: Thank you Kelly. Over to you, Jonathan, if you'd like.

Jonathan Robinson: Yes, thanks and hello everyone. Welcome to the GNSO Council meeting on the 5th of September. We'll go straight on and move into a roll call, please Glen.

Glen Desaintgery: Thank you, Jonathan. Jeff Neuman?

Jeff Neuman: Present.

Glen Desaintgery: (Cheng Chou)?

(Cheng Chou): Present.

Glen Desaintgery: Jonathan Robinson?

Jonathan Robinson: Present.

Glen Desaintgery: Mason Cole.

Mason Cole: Present.

Glen Desaintgery: Yoav Keren

Yoav Keren Here.

Glen Desaintgery: Volker Greimann

Volker Greimann (Pleased) to be here.

Glen Desaintgery: Thomas Rickert?

Thomas Rickert: Present.

Glen Desaintgery: Zahid Jamil? We're calling out to Zahid so he will be on in a minute.

John Berard?

John Berard: I am here.

Glen Desaintgery: Brian Winterfeldt?

Brian Winterfeldt: Here.

Glen Desaintgery: Petter Rindforth

Petter Rindforth): Present.

Glen Desaintgery: Osvaldo Novoa

Osvaldo Novoa Present.

Glen Desaintgery: Wolf-Ulrich Knoben?

Wolf-Ulrich Knoben: Present.

Glen Desaintgery: Maria Farrell?

Maria Farell: Present.

Glen Desaintgery: Wendy Seltzer? I do not see her yet on the call.

(DavidCake)? Don't see him yet on the call.

Magaly Pazello I also do not see her yet on the call.

Joy Liddicoat?

Joy Liddicoat: Present.

Glen Desaintgery: Wolfgang Kleinwachter said that he might have difficulties getting on to the call.

Lanre Ayayi

Lanre Ayayi present

Glen Desaintgery: Jennifer Wolfe?

Jennifer Wolfe: Present.

Glen Desaintgery: Alan Greenberg of the ALAC liaison is absent and has sent his apologies. And we have with us (Patrick Myles) the new ccNSO liaison. And this is his first council call. (Patrick) are you there?

(Patrick Myles): Yes I'm here. Thanks.

Glen Desaintgery: Thanks. For staff we have David Olive, Marika Konings, Mary Wong, Julie Hedlund, Rob Hoggarth, Margie Milam, Berry Cobb, Lars Hoffman and myself Glen Desaintgery. Have I left anyone off?

Zahid Jamil: Glen this is Zahid.

Glen Desaintgery: Zahid, thank you very much. Welcome. May I remind you all to say your name before speaking please for the transcription? Thank you very much and over to you, Jonathan.

Jonathan Robinson: Thanks Glen. Hello again everyone and welcome back after a little break especially to those of you who weren't able to join us in Durban and also particularly to (Patrick) who's new as the ccNSO - or ccNSO liaison to the council.

Item - that was item 1.1 was the roll call. Under the - further item under Item 1 is call for the any updates to statement of interest. So if I could just make that call to see if there are any updates to existing statements of interest.

Thomas Rickert: Jonathan this is Thomas speaking.

Jonathan Robinson: Thomas go ahead.

Thomas Rickert: Yes, I've already updated my SOI in the conference but I just wanted to announce that with the IPO of a company called CentralNic I've started a position which is acting as one of their nonexecutive directors.

I am - I have been asked to help CentralNic with a, you know, strategy, or strategic questions as I do for other clients. And I will not represent CentralNic in the ICANN arena. But you also find that in my SOI.
Thank you.

Jeff Neuman: Thank you Thomas. Any other - any comments or questions or any other updates to statements of interest?

John Berard: Does anybody else hear the operator on this call?

I'm getting interference from the ICANN operator trying to connect somebody to a different call. Anybody else hear that?

Jonathan Robinson: No John it's not on the main audio. There's little bit of background noise.

John Berard: All right.

Marika Konings: Yes, this is Marika. It's probably of your mute to your computer there's something with the audio trying to connect to an Adobe Connect. If you meet your computer, you probably should - you shouldn't hear it anymore.

John Berard: Sure.

Jonathan Robinson: Okay thanks for that Thomas. Thanks all. Let me just check if there any comments to review or amend the - an agenda. (Unintelligible).

Now I'm getting an echo on the line.

How is that? Is my - yes, that sounds better. All right, so any comments or questions to review or amend the agenda as it currently stands?

Jeff Neuman: Jonathan it's Jeff.

Jonathan Robinson: Jeff I see your hand up.

Jeff Neuman: Yes, just as in any other business if we could just talk about the request from the Policy and Implementation Working Group about inviting the board members to participate.

And the second thing is that under the consent agenda -- and I'm not - I'll leave it to your discretion, but there was a meeting of the Policy and Implementation Working Group where they also approved two vice chairs. I'm not sure if that needs approval from the council but I thought maybe as part of the consent agenda where we're approving the co-chairs if we could add the vice chairs as well.

Jonathan Robinson: Okay thanks Jeff.

If I could ask you Jeff, just to track that first item of yours in case by the time we come to the end of what may be a longish call that you just make sure you keep it on the radar as well please.

All right, so the next thing to do is to note the minutes of the previous council meetings. And as you know, we had an - a short meeting to deal with one particular item in the interim on the 6th of September. So we have both the - both the minutes - sorry, on the 1st August.

So we have minutes from the council meeting on the 17th of July and the 1st of August both being posted.

Hearing no comments on those well - those - those are approved and on the record then.

So really we have a as you know, an unusually long call scheduled. It's set for a period of three hours. I hope we won't need all of that time but we do have quite a lot of work to get through.

And this is an opportunity it seems to me to make sure after a break that our work program is back on track.

So although we don't have any motions to vote on we have a number of items where we have an opportunity to get things moving again.

So I will do my best to keep the meeting, efficient and moving forward. I need to make sure of, course, that everyone who needs to gets the opportunity to be heard. And I will do my best to do so.

So make sure you do, make yourself known if you do have a point to make. And I'll do my best to accommodate that. And on the converse if you could please do your best to keep any comments or input as focused as possible.

In this section of the agenda the other thing we have to do is review is make sure we review our existing actions and activity.

Fortunately, a significant portion of the existing actions do come up during the course of the call itself. So that would put us in a position to be able to deal with the bulk of those items under the specific items in the agenda.

There is one item which is imminent. But we've pretty much agreed that which is the - back in Durban which is the board request for inputs on IDN variant TLDs.

That we're just waiting for the ccNSO Council to deal with that in their meeting and then we should be in a position to move that forward.

The other items the Buenos Aires meeting planning, work on the GNSO review and whether or not we have anything there. These items come up later in our existing agenda here.

We do have a set of action items which is entitled BGC recommendation on reconsideration request 13.3.

And I just wanted to check with you. I'm happy to pick this up on list or take any comments. But there were really three actions that came out of that whole discussion. And they were as follows.

We agreed to write to the board of governance committee. We agreed to write to the ATRT 2. And we agreed to write to the ICANN board.

Now given the events that took place in and around this in Durban and the motion that was on the table and was subsequently withdrawn based on discussions we had with the board I'm wondering - I would - I'm just seeking some input that could take place now or later on list to make sure that these action items remain relevant.

Because, to the extent that they're outstanding I want to get them off the list. However, I wasn't 100% clear in my own mind if we had dealt with those.

So let me see if I'm - am I able to scroll this? Yes.

So what I'm talking about here is you'll see in front of you we agreed to write a set of three communications, one to the board governance committee to highlight and describe the output at that time.

But I think that's been dealt with subsequently by events. So I wouldn't mind some confirmation on that.

We also talked about writing to the ATRT 2. And my feeling is on that one that there is still a requirement to - and this is about the reconsideration request and the fact that to date no reconsideration request has been upheld to the best of my recollection and knowledge.

And therefore that whilst this may be an appropriate mechanism for some issues it's not necessarily entirely helpful as an accountability and transparency mechanism.

So that's one. And then the final one was the - a letter to the ICANN board summarizing those two prior points which - so I'm happy to take any comments on that now or move it onto the list.

Anyone got any comments on or as to whether any of these items have been already satisfactorily dealt with and no longer require the actions on the list, or whether those action items are in effect still open?

All right, seeing no hands up in the room I will leave that to you. But I would - I will probably chase up with the council afterwards to make

sure because I don't - it's not suited - suitable for us to have these as ongoing open actions with no actions taken.

They either need to be agree to have been dealt with or agreed that they have been dealt with or they need to be picked up on.

The bulk of our other action items on - are dealt with in separate items on the main agenda. So I'm happy that we'll come to those later.

Then as far as the projects list is concerned really just to highlight there that there are some areas which may - some projects which may have been either superseded. There's obviously the series of ongoing active work. But there are some areas of work which may have been superseded by events or are no longer required.

So what I propose to do is I will let you know which of those projects they are. I'll put those on lists during between now and the next meeting. And the removal of the project list will be proposed as part of the consent agenda on the next council meeting.

And so there'll be an opportunity to either clearly to object to those being on the consent agenda and to remove them and to discuss it further or to accept that they have got to a point where events have surpassed the need to have them as ongoing projects.

So I think for a moment that's all I'll say about the projects and the action items. I guess apart from to highlight that having an ongoing tracking sheet of outstanding actions are certainly useful to me and I hope to the rest of you.

So let's move on then immediately to the third item on our main agenda, which is these - the two items on the consent agenda. That's first of all 3.1 is the locking of a domain main subject to UDRP proceedings. And the report consent contains those recommendations. And this is an opportunity for us to approve those recommendations being transmitted to the ICANN board. There - I see a hand up from Marika.

Marika Konings: Yes, this is Marika. If I can just make one brief comments about that, just a note to the council that the public comment forum that was opened on those recommendations prior to board consideration has now been closed.

We received one comment in support of the recommendations. And I'll just add the link to that report in there.

And just one minor thing to know, we just realized that actually the numbering of the recommendations is off as we're actually missing a Recommendation 5. So I'll be updating that as well.

So and I'll make a note of that in the report. So it'll be very clear that it doesn't track exactly to the numbering in the final report but the content of course all remain the same. It's just a numbering issue that we discovered. So I just wanted to provide that feedback.

Jonathan Robinson: Thanks Marika. Any other questions or comments or opposition to this being on the consent agenda?

Next item is 3.2 which is what Jeff referred to in the - in his initial comments on the agenda.

Now this is the Policy and Implementation Working Group. It's a group that's received considerable interest.

And Jeff as you may recall, took on the role of and very excited was only to be the interim chair, pending the working group selecting a chair and a vice chair.

As events have turned out the working group has elected or selected two very experienced ICANN participants, Jay Scott Evans from the Business Constituency and Chuck Gomes from the Registry Stakeholder Group as perspective chairs. And that is what is to date on the content agenda.

In addition, there is a proposal to have two vice chairs which I'm not sure is that common. But given the size of the group and the - I don't see personally any concern with it.

So let me see if - so as far as I'm concerned, we - I'm not sure we need to particularly approve the vice chairs. But let's take it as an inclusion in this item that we are aware that there are two vice chairs.

Jeff for the record, could you confirm the names of those two vice chairs and their affiliations?

Jeff Neuman: Sure although I might butcher one of the names and I apologize for that in advance.

They are from the IPC Michael Graham for one of the co-vice chair positions. And the other is if someone could help me, (Olivy Flame)? I

don't know if I pronounced that last name right. But he's from the NPOC.

So these are two relatively newcomers to working groups. And I think it's great that they're volunteering for co-vice chairs and maybe groom them one day to be chairs of other groups. So I think it's a great thing. It's a very diverse group.

Jonathan Robinson: All right. So as far as I can see we had on our consent agenda and condition on not having any objections, the council will proceed to approve the co-chairs Jay Scott Evans and Chuck Gomes. And in addition hear - unless I hear any comments to the contrary, I think Jeff, you can take it, let the council is happy to approve those two vice chairs.

And I accept your rationalization that it makes - it's a good opportunity for them to be brought up to speed. Joy I see your hand is up. Do you have a question or a comment?

Joy Liddicoat: I do. Thank you, Jonathan. Just to thank those members for the community who've volunteered for this - these roles. I just wanted for the new or vice chairs who put themselves forward I'm just wondering if there could be just a reminder of what the role of the vice chair, the chairs and the vice chairs is? Thanks.

Jonathan Robinson: That's a good question. Does anyone want to volunteer in terms of finding those because it's a useful question to ask?

Jeff Neuman: And Marika I'll - this is Jeff. I'll jump in after you.

Marika Konings: Yes, this is Marika. And just to note that actually the working group guidelines also only define the role of the chair as, you know, leading the group, being responsible for developing the agendas, leading the meetings, et cetera.

But it notes that working groups can decide to elect co-chairs or vice chairs. So it's really up to the working group to define the role that they see for a co-chair and a vice chair.

And in this particular group, at least as I understand is what they decided is that for the co-chairs and the vice chairs form the Leadership Team which basically meet in advance of the meeting to prepare the agenda and cover any items that need to be prepared in advance of the meeting.

The two co-chairs serve as the main chairs for the meeting. So they alternate chairing of the meetings. And the vice chairs are kind of a backup to make sure if one of the two co-chairs is not available, one of the vice chairs is hopefully able to step in.

I think the main reason why you see so many chairs in this working group that is actually a particularly large working group I think to date we have 36 members that have signed up for this. And I think because of that the working group felt that having a larger leadership team may help in leading the group and moving things forward in a structured manner.

Jeff Neuman: Yes.

Jonathan Robinson: Any others?

Jeff Neuman: Yes, this is Jeff. I think Marika's mostly covered it. I think there's a very aggressive timeline and a very aggressive work schedule and a lot of material to cover and a lot of other action items that are going on in other places in the ICANN community to which these recommendations will relate in one way or another. And we went through a lot of that on yesterday's call.

So I definitely think there's a lot of work to be done in a strong larger leadership team which is diverse. You have pretty much from all sides of the ICANN structure are going to make an effective leadership team.

Jonathan Robinson: Thanks for those explanations Marika and Jeff. So with that in mind it seems to me that there is a structure by which these chairs and vice chairs are going to work within the working group. And it is not in breach of the guidelines. And in fact it's broadly - it's supported by the guidelines.

So from my perspective as chair it seems to me that there is no reason for us not to accept the co-chairs and the co-vice chairs of this working group and give that approval back to the council, back to the working group and so they can get on with their work.

And I'll just pause for a moment to make sure there are no objections to that larger than usual leadership group for the larger than usual working group that is the Policy and Implementation Working Group.

Seeing none we'll take it that that is accepted. And Jeff, you can take that back then to the working group and let them get on with their work for now.

That closes off Item 3, the consent agenda, although it strikes me that it's - I'm tempted to introduce this point of the board participation in the Policy and Implementation Working Group now well we're fresh on this topic because it means we can close off our discussion of the work of the Policy and Implementation Working Group.

So if Jeff if that doesn't sort of ambush you or surprise you too much I think it will be useful for you to present this point now ahead of us, rather than bringing it up in A or B when we've left this topic, way behind.

Jeff Neuman: Sure I mean, I think it's a pretty simple request. It's obviously the whole discussion of policy and implementation has generated a lot of discussion within the entire ICANN community.

It relates to a number of different efforts that are going on, including some review efforts, including the ATRT, including some discussions of how the community interacts with the GAC.

And so during its discussions the Leadership Team of the Policy and Implementation Working Group thought it would be a good idea to at least invite board members to participate in the working group or at least in certain sessions if they wanted to. And that seemed to be generally agreed upon by the working group.

And now the only question is A whether the - or questions are A whether the council is okay with that concept of inviting board members and B if we did invite board members should that invitation

come from the council itself or should that come from - or can that come from the working group?

And so those are the questions. I think - and I'm trying to recall if people responded if it was just to me. There were a couple of board members that - or at least one that responded but it may have been just to me saying that he would be interested in participating but maybe just on an email - maybe just on the email list.

So there's a bunch of different ways that board members can participate. So that's pretty much it, a pretty simple request.

And I understand from Thomas' note that the IGO working group, INGO working group was also considering that type of invitation. So I think it's a worthwhile item to discuss.

Jonathan Robinson: Okay Jeff thank you. Just to clarify you put this item on the mailing list. There was a response on the mailing list from Thomas. And he made reference to the work of IGO, INGO Working Group.

Their request was slight - subtly different in that that they wanted to invite the GAC to participate in the working group either as individual members.

And they in the end, I believe elected to refer that back to the council or - and - and I took it upon myself to write to the GAC and invite them on behalf of the council to the Working Group.

So that was the way it worked there. And I suppose so you have two questions really as I understand it. One is the council broadly supportive of the inviting board participation?

And two in the event that it is how should that be communicated to the board? Should it be direct from the working group or from the council?

John Berard I see your hand is up.

John Berard: Right. Now I didn't think to respond online because it seemed to me to be a fairly benign request. But now of course sitting here in the dark I'm thinking in more political terms.

And while there's really no bar at any point for a member of the board to participate in any working group I certainly think that the importance of this one benefits or makes it sensible to ask the vice chairs.

We talk a lot about how the working groups are the bedrock of the community bottom up consensus driven approach of ICANN.

Rather than inject ourselves and reinforce a false impression that we are somehow a body apart I think that the invitation should come from the working group co-chairs.

Jonathan Robinson: Thanks John. Wolf-Ulrich?

Wolf Ulrich-Knoben: Yes, thanks Jonathan. Well also I'm - I'm also a member of this Working Team the Implementation Working Group.

And while I - after the meeting yesterday it came to my mind it was so discussed there. I think if we go that way well inviting board members we should really outline what we are going to expect from them or what we do not expect from.

We have (forwards) here. We have processes within ICANN how to deal with our topics. So the working group is the one that really works on a topic and then brings it up to the council. And that is recommendations may be submitted to the board as well to approve that.

So the board member who are going - who may participate in that effort have to take into consideration that they have to decide on that at the end.

So the question is what you can then really expect before the board has or those members have been discussing with other board members before. That was the question I had in this respect.

I'm not against - well on an informative basis to have some obviously on an email list or for sometimes also participating in discussion, but really cannot expect then statements with regards to any decisive direction. But that's my opinion. Thanks.

Thanks Wolf-Ulrich. I think that the issue is probably similar with the GAC. I have put myself in the queue but I will defer to Jeff first and then rejoin the queue. Jeff?

Jeff Neuman: Unintelligible.

Wolf Ulrich-Knoben: I can't hear Jeff.

Jeff Neuman: Sorry, just because someone's (unintelligible).

Wolf Ulrich-Knoben: I can't hear anything from Jeff.

Jeff Neuman: Hold on.

Jonathan Robinson: There you go. Your voice was breaking up. Try again.

Jeff Neuman: Yes, hold on one second. Let me try something different. Is that any better?

Jonathan Robinson: That's the same problem Jeff. You were better when you said hold on, I'll try something different.

Jeff Neuman: How about now?

Jonathan Robinson: Loud and clear.

Jeff Neuman: Okay I think the same problem exists whether it's a board member or a Registry Stakeholder Group member or an ALAC member. It's the same thing.

I think it would just have to be clear that they're representing their own - they're just representing their own viewpoints. And everything that they say or do should not be attributed to the board just like everything a registry member says shouldn't be attributed to the Registry Stakeholder Group.

So I think I hear your point Wolf and I think we should set that expectation out at the beginning. But I'm not sure it provides any kind of obstacle in asking for their participation.

I think it really be getting beneficial for them to hear the thoughts that are coming out if for nothing else than to be able to relay those thoughts to the board when they're discussing this issue. Thanks.

Jonathan Robinson: Thanks Jeff. I'll defer to Joy. Joy go ahead.

Joy Liddicoat: Thanks Jonathan. Just to echo and support what Jeff has been saying I think that reflecting on our exchanges with the board and with the GAC over the last several years we've - one of the consistent things that we've had in our discussions has been the policy development process.

And I think that inviting them to participate in the working group, or at least to provide some inputs that they choose to from their perspectives would be incredibly valuable.

And I think to some extent they can mediate and police their own input to the extent that they can do that consistent with their roles and responsibilities.

But I think for example, you maybe that they want to provide some written input rather than participating directly. But I think the invitation is the critical thing. Thanks.

Jonathan Robinson: Thanks. Joy. Thomas?

Thomas Rickert: Thanks very much Jonathan. I would like to speak to the questions that were originally raised and not that much to the fact in what capacities the board or other group members are speaking in working groups.

I think I'd take a slightly different view than it was taken by John early on this call. I guess the council is the manager of the policy development process.

And in this capacity I think it would be wise to have those requests go through the council leadership not to complicate things, but just to sort of have a single window strategy from the GNSO community, you know, managed in its policy development by the council to the other groups in the ICANN ecosystem.

But in order not to overcomplicate things I think it would be good for the council to give a solid mandate to the GNSO Council leadership for them to pass on or, you know, send those communications to other groups without the requirement of consulting with the whole council in each and every case.

I would fully trust the council leadership to assess the request for inviting third parties on behalf of the working groups. And in cases where they think that it's a little bit overdone or inflationary they then might get back to the council and ask for approval or whether we need to provide for the guidance on this.

So to put it in a nutshell, I would, you know, we're not intending to dilute the role of the working groups which I think is at most important. I think it's wise to have these communications go through the council

and equip the council leadership with a mandate to do that without further consultation with the council.

Jonathan Robinson: Thanks Thomas. I'll defer as I have to the others and bring Brian in ahead of me. And then I'll make the point that I wanted to make. Brian?

Brian Winterfeldt: Brian Winterfeldt, IPP. Just a quick question with the GAC members were participating would they be participating as individuals or would they be representing their specific governments?

Jonathan Robinson: Well Brian just to clarify in this particular topic we are talking specifically of inviting board members to participate in the Policy and Implementation Working Group.

To the extent that it was irrelevant a cross reference was made to the ING - IG - INGO Working Group where there was a request to invite GAC members should they - individual GAC members should they so choose to participate in an individual capacity or otherwise in the working group.

Brian Winterfeldt: Okay, understood. Yes, I realize that we weren't talking about a specific case, but just since we were kind of on the topic I was sort of wondering what the - if the GAC individual members did participate what kind of level they'd be participating at.

But I understand that right now we're really talking about the board. Okay. Thank you.

Jonathan Robinson: Thanks Brian. I think I did copy it. To the best of my recollection I copied that invitation to the council at the time.

And it was fairly delicately worded because we know there is a - that this is A particularly - that the other working group is a particularly sensitive issue for the GAC but to the extent as is their participation or not in working groups.

I'll just make my point very briefly. And that is to say that in my view probably similar thinking to Thomas Rickert's is that whilst I am mindful of the point that John Berard made which is that the, you know, the working group's the bedrock of the work done and so on I think this is a, potentially a coordination and management point and may potentially have greater weight as well.

So for both of those reasons my personal opinion is that this is - this kind of request is perhaps better channeled through the council leadership and in no way is that meant to undermine the value of the work of the working groups add a layer of bureaucracy.

And I think Thomas's point is pragmatic which is to ideally give the council leadership the ability to use some discretion on these and respond to this type of request to invite others.

Since working groups are open in any event, it's really just an encouragement to participate in the working group.

All right, go ahead.

Volker please go ahead.

Volker Greimann: Hello, this is Volker speaking. Yes I would largely agree with you Jonathan that I feel that such requests should be channeled through the GNSO Council for the simple reason that if a board member is invited wearing that hat of a board member that is something different if a board member would participate in his personal capacity.

As a board member he has a, within ICANN a different role than normal let's say community member. And I would be very careful in intermingling the roles that the GNSO has with the roles that the board has.

Essentially he would later be voting on something he - in a board capacity worked on in the working group itself.

So I would caution against seeing participation of a board member as a board member as a natural event that can be asked by the working group itself.

It should be something that should be considered by the council itself if this is something that's desirable in each and every case.

Jonathan Robinson: Thanks Volker. I suppose one of the - just a comment there is that participation could take the form of sort of listening, a more, a passive participation which - in which case the invitation is to be aware and closely following...

((Crosstalk))

Jonathan Robinson: ...such a significant or high interest working group.

Brian is your hand still up or is that from previously?

Brian Winterfeldt: Taking it down right now. Sorry about that.

Jonathan Robinson: No problem. Thank you. All right so we've introduced this topic. And what I think I'm hearing is that there is a support to accept this request from the working group to invite board members to participate should they so wish and for them to manage their own potential conflicts or issues and that on balance.

And I'm cautious because I know this. This - I've express this as my view. But I think I've heard more views to support this that such an invitation should come from the GNSO Council itself as opposed to from the working group.

Personally I think we could easily make sure that invitation could make it clear that the initiative for this invitation came from within the working group. So the council could make that very clear that this isn't the council just deciding without having heard from the working group.

So to the extent that it is which it almost - and I can't imagine that it wouldn't be the case or it almost - it would very - it would be easy to conclude that.

Any comments or questions to contradict that, if not I think that's what I'm hearing?

All right in the absence of any other views to the contrary I think we'll capture that and close off that topic that's been inserted alongside the 3.2 on the consent agenda.

We'll close off Item 3 and move on to Item 4 which is a draft motion.

You might well ask why there is a draft motion on the agenda since it's somewhat unusual. My thinking here in working with the vice chairs and in preparing this agenda was that back for sort of holidays and communication issues this would work - this would have been a motion on our agenda.

So it struck me as prudent given our broad intention to be as productive and forward moving as possible was to include this as a draft motion such that we had all seen it, had an opportunity to consider it and thereby reducing if not removing entirely the likelihood that it would be - that a deferral would be requested at the next meeting.

So really this is all about expediting the work of the Council and that's why it concluded.

So in terms of the draft motion are there any comments or questions on this motion which is to approve the work of the Whois survey working group final report?

Any comments or questions or inputs on this draft motion or indeed on my proposal that having seen this as a draft motion it should reduce the likelihood of this - of any requests for the deferral taking place at the next meeting? Berry?

Berry Cobb: Thank you, Jonathan. This is Berry. Just to remind the council that the recommendations, the results statement here just points to the recommendations in the report.

Essentially there's three recommendations, which is to submit the results of the survey to the larger Whois or domain name registration data efforts going on for their review and consideration with their particular mandates. So it's pretty straightforward. There's certainly no consensus policy recommendations or anything around this. Thank you.

Jonathan Robinson: Thanks Berry. That's helpful input. And in fact that was really if anything was the one question in my mind is - is ensuring that this work was or is coherent with other Whois work because this is something that is easily baffling to a casual observer the fact that there is apparently work going on on Whois in multiple places, locations and banks.

And so I think you answer how that is made coherent how this work of this working group is made coherent with other work.

Any other comments or questions? Either you should expect to see this as a formal motion on the next agenda and - of on I think it's the 1st of October our next meeting in the event. And so that's what you should expect to see.

All right, I'll close that item and move on to the next one which is something Item 5 which is expected improvements to the policy development process.

This is - this follows on from a presentation that was led by an effort led by Marika Konings from ICANN staff who presented to us in Durban some thoughts, some mildly provocative thoughts on why the policy development process is not fundamentally flawed or in some shorthand view broken.

And but notwithstanding that how it may be able to be improved such that we get more effective and efficient throughput and outputs since there are two criticisms that the PHP - P process faces present.

One is there is something fundamentally flawed with it. The other is that it is something that could be - could produce faster and more efficient outputs.

The PDP process is a fundamental tool of the way in which the council manages policy. And it's sort of central to the whole effort. And so this is an effort that's going on between staff and the council to work on how we may make improvements that don't necessarily fundamentally alter the PDP process but simply improve the efficiency therefore the management of the process and how the outputs might be more streamlined.

Fire away Marika with in essence a summary I guess of the paper which council should have seen online.

Marika Konings: Yes, thanks Jonathan. So this is Marika. So as Johnson said we had this initial presentation in Durban where we basically in a bullet point form highlighted a number of items the council could explore for enhancing or streamlining the PDP.

And then a wrap-up session the question was can we may be elaborate on those and provide a little bit more detail so the council can actually review what those items actually mean and potentially as well how this could be implemented? So what - this is basically what the paper tried to do.

So in the paper you see basically ten items that we identified as possible options to consider in improving and enhancing the existing PDP process.

And as you'll see as well I think all of these fit within the current PDP structure on as well the manual as well as an (XA) of the bylaws. So it's a kind of a streamlining or improving within the existing structure.

So the first item there is a proposal to actually include a proposed charter as part of the preliminary issue report.

Looking at the timeline for PDP that we've also shared and is posted on the Web site, you can actually see that the introduction of the revised PDP process of - or having a drafting team developing a charter has approximately increased the timeline by 150 to 250 days.

Because to form a drafting team you need to have a call for volunteers, that takes some time. We need to get people together. Often have weekly meetings so discussions. So typically takes a bit of time before it actually comes to a conclusion of the charter that is then submitted to the GNSO Council.

So one thing you may want to consider indeed in considering this option is that staff would basically as part of the issue report include a

proposed charter as part of that report which then will be posted for public comments that would allow the community as well as, you know, council members to provide feedback on that which could then be incorporated in the final report.

So when the final report is presented and the council is expected to decide on whether or not to initiate a PDP at the same time it could decide on approving the charter if there was support from the charter.

And again this is just an option. At the same time, the council could decide to form a drafting team and give that drafting team the charter as a basis or it could decide just to form a drafting team and have them start from scratch.

Again, it's just one of the options you may want to consider. And again, I think this is an easy one that we could have a trial phase with and see if it's something that will work.

And as we noted in the proposed implementation as well we do believe it's in line with what's currently in the PDP manual. But if we see that it would become a standing practice, we may want to explicitly include it in the PDP manual at some point.

And then another point, we highlight is intensity of PDP working group meetings. And again, looking at the timeline and the number of meetings it takes to get from one step to the next in the working group phase of the PDP I think you can see that it takes about, you know, 40 to 50 one hour meetings to get to the final report.

And these are typically spread out over the course of one or two years because, you know, sometimes meetings don't happen, sometimes you meet need to recap, starting a meeting. You have a part that's administration that starts at the start.

So you have, you know, limited number of time is actually really effective working group time.

So one thing you may want to consider is actually increasing that intensity. And again there are number of options for that.

One option is to lengthen, encourage working groups to lengthen their meeting times, meet more frequently.

You could explore actually carving out additional time at ICANN meetings that would be dedicated to working groups for face to face time.

And another option would be to explore whether there - funding could be requested for face to face meetings in-between ICANN meetings, especially for those topics that are deemed critically and time sensitive.

So again the proposed implementation here is to actually look at a maybe a further breakdown on for PDP and how much time it actually takes to get from one step to the next and based on that consummate be able to make a kind of assessment on where time can be gained.

And again it could be the kind of instruction that the council could provide at the start of a working group by saying well, we expect you to deliver a report by X date and in order for you to do so, we would

recommend that you, you know, meet for half a day during your next ICANN meeting or consider, for example, requesting through an additional budget request specific funding if you feel that there's a specific project that really requires separate meeting time in order to get something done in a shorter timeframe.

The third point is the increasing the pool of volunteers. I think that's something we've heard from many different corners.

There are already a lot of efforts going on in this area and increasing engagement. But again, I think this is an area where and maybe the GNSO Council could spend a little bit more time on or focus on maybe through a small group of volunteers to look at those efforts and see how they relate to bringing in volunteers into the GNSO arena of things and look at what improvements or additional things maybe done.

You know, are there any trainings we should be providing, any materials we could make available on the Web site?

Is there any kind of mentoring system, we could consider when new members join a working group that they can team up with, experienced working group members to coach them through the process, for example.

And one other suggestion we made is for example reaching or sending individual invitations to each stakeholder group constituency chair as well as the executive committees of those groups and to encourage them to recruit people to join working groups to really make sure that we up a broad pool of volunteers that are participating.

A fourth suggestion also in a bit of a similar vein is requiring working group representative or participant from each stakeholder group and constituency as well as a possible liaison from SOs and ACs.

I think this goes a little bit back to and making sure that there is input from the different groups at an early stage that can be taken into account. And have those representatives serve in kind of a liaison function.

So - one part of their responsibility would be to keep their stakeholder groups and constituency informed and make sure that they are aware of what working groups are discussing.

And on the other hand they will be able to as well to bring stakeholder group and constituency positions back to the working group for the input.

And I think it's a mechanism that is already used by certain groups. I think that the registries typically operate in that way that they have one member that's assigned as the official registry rep.

So if there are any questions or feedback it flows through that person. Well of course it doesn't limit the participation of other from that same group.

And similarly this could also be done through involving SOs and ACs. And again it could be in a very passive role.

It doesn't mean having to show up for every call. But just having people on the mailing list may already alert them to certain issues.

And be able to identify or highlight those at an earlier stage which at the end of the process would facilitate discussions and hopefully not end up in any kind of stumbling blocks where groups only speak up and delay the process.

And we also highlighted improved online tools and training. Again I think there are several activities that are already being rolled out in this area.

So I think it's something as well to keep a close eye on and review how those efforts relate to PDP efforts and see if there's anything that should be added to that or improved or done differently.

And again I don't know if a little committee or group in the council could be tasked with something like that and seeing what other activities are taking place which would allow as well to identify the gaps.

And then Item 6 is considering having (unintelligible) for example in working groups. And I think it's an item we'll also discuss a little bit in the further down in the agenda on the metrics and reporting working group where we're proposing something along similar lines.

So it's basically talking about the working group - or the PDP manual doesn't really prescribe how working groups need to do their work.

There is no specific requirement for them to meet for example on a weekly basis or have discussions every time with everyone involved.

So one thing that could be considered for certain tasks and - is to have - appoint a kind of repertoire so that could either be a working group member, GNSO Council liaison, ICANN staff depending on what the council or the group deems most appropriate.

And it could be more in a fall where this person would speak to the different parties involved. And on the basis of that feedback received basically draft a first straw man or straw man -- maybe I shouldn't use that word -- but a first draft of report of basically along very general lines starts identifying what potential recommendations may be and that could serve as a starting point.

The idea of being having something on the table may move discussions forward in a quicker manner than really started from scratch and doing everything with everyone really from the start.

Again this may be suitable for certain issues and not for others. I think what we're looking here is maybe like a menu of options that this council could consider encouraging or recommending working groups to use it's - I believe that they could be useful for streamlining and enhancing the PDP.

And seven talks about professional moderation and facilitation and involvement of experts. That's something we've spoken about before as well. And it's come up in other conversations too.

Again this is something that may be beneficial or helpful in certain cases in certain very complex or very difficult working groups.

Obviously that does have a financial impact. So further consideration would need to be given on how that can be implemented.

Again additional budget requests could be considered to make funds available for that or if the council makes a request for additional funding.

Then Item 8 is something that we've tried to highlight already a number of times as well in the revised PDP is this concept of organizing workshops and discussions at the outset.

It's something that we try to emphasize to really encourage groups or individuals that want to launch a PDP to actually have some conversations at the outset.

And this can be done through organizing a workshop at the ICANN meeting, or setting up a Webinar, or bringing a group of interested people together, and could really serve as trying to frame the issue gather already data try to make sure that the request is as focused as possible.

Again all intended to really streamline the process so that when we get to the issue report it's really well defined, and people really know what is intended, or expected to come out at the end of the day which will hopefully facilitate and make the process faster.

(Unintelligible) much data and metrics and again we're coming to back that later but this is as well the recognition that having better data and metrics available at the start as well as the end of the process would really facilitate the discussions and allow for informed decision making.

Working groups typically struggle to get that kind of information. And sometimes data is not available or needs to be received from different sources.

And again that is something that the metrics and reporting project is looking at. So I think it's more an encouragement for the council to keep a close eye on that because at least from our perspective we think that could greatly enhance the efforts that are being undertaken by PDP working groups as it comes to gathering data but also developing metrics to measure the efficiency and effectiveness of policy recommendation so that can feedback into any potential review that follows.

And then the last item is the develop fast track process for GNSO policy advice or guidance. Again this is an item that has come up in many different conversations.

And it's something that's currently actively being looked at by the policy and implementation working group.

So this is more now that I think that's one of the areas where the GNSO Council should keep a very close eye and monitor their efforts to really make sure that that aligns with your expectations and as an alternative process for providing policy advice where a PDP is not required.

So basically what we identified as next steps is, you know, for you to provide your feedback on these suggestions, and ideas, and maybe indicate if there are other areas that we should explore.

And then provide us some feedback if you - our review that some of these we could actually start experimenting or implementing as we move forward.

I think especially on the first item they're, you know, a couple of reports coming up where we could try to or propose a charter for example and see what the feedback is again with complete flexibility and decision making in the hands of the GNSO Council obviously.

So I think that's it. So I'm happy to take any questions anyone may have.

Jonathan Robinson: Thanks Marika. I appreciate your efforts on this. And this is a, you know, a reasonably comprehensive piece of work to try and assist with an objective of improving both the actual performance of the PDP process and the impressions of the performance.

Are there any questions or input from the council at this stage? Volker.

Volker Greimann: Volker Greimann speaking. Yes thank you Marika. This is a very interesting report proposal. And I think it will take a while for me to wrap my head completely around it however I have a couple of comments that I would like to raise at this point already.

Number one the - to include the proposed charter in the issues report I have a small problem with that because it would be - could be perceived as handing over some of the responsibility of the GNSO policymaking process to ICANN staff.

And it might be - it might be better perhaps to involve the GNSO in the chartering process by involving the GNSO in the issue report drafting.

That would not reduce the influence of the GNSO in the policymaking process but on the other hand will have the effect that charter creation and issues report would be combined. That's just something I would like to throw out there at this point.

The other thing is the intensity. I agree that it would be beneficial to have pass through PDPs by longer sessions.

However everyone who is working on these PDPs is doing that as a volunteer taking this time out of a busy work schedule.

And there's usually a lot of PDPs running at the same time which some of us are participating in more than one of.

So having weekly meetings of as you say for two to four hours could be problematic for many members and could lead to a loss of volunteers simply because they do not have time.

So that's also something that has to be considered. The rest I will have to review in more detail again I'm not ready to comment on those yet but thank you.

Jonathan Robinson: Thanks for that contribution Volker. I see Marika would like to respond. And then there are - I have Maria in the queue. Marika?

Marika Konings: Yes thank you. This is Marika. Yes just to respond to Volker the involvement of the council would be as well through the preliminary issue report.

I don't know if you've seen anything else there but basically the way it currently works is that we have the preliminary issue report that's published for public comment also submitted to the council.

So that would be at least from our perspective the mechanism then to incorporate any input or feedback that is received on the charter which would then be incorporated for the final issue report.

I mean of course we could explore as well other ways of doing that but that's how within the current framework that may work.

And noting indeed on the - if anybody here volunteers this is something that is pointed out in the document that, you know, obviously it would all depend on availability of volunteers to increase this intensity and definitely something - and definitely not something that the council could impose on working groups maybe just to encourage there where there is a deemed need for speed or a quick response.

Jonathan Robinson: Volker do you want to come back on this specific point because it probably...

Volker Greimann: Yes.

Jonathan Robinson: ...go ahead of Maria. So forgive me Maria. I'll just let Volker come back one more time on the specific...

Volker Greimann: Just a small sentence to test Maria's patients. I was not referring to the GNSO Council. I was and maybe I misspoke I have to look at the record but I was referring to the GNSO.

So the bottoms up bottom up process not the councilors that represent part of the GNSO but the individual members who might have input into the preliminary report and who would be cut out if only the council or only staff would be involved in creating the draft charter.

Jonathan Robinson: Thanks Volker. That's clear. Maria you've been patient. Please go ahead.

Maria Farrell: Thanks Jonathan. So my point is about the drafting of the charter. And I'll be a little bit concerned if it became a staff prerogative to draft charters for working groups and PDPs because I mean if we've seen, you know, in the past the charter really is the moment at which the terms of debate are set, you know, the scope of activities is sketched out.

And so the, you know, options are both open to unforeclosed when the charter is drafted. So I would be a little bit concerned about staff taking that on.

And I think that really is the proper prerogative of the drafting team comprised of participants in the GNSO more broadly.

I mean when we, you know, if we look back at something like Whois for example I mean the point is made it's difficult to achieve consensus on Whois.

It was very difficult to achieve consensus on Whois charters and but that's because, you know, not to be too tautological about it but it is difficult to achieve consensus on who is.

So, you know, that's one example where these are very, very difficult topics. And I'm not sure that staff stepping in is going to help.

One point that's been raised to me is what about in an issues report when staff does not recommend going - launching a PDP, you know, even in situations where members or groups within the GNSO would support launching a PDP would the staff then draft a charter?

Presumably not if they're not thinking that PDP should go ahead. So I think there are a couple of, you know, situations in which the staff it's - I don't really believe it's the proper role of the staff to set the terms of debate.

And so I would have some - quite some concerns about the staff taking on charter drafting as a matter of course.

Jonathan Robinson: Okay thanks Maria. I've got Thomas next in the queue.

Thomas Rickert: Thanks Jonathan. First of all let me say that Marika you've done an excellent job in compiling this and presenting it to us.

And I certainly understand the desire to streamline the process including the charter drafting but that's actually the point where I'm also most critical, you know, how we can ensure that the council doesn't lose sight of the charter drafting.

As far as the other points are concerned I think I mostly agree with them. I would like to briefly touch upon two points one of which is training and I think that training for particularly for chairs is imperative.

And I think that, you know, there should be at least the option for working group chairs to be trained not only in sharing capabilities, and moderating capabilities but also with respect to drafting agendas and, you know, conducting consensus calls and other complexities that might arise during the life cycle of a PDP.

I should also note at the same time that I always found staff very supportive. And, you know, doing an excellent job supporting me, you know, for example with the IGO and INGO PDP working group.

With respect to facilitators I would be glad to report more to the council during one of the next meetings because for the IGO INGO PDP working group we've actually gone through this exercise of using external facilitators to have a workshop in Durban which was planned to solicit feedback from people outside the working group.

You will remember that because of the birth of our third child I was not able to be in Durban. But I have been told that this particular format was not perceived to be hugely successful to, you know, yes I should leave it like that.

So I think that I'm all for experimenting with some new formats to get feedback from community members outside the working group.

But I think that, you know, some formats should be tested. And that, you know, maybe ICANN staff can advise on different models that can be used.

And that might be more or less appropriate for certain scenarios and tasks. But also it would be difficult to ensure that actually people outside the working group do participate in those efforts.

So I'm hugely supportive of this. But maybe we should work on some options that people can pick on pick from to actually boost the outcome of their working group work. Thanks.

Jonathan Robinson: Thanks Thomas and for your experience on that. Jennifer, Wolf, (Jen).

Jennifer Wolfe: Hi. Thanks Jonathan. I was just wondering in terms of procedurally where we go from here? And also thank you to Marika.

I think this is excellent work. And really have shown a lot of opportunities of how we can streamline the process.

But I'm wondering does this incorporate into the GNSO review which I know is later on our agenda or where do we go from here with these suggestions in terms of testing them as Thomas suggested or implementing? I guess that's just my broader question maybe back to Marika.

Jonathan Robinson: Well (Jen) I - that's been something on my mind and its, you know, I was grappling with that. And I think that really this is a relatively early

days. We've seen this in Durban. This is the first time it's been distilled including with some implementation ideas.

So and I accept your point and your question as one and that this overlapped with what, you know, what work that might come out of some form of review.

I don't want to preempt that discussion. I have an idea. But let me hear from Marika what your thoughts were and I'll try and - I think we should try and bring this to a close but I think it's a very good point to ask is where do we go from here? Marika fire way.

Marika Konings: Yes this is Marika just responding to a couple of points. In relation to the facilitation or having professionals involved I think that was more from the perspective of the chair role of having someone there where we (unintelligible) that is difficult to maybe have someone chairing that's neutral or has the time to really invest in spending so much time and for example if there are additional meeting.

So it was more from that perspective not necessary to facilitate working group discussions but that's maybe a side point.

On the charter another thing you may want to consider is that at the time when you request an issue report that, you know, the council provides instructions to staff whether they would like to include a draft charter or not because, you know, we do recognize there are maybe issues where there is more sensitivity or concern that, you know, staff may not appreciate the scope or the breadth of the issues.

But there may be others and I gave as an example in the chat we've done this for example for, you know, the IRTP working groups where the charter questions were already basically predefined through work done earlier.

So in those cases, you know, the council may want to direct staff to say yes please include a charter because we - a draft charter in the final issue report because we already know what the questions are looking like.

So again we're really looking at ways to streamlining and throwing out suggestions on anyway we can try to accommodate that in a way that indeed doesn't make you feel uncomfortable or gives you the perspective that we're trying to take much - too much in our hands.

You know, we're going to have a constructive dialogue. And so any suggestions you have are welcome.

Jonathan Robinson: Thanks Marika. So I just a comment. I mean I think that this is a very useful start. It's - I read it is a good faith attempt to assist in coalescing some real opportunities to make practical improvements.

It's clear that this incorporation of the charter into the issue report is the - at this stage at least is the single issue that's causing consternation.

I don't think we're going to get particularly further in this conversation. I think it's been very useful to air some initial thoughts on it.

My thought in response to (Jen)'s question and what I had in the back of my mind was possibly tabulating this into a series of

recommendations some of which we may be comfortable going forward with right away others of which we may either choose to not go forward with or go forward with on an (ag) top basis depending on the content of the PDP.

But let's give it a little more thought and see if we can't come up with some - I mean these are quite different some of these suggestions and it's clear that there's some stronger feelings about at least one issue and perhaps council hasn't had as much time to give it some thought.

But I really would encourage you in the spirit of what this is intended all of you to both consider it and consider it within your groups as to where you might be able to support elements of these very practical and as Marika said largely not in any sense working outside of the existing structure as it currently exists for the PDP process.

So let's see what we can do here. I think right now there - it's been a useful initial discussion. Some of the items may go ahead more easily than others but we don't need to crystallize it into actions right away I don't believe.

So thanks for the discussion on that. Please keep it alive on the list and with any contributions you can make including how we might move this forward and let's see if it doesn't get picked up in other areas including the GNSO review area as we talked about.

All right let's close off that item then for now and move on then onto the next item which is Item 6. And this is the perspective PDP for those policies that need to be developed based on a board initiated PDP areas that were not covered by the recent RAA negotiations.

I've got a couple of slides that I think it's Mary going to present a couple of slides from staff to set the scene.

And then that'll prepare us for a fuller discussion at the next meeting an initial discussion now. Go ahead.

Wolfgang Kleinwachter: Jonathan sorry for interrupting you. This is Wolfgang. I have to apologize. I came just back from the hospital.

And, you know, I broke my arm. And I was very late. So - and I just wanted to signal that I'm now in the call but I have no access to the Adobe Connect room because I have probably the wrong URL.

I just want to reflect that I'm now in on the call. So go ahead and sorry for interrupting you.

Jonathan Robinson: Sorry to hear that Wolfgang. Welcome to the call. I'm glad you could join us at this stage. And I'm sure someone from staff will send you the URL for the connect room right away.

And in the meantime we'll continue with Mary's presentation. And we'll bear in mind that you don't have visual access at this stage.

Wolfgang Kleinwachter: Thank you.

Mary Wong: Thanks Jonathan this is Mary everybody. And actually it's Margie who is going to be doing the presentation. Before I hand it over to her though I thought we could make a couple of introductory points.

I think first of all we wanted to let everybody know where we are with the staff briefing paper that will summarize what Margie is going to present today as well as detail of course in more detail some of the issues and the next steps.

As I think everybody who's been involved with this effort will recall this is kind of a long standing effort that dates back to a board resolution in 2011.

And in the meantime there's been a couple of parallel efforts elsewhere in the community and of course the RAA negotiations which successfully concluded.

So in doing the paper we have had to liaise with quite a few colleagues from different departments just to make sure that the issues that will remain or do remain that will come into the PDP is communicated to everybody concerned.

So to cut a long story short we hope to have that paper completed within the next week or so. And that will mean that the paper will be published for the council and the community in good time by the next council meeting and as you say Jonathan in time for discussions ongoing.

So today's update really is just to remind everybody of where we are and where we were with this. And to flag what we thought the remaining issues were.

The other introductory comment that I wanted to make on behalf of the staff was listening to the discussion earlier on Item 5.

One of the things obviously that were in that staff paper in Item 5 was the possibility of a draft charter being provided possibly on an experimental basis.

So what we currently have planned for the staff paper is a form of draft charter that could be used for this RAA remaining issues PDP.

Bearing in mind what was discussed just a few minutes ago from the staff perspective I think we are quite happy to either remove that completely or to leave it in just for you folks to see what a draft charter may look like and to consider what would be the appropriate circumstances where the council or the board depending on who initiates the PDP could say yes let's have a charter drafted earlier or no this is not an appropriate circumstance.

So we thought that the timing of this PDP as well as the way the remaining issues are going to be structured might be a good place for an experiment but we will await your discussion and instructions for whether you want to do this or not.

So with those introductory comments I'm just going to hand over to Margie who as everybody knows has been very involved in both RAA negotiations as well as the GNSO work around these issues. Margie.

Margie Milam: Thank you Mary. Hello everyone. I just have a very brief introduction for you about where - what the remaining issues are about the policy work.

And as Mary mentioned, you know, this work got kicked off back in October 2011. It's been quite a while.

When that project kicked off and basically commenced the negotiations the board asked the negotiating teams to look at the high priority and medium priority items that came out of the GNSO ALAC RAA final report.

And then it also asked that the negotiating teams look at the law enforcement proposed recommendations.

And that most of those were incorporated in the report that the GNSO and ALAC drafting team had put together.

So since that time obviously the negotiations went forward. We've - the new RAA has been signed. But in response to that resolution back in October 11 there was already a preliminary issue report published. And that was in December. And then a final issue report in March 2012.

And the final issue report at that time recommended that the PDP wait until the negotiations conclude so that the remaining issues could be identified. And that's essentially where we are at this point.

And so as Mary indicated there's this report on the conclusion of the RAA negotiations. And when you look at that report which will be published in the next week it outlines, you know, how each of those high priority and medium priority issues were addressed.

And essentially the conclusion of the report is that the one remaining issue relates to the privacy and proxy services and the accreditation program.

And so that is what the paper is focused on. And in anticipation of policy work to be done on that it's summarizing issues related to privacy and proxy services so that the drafting team and then eventually the working group would have a solid starting point to be able to do its work because it was felt that the final issue report that was published back in March of 2012 didn't really delve into that issue in the same manner that it would if we had a brand new issue report today on privacy and proxy issues.

So what you'll see in the paper is a discussion of the kinds of issues that relate to the topic so that the working group can kick off and go ahead and get started on those issues.

One issue with respect to the 2013 RAA that was just approved and for those of you that may not be familiar with the issue there is actually a specification that - it's called an interim specification that deals specifically with privacy and proxy services.

And it introduces a minimum baseline of obligations for privacy and proxy services that are affiliated with registrars.

And that it's called an interim specification because it anticipates that there will be policy work done to actually develop the policy more in a - and develop the parameters for an accreditation program relating to privacy and proxy services.

And so as we took a look at the high priority and medium priority issues that the GNSO and ALAC report identified that was really the one area that required further policy work. And so that's essentially what the PDP is recommended to apply to.

And obviously the next steps would be as Mary indicated whether, you know, a charter should be a working group should be convened to develop a charter. And then eventually, you know, the working group. And then all of that will be addressed in the report.

And so I have links if you want to find where the information is. There is links there on where the 2013 RAA and the final issue report. And with that I guess we can open it up to questions.

Jonathan Robinson: Jeff please go ahead.

Jeff Neuman: Yes so Margie just to go back to kind of the process. So the GNSO voted to delay this until after the agreements were signed.

You mentioned something sort of towards the beginning that said the - could commence it or the board does - to the board or is it automatically commenced or how does that work now?

Margie Milam: The board resolution asks for the issue report. And so the - I think this is one of the situations where I don't know that there's any practice in the past on how to, you know, and maybe someone with longer institutional knowledge might be able to answer this.

So it's not really clear. You know, from the bylaws it appears that, you know, when the board says there's going to be a PDP there will be a PDP.

But, you know, how it goes forward and what, you know, and what the charters all of that seems to be not clear in the bylaws. And I don't know if maybe someone from policy staff wants to address that aspect.

Jeff Neuman: So just - and before they do that just to clarify. So the board never said do a PDP it just said do an issue report and therefore it doesn't invoke the section under the bylaws that says there must be a PDP that's what the position you all - we're all taking?

Margie Milam: I don't think that's what the board resolution said but I'd have to go back and take a look.

Marika Konings: And this is Marika if I can maybe add to that. At least our interpretation is the request for an issues report is the start of the PDP. And that's I think how it's written as well in the PDP manual and the bylaws.

So basically they can't request for initiating a PDP. They - the first step they need to do is request initial report it automatically then kicks out the boards requests that are initiated PDP at least that has been my interpretation.

But we can definitely check back to the resolution. But I think that's how we proposed it as well and the staff - are in the issue report.

Jeff Neuman: Okay. So if the board did ask for the PDP and we've confirmed that then the next step is drafting the charter right?

I mean that's pretty much...

Margie Milam: Correct.

Jeff Neuman: ...so we are - is this presentation now are we now ask in the council to form a charter drafting team? Jonathan is that...

Marika Konings: This is Marika. If I can maybe add something to it because basically the paper we're referring to tries to - it serves maybe a little bit the function of an issue report because we're now, you know, narrowing down the issues.

It tries to provide already some background information on, you know, what has been discussed? Where are we now? What input has already been received on this particular issue? You know, what is currently in the RAA, you know, what are some of the questions that probably would need to be answered in such a PDP?

So we hope that it can serve them as a starting point for a drafting team - to develop a charter. And I said, you know, one suggestion we had is actually included a draft charter.

Again completely on the notion that you may want to form a drafting team and start from scratch but maybe as a kind of aid of saying look based on what we've identified we believe that these are some of the questions that may need to be considered.

And the (consequence) of course add to those as deemed appropriate or, you know, ignore what we said in the paper and really start from scratch.

But we're trying to provide a bit of a framework and it's actually background information to help inform those discussion on - discussions on developing the charter.

Jeff Neuman: Okay. And sorry just to - and I put it on the - did we get this paper yet I think...

Jonathan Robinson: Just to help you out in terms of setting the agenda the intention when this agenda was first drafted was his paper would be available for this meeting.

It was - there was - there is a - some minor delay in getting the paper. So it's missed the meeting. There - that - the paper is imminent.

And really the paper should serve to bring us up to speed given the time that elapsed since the board initiation of the work and now to bring the council up to - properly up to speed. So this is a really forewarning of what's coming and setting the background. I hope that helps.

I've got others in the queue as well. I've got Jeff bring yourself back into the queue if your questions remain unanswered. I've got Petter followed by Mary.

Petter: Yes Petter here. Sorry I might echo the questions but on the privacy proxy (unintelligible) issue what's the timing? And you mentioned the

working group. Is there a working group already or when will it be formed?

Margie Milam: So yes this is Margie. So after the process normally is you'd have a drafting team come up with a charter.

Which then the council would approve the charter. And then the council would then do a call for a working group. So that's the steps that are typically taking place in the PDP process.

Petter: And what can you say about the timing?

Margie Milam: So the timing is there's no, you know, specific requirement with respect to the timing. I think early on the board talked about expedited which is the reason we did the preliminary issue report and final issue report right after the board resolution. But there's no, you know, no indication as to how long this needs to go.

Jonathan Robinson: Okay.

Jonathan Robinson: Thanks Margie, thanks Petter, Mary.

Mary Wong: Thanks Jonathan. So just to follow-up on a couple of the points that were made by Marika and Margie and I do think that some of this might become a little clearer when the paper is published which as we say we hope to do so by early next week.

Because the board had requested the issue report and its Dakar resolution that means as Margie has said that those issue reports were done. And they were published including the final issue report.

And since then and because the boards resolution directed both an issue report from the GNSO and the commencement of RAA negotiations obviously the RAA negotiations have gone on and led to the RAA agreement.

So the staff paper now really highlights I think and hopes to provide some good summary of the various efforts that were undergone especially by the GNSO way back before the RAA negotiations.

And Margie mentioned in her presentation the high level and medium level priority topics. And we aim to show everybody where those have been addressed by the RAA.

So in some ways as Marika said the staff paper is like an issue report in the sense of setting the scene that way.

And as Margie said Petter in response to your question the next step would be for the GNSO Council to convene a drafting team and a working group to commence this work bearing in mind that at the moment in the RAA there's an interim specification that deals with the privacy and proxy issue. S I hope that helps.

Jonathan Robinson: Thanks Mary. Volker?

Volker Greimann: Volker Greimann speaking. Yes thank you for mentioning that. The interim specification for the privacy and proxy services is something I wanted to refer to as well.

This was designed as a first step toward such a program for privacy proxy services in general. However we perceived it as a part of the negotiating team of the registrars always is something that we should look at.

We should look at how it works. If it is a suitable model, if it needs to be expanded upon, if everything that's in there is already sufficient to address the concerns of everyone at the table?

So creating an issues report now at a point where no registrar has actually had to implement this I think is a bit early to look at the results of this preliminary specification.

I would suggest that we at least see how this works and the results of many registrars implementing this and many registrars owned privacy proxy services under the regime of this new specification and how this results in better serving the community in general.

So I'm split about...

Woman: Can you please (unintelligible)...

Volker Greimann: ...at this time where we don't even see how this pans out.

Margie Milam: If I may respond to that the interim specification has a deadline. It has a January I think it's January 2017. And it expires at that point.

And so Volker's concern about maybe not having enough data is - it needs to be tempered with, you know, how long does it take to get through the whole process and into implementation?

And, you know, if he keeps the charter process now It'll probably, you know, by the time you actually do the working group I think under Marika's timeline it would be early next year anyways.

So it may very well be that you have some of that data. But I just wanted to remind the council that there's an expiration on the specification.

And that's probably the, you know, the end state if you will for when you want a new policy to be fully implemented.

Jonathan Robinson: Thanks Margie. Thomas Rickert. And I think we should close discussion on this item.

Thomas Rickert: Thanks Jonathan. I have a question and I may have missed something but is the intention to have actually one PDP or depending on the subject there is also the possibility of having multiple PDP's where, you know, where for the sake of speeding things up we would deal with chewable bits individually?

Jonathan Robinson: Good question. Mary I think you want to answer that.

Mary Wong: I do. And I'm not sure that I'll be providing a complete answer. I think that the general answer that it is up to the council to determine, you know, how they want to proceed.

And I think in the - I believe it was the final issue report which of course was published before the RAA negotiations had concluded there were

various suggestions there on moving forward with separate pieces of a PDP.

One other option that you could consider -- and that's why we wanted to do this heads up today so that when we come to it in October we can continue the discussion -- one other option that you could consider is forming sub-teams so you can have a single PDP but within different sub-teams are sub-working groups to tackle specific issues.

So you can do it like an IRTP type thing or you could do it within one PDP but with sub-teams highlighting specific issues within that framework.

Jonathan Robinson: Thanks Mary. My impression is that this discussion has usefully in a sense warmed up the council to what's coming down the tracks.

We had a useful preliminary discussion. That report should be published in short order. You've told us you think it'll be out within a week or so.

Within- and so that gives us - this has given us a very good context in which to receive that report and then pick up the discussion on what action the council intends to take at the next council meeting on the back of this.

So I think and I hope you as councilors will agree that this has been a (unintelligible) discussion. It does appear and this is one of the reasons for scheduling this - in this order that there is - based on the previous discussion that the extent that it was a possibility including a draft charter at this stage is probably premature so let's get the paper,

receive it and let the council pick that up and decide the course of action it needs to take next.

Any other final comments?

Mary Wong: Jonathan?

((Crosstalk))

Mary Wong: Jonathan, this is Mary. Can I add just one thing?

Jonathan Robinson: Yes please, Mary. I wasn't sure if your hand was up from previously. Please go ahead.

Mary Wong: Yes, but I'd just take this opportunity also - and, Volker, I wanted to address one of your questions about the data. And you're right, you know, at the moment we haven't had the implementation data. But I wanted to remind the Council of the Whois studies that were started about two or three years ago. And one of those studies is on privacy and proxy abuse - privacy and proxy, sorry.

And that report has been more or less done, it's just final touches being put on by the consultants that we hired, the National Physical Laboratory of the UK. So, you know, in terms of timing I can't tell you exactly when that will be finalized and published but we fully expect that the results will be completed and issued for public comment as is customary around the time that this Council convenes the working group.

So in terms of data there will probably be some results and findings there that will be of interest and hopefully utility to the working group.

Jonathan Robinson: Thanks, Mary. That helps sum it up and close off that item for now.

So moving on then the next item we have is Item 7 which is a discussion on some policy issues surrounding string confusion. And Jeff has requested via our email list that this should - this item be included. There was no opposition to be included on the agenda.

And so I will hand it over, I think, to Jeff to introduce and provide the context for why this item is on our agenda. Please go ahead, Jeff.

Jeff Neuman: Sure. And so what you see now on Adobe is really just my notes. They should not be taken as authoritative on anything. This is from my own personal review of the cases that are out there and just some of my own notes. So, again, please don't consider this document as being authoritative or drafted by anyone other than me. It's my own thoughts.

So this issue came up actually interestingly enough, and if you scroll to the end of the document, really before any kind of anomalies came out of the discussion a question was raised in Kevin Murphy's interview with Akram that was published on Domain Insight that, you know, the question came up whether if we get a case or a situation where a singular and plural string or any two strings actually are found to be similar the best outcome might be to go back to the GNSO or to the community and get their read on that.

That might be what the Board - that might be what the Board might request us to do. And so interestingly enough this topic of string similarity is on - or at least as of last night - was on the agenda for the

new gTLD program committee to discuss on September 10. There's no resolution or anything that I could see from looking at the agenda but it's on there.

And so if you go back to the original GNSO consensus policy recommendations that were approved pretty much six years ago tomorrow, where the policy for new gTLDs was approved by the GNSO, one of the recommendations was that ICANN implement a process that allows the introduction of new top level domains, the evaluation and selection procedure for gTLD registries should respect the principles of fairness, transparency and nondiscrimination.

All applicants for new gTLD registries should therefore be evaluated against transparent and predictable criteria fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.

Recommendation 2 was, "Strings must not be confusingly similar to an existing top level domain or a reserve name." And 9 was, "That there must be clear and pre-published application process using objective and measurable criteria."

So what happened? Well not all of the string similarity cases have been decided at this point. There are still 31 left to be decided with 30 of them already having been decided; 6 of them having been withdrawn.

So we're pretty much halfway through all the decisions. And we've seen five cases where the objector has prevailed meaning that in - if it

was similar to an existing string that means that the application shouldn't be processed any further. If it was similar to an applied-for string that means that they're put into the same contention set.

And then there are 25 cases where the applicant has prevailed meaning that they're not in the same contention set or that they can proceed if it's - if it was an existing TLD that did the objection.

So the list is up there. And then if you look at the list there's some anomalies in there which really requires some further consideration. And who considers that and how it's considered is something I guess we'll talk about.

But you have Anomaly Number 1 is the same exact string with different results meaning that there is - in the Com Cam example so VeriSign filed three objections against three applications for DotCam.

Two of those objections came out in favor of the applicant; one of those came out in favor of the objector meaning that the one that came out in favor of the objector, which was against United TLD, that one, if it goes the way it's supposed to go in the Guidebook, that one application would be thrown out but the other two would not be.

Interestingly enough if you look at the applications for the three DotCams they are all for pretty much unrestricted top level domains. They all pretty much look identical for who's operating it. So that's an anomaly and that's a problem.

The second example, which has been widely discussed in the community even before any decisions came out, was on plurals, right.

So are plurals confusingly similar to singular versions of the same word?

And so while many people thought initially going in, of course, plurals are and many people thought of course they're not, the objectors have had mixed results in this. There have been two plural cases in favor of the objector, meaning that they're now in the same contention set. That's tour and tours and sport and sports.

And three decisions that are in favor of the applicant, hotel/hotels, TV/TVs and car/cars. That's a problem. Why would it be that some plurals are confusingly similar but some plurals are not? Maybe that's explainable in the decision? Maybe it makes sense, maybe it doesn't. There's a number of plurals that still have to be considered and so we'll see where that goes.

I call this next one the IBM anomaly, right? In this case we have DotShop, the ASCII version filed three - more than three objections but three that have been at least decided that relate to IDNs, right.

So with the ASCII version of DotShop objected to three IDN versions of three different terms that when you translate them one means online shopping, one is an exact translation of - or is close to exact as you can get for DotShop so DotShop versus Chinese DotShop. And then DotShop versus Chinese translation would be something like number one store.

Interestingly enough the exact match was found not to be confusing but two non exact translations were determined to be confusing. So DotShop versus the equivalent so the Chinese equivalent of

DotOnlineshopping was found to be confusing; DotShop versus the equivalent of number one store in Chinese is found to be confusing but DotShop versus DotShop in Chinese is not confusing. That to me is an anomaly.

Then there's also the one letter difference for other TLDs. So in addition to plurals you have Com versus eCom comes out in favor of the objector. Post versus ePost though came out in favor of the applicant. You have Biz versus gBiz came out in favor of the applicant. And Merc versus eMerc came out in favor of the applicant.

So why did three one-letter offs come out in favor of the applicant and one come out in favor of the objector? Just to disclose we - Neustar - filed the objection against gBiz so just to disclose that out there so I'm not - this is not for my own personal self interest but I wanted you all to just disclose that right now.

So the question is why did Com versus eCom come out in favor of the objector but Post versus ePost come out in favor of the applicant? And then there's, you know, there's more to come, obviously.

There's another Car versus Cars case, right. In theory that could come out different than the first Car versus Cars which was found to be - the initial one was found to be not similar but could the second case come out to be similar? And what happens then?

You have Home versus Homes, Game versus Games, there's two Web versus Webs that could come out differently. There's three Mobi versus Mobile - actually it should just Mobile, it's not Mobiles. There's a Pet versus Pets and then there's Shop versus Shopping, etcetera.

So there's a lot more to come. But I view this as a pretty big issue especially with the couple anomalies that have been pointed out. And that's - these are really policy questions that even as Akram stated should be something that's referred back to the GNSO or the community.

So that's kind of setting the stage and, Jonathan, back to you.

Jonathan Robinson: Thanks, Jeff. That clearly, in my mind, defines a problem. The question for me is what - in what way, you know, we have these - you very helpfully pointed out, Recommendation 1, Recommendation 2 and Recommendation 9 from the previous policy work.

So the question here really is in what way are these items, you know, how might these be dealt with as matters of policy within the scope and remit of the GNSO Council and the way in which the Council undertakes its work.

Bearing mind that the sort of, if you like, the emotive context of the fact that things referred to the GNSO for policy development work are seen to often take a long time and that's one of the issues we face. And there's clearly a lot of pressure on this program to try and exceed in making it not be further delayed.

So that's the sort of background context I suppose. But nevertheless the key question for me is how did the Council deal with this? In what way in this, you know, what is in scope for the Council to deal with so to speak? Jeff, you've obviously got a thought and I'd welcome any input on this from any other councilors.

Jeff Neuman: Just an initial thought which is that, you know, the GNSO has a role in upholding or at least reinforcing some of its principles that it came out with that initially gave rise to this program. So one of the things that could be, you know, we could set up a working group to work relatively quickly.

I would caution against us diving into the substance of whether we think certain things are confusingly similar or not but rather to try to look at principles.

For example, one principle that's a real low hanging fruit for us would be to come out and say look, we said that there should be nondiscrimination, that the evaluation selection procedure for new gTLD registries should respect the principles of fairness, transparency and nondiscrimination.

And therefore we recommend like a low hanging one could be something to the effect of in cases where you have the same string with different results, you know, that needs to go back to the panels to, you know, figure out one consistent decision amongst all of them so that, you know, there's a consistent approach taken going forward without kind of - I would caution us against coming out with or trying to recommend on the substance that we think it's confusing or not confusing but more the recommendation of look, guys, you got to have consistent results.

It's either - it's either confusing or not confusing. Choose one and it's got to apply to all the applications if they're all similarly situated. I think more guidance is needed on that. I think we - I think our role is to really

make sure that our original principles are upheld without trying to interfere with the third party expert panels that made these determinations. So that's just an initial thought.

Jonathan Robinson: Thanks for those practical suggestions. And then we've got a queue forming which is great. My thought is, in dealing with - either picking up on those suggestions or some others, the key - one key question is to think about is this the work of the Council, in other words, does the Council reinforce existing principles or, you know, through the form of correspondence with the Board, for example? Or is there a requirement to set up some additional working group type activity to deal with this?

Please go ahead, John Berard.

John Berard: Thank you, Jonathan. From my perspective I agree with Jeff that I don't think we should be getting into the mechanics of the way the decisions have been made to this point.

But looking at - (strategic) policy perspective I think the Council is in a position to say that decisions that are taken - and I realize that I'm getting dangerously close to the shoals of policy versus implementation here or policy and implementation here - should not be at odds with one another.

I think it's totally within the purview of the Council to review or to initiate an issues report, for example, on instances where actions, decisions by ICANN, are at odds with each other.

A primary example would be the anomalies that Jeff has just outlined. But it's not limited to that. I would also suggest that from a Business Constituency perspective I'd like to see some effort made at UDRP process and URS perspective of getting contracts for -between ICANN and those providers so as to allow for oversight and some degree of conformity.

I think that strategically we can engage without getting into the mechanics of what has gone on. I would also like to hear from my colleagues on the Council who are not native English-speakers. So much of this discussion stems on the familiarity that those of us who are have with the English language. And I was just curious if this strikes me colleagues who do not speak English as a first language feel the same way.

Jonathan Robinson: Thanks, John. Let me move down the queue then to Thomas Rickert.

Thomas Rickert: Thanks very much, Jonathan. First of all I would like to echo what Jeff has said and that is that the Council should, under no circumstances, try to overrule decisions that have been made or look at individual cases.

Nonetheless I think that what's imperative and what's in the role of the Council is to ensure that the original GNSO policy recommendations have been abided by. And those have set some rules.

And I think that this might be an equivalent or analogous case to the question of rights protection mechanisms when the IRT did some work

in a very short period of time to provide practical guidance on how to deal with the questions before it at the time.

So I think that, you know, this is more in the area of implementation oversight. I wouldn't go as far as asking for initial report and then kicking off something which would actually be or be sort of a PDP because I think we're not looking at such process because it would be too lengthy but it should be rather an ad hoc team formed to see whether the implementation is in line with the original policy recommendations.

To give just one example, one of the outcomes of this team could be to prescribe that objections relating to the same contention set should be dealt with by one panel and not by different panelists to avoid diverging decisions.

I think I'm going to leave it at that. Thank you.

Jonathan Robinson: Thanks, Thomas. I've got Volker next in the queue.

Volker Greimann: Yes, Volker speaking. To me this is - this looks like an implementation breakdown. This is - the original policy that was designed was very clear there should be no confusion. And implementation should have taken care of making sure that they created - that a process is created that is fair, equitable and creates in some way a result.

What we have now is a situation where those are results - resemble more the throw of a die than a predictable process that is fair to each and every applicant or objector.

If you look at some of the decisions when you have DotShop versus Dot(Suhan) I don't know the Chinese spelling for that so I'll use the Japanese one, some of the words that - some of the letter additions - I feel - when I first saw this pop up in the blog I was very confused and unhappy with those results even though we're not directly involved with any of those because of the inconsistency and the problems those create in the new gTLD program.

This is something that needs to be resolved by ICANN. Any way we can help we should look into that. On the other hand the applicants and the objectors have paid their fees in a process that was described as final. And they now expect that process to be upheld.

So I'm a bit conflicted about how to deal with that and not infringe on the rights of anyone who has participated in this process.

Jonathan Robinson: Thank you, Volker, for those thoughts. Zahid.

Zahid Jamil: Sorry, thank you. I was on mute. I'm going to state that is an important issue both, BC, I think we've made our concerns known about (unintelligible) confusion, etcetera.

But I think it's also important to have, you know, uniformity, consistency and certainty through whatever process ICANN goes into because there's, you know, our core values, our accountability and transparency and results which don't abide by this can be a problem.

I would recommend that I think, you know, councilors, etcetera, should go back and consult with their constituency. I mean, I'm sure we will be doing that in the BC.

But I think initially, subject to what I just said, the idea of an exploratory team, a (light) team, maybe exploring this issue is a good idea so I think that's a good suggestion.

You know, definitely not something that rises to an issues report or PDP at the moment. And maybe what we could do is eventually have maybe some communication going from the chair of the GNSO.

But I think if we do embark on this process it may be helpful for the chair to at least write to the Board letting them know we are contemplating this or have sort of formed this sort of a - sort of a task force, (unintelligible) something like that. Thanks.

Jonathan Robinson: Thanks, Zahid. Wolfgang. Wolfgang, are you on mute or are you able to talk? Wolfgang is typing. While he types then I'll - I mean, Wolfgang. Wolfgang, we can't hear you on the (OPO) unfortunately so we'll have to call you back. In the interim I will try and sum up what I've heard so far. And I've really heard three things.

One, that there is not support for initiating a substantial, if you like, independent policy process at this stage. But there is support for reinforcing existing policy (unintelligible) level and the (unintelligible) by which we might reinforce that is by establishing a task force or group of (unintelligible) to look at this (unintelligible).

But I heard from Zahid that the where my thoughts were going on this was the possibility - if we are going to undertake this work the question I would ask the Council is when do we let it be known that we intend to do this?

We can do one of two things: we can go out, consult with our groups and then only once we get that feedback communicate with the Board that we intend to pick up this issue. Or should we be communicating right away that the Council has established that there is a concern - there is a concern that the implementation of confusing results (unintelligible) initiate work to try and resolve it.

My question to you is (unintelligible) really. And (unintelligible) going to initiate a (unintelligible)...

Marika Konings: Jonathan, we have a hard time hearing you. Operator, I think there's some interference on the line if the operator can maybe check and people can mute their lines maybe we can hear you better.

Glen de Saint Géry: I'm talking to the operator about this, Jonathan.

Jonathan Robinson: Thank you, Glen. This is not - this is not coming from my line as such. I will just pause talking for a moment and we'll (unintelligible).

Wolfgang Kleinwachter: Hello?

Jonathan Robinson: Please, could everyone mute their lines because we're having interference on the line.

Wolfgang Kleinwachter: Hello?

Jonathan Robinson: Is that you, Wolfgang?

Wolfgang Kleinwachter: Yes, I can hear you so - I lost the line but I don't know what - I'm back now.

Jonathan Robinson: You've obviously been patched back in. Wolfgang, I tried to sum up where we're at and I - there's some support for that essentially what I summed up in the chat. And so really let's give you the opportunity to make your point and then we'll see where we go from there.

Wolfgang Kleinwachter: You know, I just wanted to support what Thomas said with there's a problem of implementation oversight. And I think there is - there is a problem here with the - if different bodies, you know, are doing the evaluation and come to different results then there's a need for coordination by (unintelligible) like Thomas would not think that the GNSO should make the final - should be the final decision maker.

On the other hand it's the GNSO Council who should really be, say, oversee the implementation oversight so that we should have a say but it should be done by somebody else.

But I think I'm very thankful for draft; this was a very great presentation and I was not aware about these details. But this is really very counterproductive and I think the problems which emerge from this confusion is also and will become part of the AOC review. And so this more or less can damage the whole new gTLD program if we do not find a quick answer to this. Thank you.

Jonathan Robinson: So what I've heard then - thank you, Wolfgang. What I've heard and what I am understanding the likely action to be arising from this is that what we'll do is I will write on behalf of the Council to the Board to say we have noted these inconsistencies and that they appear in particular to be inconsistent with previous GNSO approved policy or not in line with that.

And we consider this to be an issue worthy of more detailed examination and subject to support from the groups represented on the Council that we intend to go ahead and undertake some work to make further recommendations on this.

Does that capture it adequately or have I missed something?

Wolfgang Kleinwachter: No, thank you.

Jonathan Robinson: All right we will try and summarize that in an action item. And I think just to be sure I will circulate - because of the problems in the audio and the slight breakups in the conversation I think we will - I'll circulate what the proposed action on list and make sure there is proper support for that.

Yes, thank you, also to Jeff for bringing this up. The new gTLD program is highly complicated, multifaceted and I think challenging for anyone to keep a close eye on everything that's going on. And so I think it's useful that it's been summarized - that this particular issue has been brought to the attention of the Council and summarized effectively.

All right, I will close that item off now then. This is Item 7. And we'll move on to a - the output from the Metrics and Reporting Working Group and the issue that we have in terms of getting a drafting team off the ground and the proposed response to that.

So, Berry, if you could give us - Berry Cobb from ICANN staff - if you could give us an update as to where we think we're going to go next with this and see what the response of the Council is.

Wolfgang, if I could ask you to - if you have control of your Adobe Connect to remove your hand from the Connect. Thanks.

Berry Cobb: Great. Thank you, Jonathan. This is Berry. As the Council will recall from our Durban Council meeting there was an action item assigned to staff to come back to the Council and offer up a proposed approach for addressing the recommendations that were approved at the May Council meeting in regarding to what used to be called the Uniformity of Reporting.

As you'll remember there were basically two recommendations from the final issue report which was presented in March at our Beijing meeting. The first recommendation, which is mostly focused around the old RAPWG recommendation of enhancing reporting mechanisms for the contractual compliance function, as we presented in March the contractual compliance team has come a long way in producing metrics and reporting related to their function.

And for the most part have seemed to accommodate most of what the original recommendation was about. Hence the first recommendation you see at the top part of the page was that the Council didn't wish to

necessarily put this to bed just yet to put to rest just yet but in fact to wait towards the end of the year after the compliance team has completed their three year plan and hopefully brief the Council about what the conclusion to that was and maybe any future efforts.

There was also a second recommendation in regards to some other outlying issues and other opportunities to improve metrics and reporting for the GNSO. And most of which are involving metrics and data outside of ICANN, in particular with data that may be possible with contracted parties or other metrics and data that are produced in respect to the generic name space.

So what we have here, the issue, is that when we deployed the call for volunteers we had a very minimal number sign up; three were from the GNSO and three were from the ALAC. And it really wasn't sufficient representation especially across the GNSO.

So that really leaves us for options for the Council to consider. The first is that we do a renewed call for volunteers to follow the more traditional non-PDP working group path. The Council may consider delaying this initiative at any time where maybe more volunteers are available or, thirdly, possibly even terminate this effort indefinitely.

However, the fourth option, which is from staff's perspective because we do believe that there are opportunities for improvement here, is to find an alternative approach that may be considered more nontraditional working group methods.

So moving to the bottom of Page 1 the proposed approach by staff - and Marika made a connection to this from the agenda item Number 5

about improvements to the PDP process, one subsection of that of course deals with metrics and reporting but also talks about exploring alternatives with non-PDP type efforts.

So in short I don't plan to go through every bullet here but in general the proposed approach here is that this would primarily be staff-driven and it would follow all the typical milestones and work products of a working group.

However, how this would perhaps be considered nontraditional is that a formal working group would not be established; instead as staff starts to prepare some of the work product up and to the initial report and any other research and types of data collection that's required.

What would happen at each particular milestone at the initial stage, pre-initial report stage, and all the way through final report, is that we would engage one on one with each of the stakeholder groups and constituencies as well as the ALAC, provide the work product for that moment in time and work with each chair of each stakeholder group and constituency to nominate one or two representatives from their group.

Review the materials, set up individual call with that particular group and collaborate on the different research items, initial recommendations and those kinds of things to complete our way into a final report.

I think some of the highlights on this approach would be, first, that of course we'll prepare a work plan so that the Council can monitor and track the progress towards the final report. I've already touched upon

how we would engage the community and stakeholder groups and constituencies with those that are interested in this particular topic.

As I mentioned, once we get to an initial draft there would still - we would still utilize the normal public comment periods at both the initial ones and final draft stages as we get close to this.

The last item for this section is kind of based on current scheduling plans and workload and those kinds of aspects. It'd probably be still about January of next year, perhaps February, before this particular project would come to conclusion.

So I'll quickly just touch on the mission and scope. And this is just a - kind of a first draft about some of the principles that would be involved in this. What we start to look to do is define what a set of principles that may complement any of the GNSO policy efforts related to metrics and data requirement gathering to help better inform the policy development process.

Help define a process for requesting metrics in reports both when the GNSO would refer to metrics internal to ICANN as well as any metrics and data that might be available external to ICANN.

Possibly look at establishing a framework for distributing these metrics and reports to either working groups, the GNSO Council and/or the GNSO as a whole.

And also if there's any changes required to any of the work product templates that define the output from a working group such as if there

may need to be updates to charters or to initial report templates and those types of tools that are used in the PDP process.

As I mentioned that any such recommendation that would result out of this effort would follow the community consultation process public comment interaction with the Council and their respected stakeholder groups and constituencies.

Lastly, on the last page is just a general outline and some topics to be explored. Again, I won't go through these bullet by bullet. The first section would be kind of a due diligence phase. As many of you are aware there are several initiatives going on both digital engagement strategy, My ICANN. There's the whole consumer metrics and reporting that directly influences the GNSO.

There are other SOs and ACs that are collecting metrics and producing reports that not only benefit them but also may benefit the GNSO. Certainly, as Marika mentioned, you know, there is this kind of dotted line connection with the policy versus implementation in terms of some of the metrics that may be discussed in there as well as, as I mentioned, kind of circling back to the contractual compliance reporting as well.

The second area would be looking to review and research data external to ICANN. And this is mostly, you know, understanding - I don't think that's me that got cut off but I'll wait until - great.

This is mostly about collaborating with contracted parties both Registry and Registrars about what are - what is the general framework for when data may be useful and the policy development process. And I

think the most recent kind of use case is within IRTP part D there was the possibility of examining data that registrars may have in relation to the transfer process and those kinds of things.

So what we look to do is maybe to try to build a framework about how that data could be requested, what are some principles behind requesting that data, how it may be used and how it may be defined as to not interfere with any competitive aspects of the industry.

And then lastly the third section is really just reviewing our current PDP process, all of our guidelines, charter templates and various work products that are used as output to working groups and look for any opportunities to improve those templates so that we're asking the right questions up front, you know, what are some of the critical success factors to PDPA?

And if certain recommendations were created how would we measure the success and failure of that implementation? What are some research data aspects that may better inform the policy development process and the decisions that are being made there, etcetera.

So overall that's kind of just a very rough outline as to some of the areas that we look to explore. And as I mentioned as we move along each stage instead of a traditional working group interface with representatives from each of the various groups and look to accomplish this effort in that manner.

And our hope is that more of the burden is placed on staff to produce this - the output from this effort and - but at the same time maintain the same collaboration and engagement with the community.

And if you have any questions please ask away. Thank you.

Jonathan Robinson: Thanks, Berry. I think you're set that out clearly. There's clearly an issue here where we commission some work or require something to be done and then struggle to get the volunteer support to do it. And this is an ongoing challenge.

So, you know, I think you've made some suggestions with good reason. Let's hear if there's any comments or input on this. We did ask you to do this, as you reminded us, back in Durban, I think it was. So I see Volker, your hand is up.

Volker Greimann: Yes, thank you, Jonathan. Volker here. I didn't want to interrupt you so please continue if you still had something to add. But I really like this effort. There's a lot of worthwhile missions in there - worthwhile things that are worth looking at.

That, in many aspects, cut very deeply across all the interest groups, all the stakeholder groups and constituency of ICANN. So that's why I would be cautious to make this a staff-driven - staff-driven mission and would really like to see more involvement of the GNSO members in this effort.

This is a very worthwhile effort. There's a lot of very important issues in there. And this should be something that should be reviewed and taken as a mission for the entire GNSO and therefore my suggestion would be that instead of following the Option 4, I think it was called, have a renewed call for volunteers and have each councilor reach out to their

constituency and stakeholder group and try to generate more interest for this important work. Thank you.

Jonathan Robinson: Thanks, Volker. John Berard.

John Berard: Thanks, Jonathan. A question that might sound rhetorical but is really quite serious: At what point do we read a lack of participation as statement of - a statement from the broader community that perhaps the initiative just doesn't need to go further or forward? You know, what point does a lack of participation mean a lack of interest and the lack of interest mean inappropriate allocation of resources?

Jonathan Robinson: Yeah. Thanks, John. That's a good question. You know, it's clearly struck myself and I don't doubt others when we see the level of interest in the Policy and Implementation Working Group yet we're not getting other areas that are perhaps seen as more mundane off the ground. Berry, you wanted to add something?

Berry Cobb: Yes. Thank you, Jonathan. Just to respond to John. And that's the very conundrum that we're dealing with now. This was unanimously approved by the Council and so we as staff were - had taken back that there were so few volunteers and hence why we figured that maybe a different approach would be possible. And I'll let Marika also add on to that.

Marika Konings: Yeah, this is Marika...

Jonathan Robinson: Go ahead, Marika.

Marika Konings: And this is Marika, if I can maybe add to that? But I think it's partly, indeed, as Berry said, this was unanimously adopted by the Council which hopefully indicates that it is an issue that people find important and very valuable. But I think...

((Crosstalk))

Marika Konings: ...that doesn't necessarily translate into volunteers that are available to help with this effort. This is quite a specific effort really focusing on a, you know, for a very specific area of data gathering and metrics which is not necessarily of interest to everyone.

Hence we struggled in getting volunteers. And I think we've seen that as well in other working groups where sometimes it's just really hard even though, you know, look for example at the Translation and Transliteration PDP Working Group, you know, we've sent a letter to the Board saying how important we think, you know, IDNs and those issues are but we struggle in getting volunteers participating in those groups.

So I think here we're really trying to come up with an alternative approach that, you know, I think as Berry has outlined very well there would be many opportunities for consultation.

I think the Council would have direct oversight of any efforts that staff has undertaken through, you know, we could provide you with weekly monthly updates on what we're doing so that there is, you know, we don't want to create a sense either that this is staff-driven and we go away in a corner and just come out with this, you know, report and

recommendations that no one has any idea where this is all coming from.

So it's really intended as a very transparent effort. But where we get some leeway in actually moving this forward without having to rely on volunteers that may not be available which then results in a working group of maybe three people where then, you know, we need to cancel calls and an effort like this drags on for months or years.

And at the end of the day it's still staff doing all the heavy lifting. And I think all we need to refer to, for example, the Whois Survey requirement effort that followed a little bit that kind of path.

So we'd really like maybe to ask for your indulgence and maybe see this as a kind of experiment. And, you know, watch us closely; keep a very close eye on us. That we've outlined quite in great detail what the steps are. We would plan to make available a more detailed work plan so all of you can indicate if you feel that we're missing steps or not talking to the right people.

We're just trying to explore a way in moving some of those items forward that everyone feels are really important but where people don't necessarily have the time to actually, you know, join the working group or the effort that's looking into that.

Jonathan Robinson: Thanks, Marika. So here's the conundrum: Is the lack of support due to a lack of broader community interest which it doesn't appear to be since we have the unanimous support and we hear further support for this now? Or is it fatigue or other issues?

Joy, I see your point that maybe the community is giving the Council a message. I'm just not sure the message is that there's a lack of interest in this topic or how do we take this forward?

I mean, I've heard one constructive proposal from Volker so far saying that perhaps we do go down with the renewed call for volunteers, which may make us end up back in the same situation again in the future. Or - I'm not hearing much else. Joy, thanks and I see your hand is now up.

Joy Liddicoat: Thanks. Thanks, Jonathan. Yes, I mean, there could be any number of messages that the community is giving us. But I think bandwidth is definitely one that seems to be coming through certainly from our constituency and just in the range of issues and priorities that need to be juggled this one is not - at this stage anyway, being able to be given bandwidth.

But I just wanted to say that I don't see any particular reason to depart from process here in terms of Option Number 4 that's been put up for consideration. I think that, you know, there's no - there's no particular imperatival reason why this needs to be staff (trait). I think it's preferable to issue a renewed call for volunteers.

And perhaps in doing so ask the community for more, you know, input into - if there are bandwidth issues what those might be so that we can think about how better to juggle them. Thanks.

Jonathan Robinson: Thanks, Joy. I see Volker, you've rejoined the queue.

Volker Greimann: Yes, just briefly. Thank you, Jonathan. And thank you, Joy. I think you summed up what I wanted to say very well. Coming back to the renewed call for volunteers and if that fails then we should look at the message that the community might be sending us by that.

But I wouldn't consider the current state of affair already as the message. If we issue another call for volunteers and that doesn't turn up anyone then, frankly, John is right and there is no interest. But at this point I'm not willing to concede that yet because we have the overwhelming support in the Council so all the communities represented in the Council supported this motion and this work to go forward.

Jonathan Robinson: Thanks, Volker. Well then I think it's - I should make the point that, you know, we as councilors voted to support this work. I think staff are - in my reading at least - in good faith trying to assist us in getting this done.

We are - to reciprocate then if our sentiment is that is to reach out to our community members in support of what now appears to be a - whilst not a consensus but the support I'm hearing for is a renewed call for volunteers. And from the Council's point of view we as councilors need to support that renewed call and do our best to get some support for that.

Or if not understand why there is and feed back into the Council why there is no capacity to do this if this is about some form of fatigue or just a lack of recognition of the importance of this issue or whatever the factors are.

So I think that's where we're settling at this point is that there will be a renewed call for volunteers with support from councilors and also an openness to understanding if there isn't an adequate response why that is the case. I note also that Berry did make the point in the Chat that some of this may simply be about timing as to when the call for volunteers went out.

Thanks very much, Berry. I see you'll initiate that new call for volunteers. Let's see what we can do and see if we can't persuade our groups to produce the people to work on this.

All right let's move on. We've got 35 minutes until the top of the hour which is our absolute end stop point. And thank you for bearing with us. I know we're already into the third hour which is unusual for us but, you know, there is a lot of work to bring us back up to speed from having had a break over the Northern Hemisphere summer anyway.

So let's move on then to the next item which is the role and scope of the Standing Committee on Improvements Implementation. This is something which we did touch on. We heard from the Chair of the Standing Committee and from the SCI in Durban. We made a decision there which we - or appeared to make a decision which I'd like to confirm but we'll hear from Wolf-Ulrich who is a member of the Standing Committee on Implementation and then bring it into a discussion. Go ahead, Wolf-Ulrich.

Wolf-Ulrich Knoben: Yes, thank you, Jonathan. Wolf-Ulrich speaking. As Jonathan mentioned, well, we had already talked about some of these questions in Durban. And this is - there wasn't an SCI meeting in between Durban and there was the requirement - the request from the SCI to

get more specific - specific reaction from the Council on those questions.

And there - if you go to the next slide please, Marika. Yes, thank you.

It is all about the revision of the SCI charter. And the topic came up in the SCI after the election of a new chairmanship and then it was the opinion of the SCI that the existing charter was outdated. And so the SCI is still in discussion about that.

And the three points I put here to the slide are the ones the SCI should - the Council should consider. The first one that was discussed already in Durban, there was a question should the SCI continue as a standing committee?

And as to my recollection the recollection of the other as well as it was discussed and it was the outcome of the Durban discussion was yes it should continue to do so. What should be done with regard to that question is to react in a more formal way to the SCI, well, to bring that outcome to the SCI back.

There is another point which was brought up and it was asked for, well, to discuss on the Council because there is still not an agreement on that in the - on the SCI level. It's about the decision making process.

Which kind of decision making process should apply? Is it the full consensus process or the (unintelligible) methodology for making decisions. And I would like just to get back a little bit to bring you on the spot here what is done so far and what is the history of that.

The - in the establishment of the SCI in 2011 and there was a drafting team working on the charter as usual in advance. To that it was, I think, the end of 2010 and beginning of 2011.

And this drafting team followed the - a recommendation both of the formal improvements process which led to the existing GNSO structure. And through that improvement process we had these two steering committees, obviously the PPOC dealing with the organizational and the - and also the content questions with regard to the GNSO structure and the policy development - development process.

And in the charters of these steering committees it was laid down that the full consensus principle of the members. And that was just taken from the drafting team - at that time the drafting team drafted the charter - was just taken over in the same sense. That means okay we took it in the draft charter as working on a full consensus basis as defined in the Working Group Guidelines unless otherwise determined by the members.

Now at that time when the drafting team was taking that into consideration the Working Group Guidelines had not been imposed at that time. They were under discussion and they had developed already these different kind of - of decision making processes. But it was formally not at that time imposed by the Council. So the SCI took that - the consensus principle.

So right now that is where the SCI is standing. And there is different opinions but not a consensus on how to proceed in the future. So one part of the SCI is of the opinion, well, we should rely on what is the

normal process in the - for working groups in the Working Group Guidelines whereas other parts are relying on the unanimous consensus principle.

So that's the second point which we would like - the SCI would like to get advice from the Council in that regard.

The third question is then okay if the chartering process, right now because it's a little bit stopped on the re-chartering process or reviewing process of the charter on the SCI - so the question whether the chartering itself should be done by the Council or if the Council would like to decide, well, to do that it should be pointed out by the Council.

Or just the question is the Council going to take over the SCI chartering process or parse that responsibility to the SCI?

So these are the three questions at the table. I think the first one is answered, should be formally answered right now and then the second and the third one are at the table and they should be here for discussion.

I know Jeff was also in this process and would like to complement something, maybe, Jeff, I turn it over to Jeff. Thank you.

Jonathan Robinson: Yes, Jeff, go ahead. Thanks, Wolf-Ulrich.

Jeff Neuman: Yeah, thank you, yeah, for that intro. I think there were a lot of reasons why initially on the Question 2 there were a lot of reasons why at least

the PPSC and the OSC, which predated the SCI group, were supposed to operate in full consensus.

You know, if you go back it was the result of years and years worth of reform and GNSO review and the new bicameral structure. And we didn't want, you know, things to be so easily changed. In addition, you know, it was just seen at that time to - we wanted to operate under the existing rules before we saw any changes made so the full consensus was adopted.

I think the time has passed. Now we probably should go back to operating on the, you know, regular consensus model and to not - to get away from the full consensus. But it was pointed out that, you know, if we did that - one of the rationales too is that this group, the SCI, doesn't make actual changes, they just can recommend things to the GNSO Council.

But one of the things that was pointed out was that if they don't have full consensus and then it goes to the GNSO Council the GNSO Council can actually change the operating rules by just a majority vote. And in doing that it could change some of the thresholds and other things that were so highly regarded by the PPSC.

So there are some intricacies that can be - that need to be worked through. Maybe Marika - I know she's got some background on this as well. There were discussions that took place.

But so on that second issue I think the time has come for, you know, the GNSO Council to be able to weigh the advice - the recommendations that are given by the SCI and that it doesn't have to

be full consensus which actually gives people a unilateral veto right to prevent it from getting to the Council.

On the third question of who should draft the charter, from my personal viewpoint I think that I would like to see the charter drafted by the group that's going to be implementing it. I think they're in the best position to draft the charter or to make the charter changes.

And, you know, obviously we have to approve that as a Council. But I think, you know, in order to get things kicked off they would be in the best position to actually draft that revised charter.

Jonathan Robinson: Thanks, Jeff, for those practical suggestions. So my understanding as far as we're concerned is we're resolved on 1; number 2 is challenging notwithstanding your suggestion, Jeff, that we soften on the full consensus requirement.

And I do find that that's - I'm not quite sure how we make that decision because I know there's some very strong feelings within the SCI on this particular issue and some - there's been an offer actually if you go back to the chair of the SCI's letter from Ron Andruuff offering to sort of brief the Council on those views.

And I hear you suggesting, Jeff, if I'm not mistaken, that as far as the chartering is concerned that is given over to the SCI to undertake the refinement and redevelopment of the charter itself and then bring that back to the Council.

So if, you know, that's what I'm hearing on one that we have an outcome. It's really Jeff's suggested outcome and I'd like people to

either support or argue against that. And if there's any suggestions as to how we move forward other than by a Council vote perhaps on this full consensus versus - well on the consensus issue in Number 2 that I'd like some help on as well.

It's really a question of how to move that forward because I know the SCI will - I think will feel that they - and, Wolf, correct me if I'm wrong here but they can't really move ahead with their chartering until we help them out with this consensus issue. Although I guess they could work on all other aspects of that pending a Council position.

Jeff Neuman: Well on that, Jonathan, this is Jeff. Just to - the predicament we're in - I think we do have to resolve the consensus versus full consensus issue because if we don't then in addition to drafting the charter that means that one person can prevent the charter from even - the revised charter from even coming back up to the Council, right?

So I don't want to create any delays in drafting that revised charter simply because they can't get every single person in the group to approve the new revised charter. So I think that is something that we need to deal with now.

One of the, you know, so just to go back to the slight problem with changing it to full - to rough consensus allowing them to recommend rough consensus is that, you know, one of the things in theory that could be reviewed by the SCI is the voting thresholds for certain issues.

So if you don't have full consensus of that group and you have a recommendation that comes to the Council - let's say, for example, that

- and maybe some people like this - but let's say that the voting thresholds for, you know, PDPs are decreased, you know, and one group doesn't like that. Chances are it could get passed without that group's kind of approval.

So that's where the intricacies are. But I think, you know, that could be mitigated with a compromise - there could be compromises on it. But I do think we need to resolve that issue first the full - we as the Council should resolve that part of it and then - before it goes back. Thanks.

Jonathan Robinson: Sorry, just to clarify. I see a queue is now forming. But when you say resolve that part of it how would we resolve that part of it? By what steps would we say well we're happy with rough consensus but subject to these provisions or how would we - how do you propose we resolve that just so that informs the future discussion.

Jeff Neuman: Yeah, I think what we could do is there is an existing charter. And I think with the existing charter the Council can always make changes to the charter on its own.

The Council could, at the next meeting, take up a motion to revise that one part of the charter and then we could vote on that, we can approve that so that they can operate on rough consensus. And then send - and then do Step 2 which is get the group to send us the further revised charter for the next meeting after that.

Jonathan Robinson: I guess that would be helpful in that in the interim we could hear from directly, perhaps, by submission from the two components of the SCI that have the differing views.

Let me - I guess, Marika, I'll let you go ahead of the queue. I know Joy and Wolf-Ulrich are waiting patiently but you may have a process point so let me make sure you come in on that.

Marika Konings: Yeah, this is Marika. I just wanted to note that actually the Working Group Guidelines don't talk about rough consensus but consensus is the term we use. So basically there's full consensus, consensus, strong support but significant opposition, divergence and minority view.

So basically in the normal working group, for example a PDP working group, any level of - any of those levels could be assigned to a working group recommendation that is then submitted to the GNSO Council and the Council then decides what to do with those.

But obviously for PDP or consensus policy recommendation a super majority vote is required. So even if a vote - a recommendation would pass with strong support but significant opposition it would still be determined on the Council vote whether such a recommendation would pass.

In the SCI it's a little bit different as recommendations that they put forward relate to the GNSO operating procedures. And for that a simple majority vote applies. And I think as Jeff already alluded to you could have a situation whereby a recommendation with a simple majority vote would actually change the super majority requirement. And I think that's where the sensitivity lies in looking at these.

A possible compromise or approach around that would be, for example, to tell the SCI that only recommendations that have full consensus or consensus are actually forwarded as that may at times I

think aligns with a super majority support which I think is also the support we typically have for consensus policy recommendations.

So that may be something to explore to avoid this kind of loophole whereby if you would also allow strong support but significant opposition recommendations to be put forward you have the potential that certain recommendations that currently would require, for example, super majority vote could be overruled by a simple majority vote in the GNSO Council.

That's just a suggestion. And I think that needs to be - indeed further explored and considered possibly for some case studies.

Jonathan Robinson: Okay thanks, Marika. As I understand what is being proposed is that there is currently full consensus and that can only be - that is only being proposed to be softened to - from full consensus to consensus, no further. Please go ahead, Joy.

Joy Liddicoat: Thanks, Jonathan. I just wanted to take us back a step from this particular discussion and just revert to what the role and the mandate of the SCI is. And it's really there, as I understand it, to assist us to be, you know, the best policy making body that we can be and to support us in terms of the ongoing improvements that we can make to have the Council operate.

And in that spirit, really, I'm bringing that sort of values to this discussion. It really deeply concerns me that we would look at stepping away from a requirement for full consensus amongst the standing committee recommendations to run that - appear to soften that in any way.

And I say that because I think that where we're looking at establishing, you know, standards or revisions to how we proceed then I think it's important that the committee itself feels that it has consensus on those and by that I mean full consensus - rather than, you know, and if there are concerns or disagreements then of course we as Council are free to debate those, add nuance in our own decision making on whether or not to take on board standing committee recommendations.

We of course can still continue to shape those decisions and take those decisions. But I do feel concerned that we would allow a retreat from the requirement for full consensus from, if you like, the policy-shaping body that's coming to us.

Knowing full well, of course, that the committee's proceedings and it's discussions are fully transparent and we can, of course, see points of difference or nuance or disagreement on the record as we need to and as we should probably take into account in our decision making. But I really want to emphasize that aspect of full consensus and not stepping away from it.

Jonathan Robinson: Thanks, Joy. I see Jeff asks in the Chat - a question but let me go to Wolf-Ulrich and then, Jeff, I'm sure you'll present that.

Joy Liddicoat: I'm happy to answer that question in due course.

Jonathan Robinson: Why don't we take it as a response directly to your point and then we'll come to Wolf-Ulrich?

Jeff Neuman: Yeah, I mean, just - so if I could just - I'll ask it. Basically I heard you say that you like full consensus and then the Council can work it out if there's areas where they can't seem to agree.

But it guess I agree with the notion that the Council should be able to work it out but I don't understand how the Council would even take on a decision if it's not even allowed to get to us.

What you're basically saying is if the Council sees one person standing in the way the Council should kind of go in on its own, take up the issue and decide it for them.

What I'm saying is let the group work it out. Tell us, look, there's one person or one group that have very strong opinion on this but the rest of the group, you know, figured it out. I think it accomplishes the same thing and just seems to be a little - make a little bit more sense. But maybe I'm misunderstanding.

Jonathan Robinson: Joy, would you like to come back on that point?

Joy Liddicoat: Sure, sure, thank you, I would. Yeah, and thanks, Jeff, you know, it's an old adage and law that hard cases don't make good law. And I'm very concerned that we take a theoretical example of one person being some kind of veto or obstruction and that somehow preventing the committee from doing its work.

I think one of the imperatives - and it's a really good community imperative, that's why we have it in the multistakeholder model - is a requirement for full consensus because it is an imperative that, you

know, should drive compromise and drive better quality decision making.

And I think that it's one that the Standing Committee should abide by. And when I say that, you know, the Council can take on decisions or look at items that the SCI is considering, and you say, well, what if they can't bring it to us?

The very fact that they're stuck is something that we can take - be aware of in itself. And if the committee wants to say to us we don't have consensus and here's why then we can take that on board. But I don't think that's a reason to retreat from the value of full consensus itself.

Jonathan Robinson: Wolf-Ulrich.

Wolf-Ulrich Knoen: Yes, thanks. Wolf-Ulrich speaking. So two points. The one is, you know, there is a slight feeling that the SCI at the time being is a little bit, let me say, deadlocked in this discussion and it consumes times because these points are coming up once again.

So the first thing is, well, what we the Council should do is provide a basis for the SCI that they can work on this basis. So that means Point 3 here of these question is should be immediately answered in that - in that regard so - and that the SCI should do that work by themselves is also my feeling so - and my recommendation on that - and not getting deadlocked and question in this regard.

The second thing is then for my feeling that the SCI has a basis, yeah, just in charter so they can work on that. So there is not a pressure

really pressure then to hurry up with that question about decision making. It should be diligently discussed and should be diligently put together.

I would see that in the same way if the Council comes to that result, okay, to move that forward, to put a motion to the table, then it should be done. I would follow Jeff's suggestion, well, to do that in this regard whatever kind - whatever kind of motion that is with regard to that process. But there is no hurry; it should be diligently discussed.

So I would like to ask, well, really then - really to answer at first Question 1 and 3 in this regard and my recommendation would be that we are going to continue that discussion on Council level with regards to the second question and - diligently - and then consequently, well, move that forward.

Jonathan Robinson: Yeah, thanks, Wolf, for that very constructive input. I think that's as far as we can go. And so what - to sum up what I think we are saying is yes the SCI should continue as a standing committee. Yes, we should continue to discuss the issue of consensus versus - well, full consensus versus consensus. But we cannot expect to resolve that right now. And we should encourage the - and therefore the status quo should remain, which is full consensus.

And on 3, the SCI should continue with - and be given the responsibility of redoing the charter and that the Council - and that including retaining full consensus for the time being until such time as the Council resolves to do otherwise.

So I hope that that's something. I think this issue will run and it is something - and a compromise may well be worked out. But let's do some work on that off-list for the moment and see where we can take that.

Any other comments or questions on this topic for the moment? Or, I think that gives us - Thomas.

Thomas Rickert: Yeah, just briefly. I guess diligence is the key word. I have been following the SCI discussions as well and, you know, there have been repeatedly made reference to the notion that if you work on achieving full consensus that you look at the issue from all sides and that this ensure the maximum level of diligence in the process.

So I think, you know, that should be the goal. Nonetheless I think that the work of the SCI can also be valuable if you don't reach full consensus. And if we look at the Working Group Guidelines for consensus it's an iterative process. So I guess we should trust the SCI chair to determine whether there's a chance of reaching full consensus or not.

And if there's full consensus, so be it, that's great. And in the absence of full consensus there can still be a report to the Council displaying the various positions taken. And then the Council can make, you know, can derive its conclusions from that. But I think that you don't necessarily need to step away from - step away from the concept of full consensus. Thank you.

Jeff Neuman: Jonathan, are you there?

Marika Konings: I think Jonathan's line may have dropped so I don't know if, Wolf, or Mason can maybe step in.

Wolf-Ulrich Knoen: All right, Jonathan? No, ah, he has dropped the line.

((Crosstalk))

Marika Konings: Jonathan's line dropped.

Wolf-Ulrich Knoen: Okay so - so let me - Wolf-Ulrich speaking - so let me just continue, well, to - we have just six minutes left. So it's clear that - and Jonathan summarized before that what we are going to do. And, Marika, I do hope and, Glen, that you took that, well, for the minutes.

So let's - I would say let's continue with the agenda right now. We have two open agenda items, it is - one is with regards to the GAC engagement discussion and working with the Board Globalization Committee.

If, yeah, since Jonathan would like to update you and he's off the line so let me skip to Item 11, if you don't mind, because then Rob Hogarth could give the current status update about the forthcoming view of the GNSO. And we should talk about that. Rob.

Rob Hogarth: Thanks very much, Wolf-Ulrich. This is a very brief item and I somewhat smiled when I saw the term "forthcoming." This was a topic that we discussed in Durban. There hasn't been tremendous amount of developments since that timeframe.

The primary one has been for - a number of you know there's been a public comment forum open for community comments on the SIC's proposal to extend or postpone the time period for the GNSO review and come out with a legitimate time table some time in the next six months.

There have been four comments submitted in the proceeding so far and I think it's fair to say that they universally have asked for the GNSO review to proceed without further postponement.

The comment period ends tomorrow. So if any of you are still planning or putting together comments you have until tomorrow to get those submitted into the forum.

The review staff tells me that they will be expeditiously producing a summary report of the comments and providing that to the SIC. The next SIC meeting is taking place around the end of this month, I believe, when the Board gets together at their Los Angeles Board Workshop.

So I would imagine that would be the time that the SIC would discuss the comments and what their plans would be in light of those comments for going forward.

The only other piece I think that's involved right now, Wolf, with the GNSO review efforts is the discussion in Durban about plans for pulling together a smaller group or work team to be sort of a potential coordinator of the effort, to come up with potential ideas or concepts as to how this Council might approach the review effort.

Glen and I are essentially the staff volunteers for supporting that work. So as soon as you guys want to begin moving forward with that we are more than happy to assist. Thank you.

Wolf-Ulrich Knoben: Thank you very much, Rob. Rob, I do have one question, well, what is the timeline of the SIC's public comment period?

((Crosstalk))

Rob Hogarth: It expires tomorrow. So there were some original comments that went into the first 21 days or so and so there is now a time period for replies and that ends tomorrow.

Wolf-Ulrich Knoben: Okay thank you very much. So that will be then the input for the decision to be taken by the SIC I understand.

Rob Hogarth: Correct.

Wolf-Ulrich Knoben: Okay. So and that is also, you know, on this is going to - all this is going to depend what we are going to do whether we are looking at a self kind of - self review or whatever the GNSO is going to do. Has anybody from the Council - a question to what Rob was saying and updating us?

All right I do see nothing, I think, that is because of the time. And, okay, anyway so I leave it as it is and we could also comment on the list with regard to that item.

I would like to go to the Item Number 12 which means planning of - for Buenos Aires. And since I am, myself, I am in charge of preparing the

agenda of Buenos Aires - the GNSO agenda - I would like to remind you and ask you also to get back to your constituencies and stakeholder groups and discuss any item and come up with question on any topics you may have of importance which would be discussed either at the - at the weekend sessions or at the session at the public session.

I personally, with support of Glen and Marika, put together the - what we have discussed in Durban in the wrap up session. And I will come up with a first rough draft of the agenda within the next week to you and then we could discuss that.

So my approach is then to go top down, let me say, top down means also to contact the very important counterparts we should have during the - should have available during the Buenos Aires meeting. And that - and then step by step really to find the points and to fix the schedule for that.

When further information is there - is an approach from ICANN to look for topics of high level interest in order to arrange for the appropriate audience scenery.

That means if they are topics of high level interest which would need, let me say, around 90 minutes or less, 90 minutes around that, like kind of specific presentations or discussion tables or whatever, what you would have in mind, please let us know as soon as possible and we would like to forward that to ICANN in order to make sure that the right rooms are available for these items and the preparations could be done for that.

There is a third point with regards to Buenos Aires. This is the so-called the Friday meeting, which was intended to bring together the new Council and the new councilors and to set a scene for this new round outside of Buenos Aires or whatever has been discussed on the lists to some extent. And that the - that should take place in - on Friday.

I wonder, Marika, or Glen, whether there is newest information about that available which should be shared right now with the Council? Do we have something?

Marika Konings: This is Marika. I think maybe just to note that, you know, we've taken everyone's comments to heart and currently looking at staying at the meeting venue and having a room there so people don't need to move around. And we're actually working on the logistics and the program and hope to share information - more information with you shortly.

And just maybe to note that, you know, please put that date in your diaries and communicate that to those people that are coming new on to the Council so they can block it as well. So we're really hoping that it will be a productive and efficient day for everyone.

Jonathan Robinson: Thanks, Marika. It's Jonathan. I'm rejoining the call now. So just to try and sum up because I realize we're at the end of the time now. John, I see your hand is up. Did you want to make a comment that was not...

((Crosstalk))

John Berard: I've already gotten my itinerary for Buenos Aires and it has me traveling from Buenos Aires on Sunday but based upon all of this I can ask them to change that to Saturday, yes?

Jonathan Robinson: Yes, John...

Wolf-Ulrich Knoben: Pardon me?

Jonathan Robinson: ...we propose to have - the meeting will take place on the Friday. It will complete with a dinner on the Friday night. And you'll be free to travel home on Saturday.

John Berard: Great. Thank you.

Jonathan Robinson: All right so thanks everyone for a productive meeting. On the review we have - depending on whether we decide to - I mean, to my mind on the review the issue depends to some extent on whether the Board - the Structure Improvements Committee decides to delay this or not.

And a key question for the Council, as I put in the chat is, whether we undertake any work regardless. We have Jen Wolfe having volunteered to lead a group so we're on a standby and a good position to form a group to deal with this - any elements that the Council chooses to pick up on. And I'll pick that up what you on the list.

And I'll also talk with you more about actions we need to take with respect to the GAC, the proposed reverse liaison and we can pick up that item on list as well.

So I apologize for my being - losing the audio at the final part of this meeting and some of the earlier problems. But I think for the most part we've covered things pretty well.

The Council itself hasn't put in any comment on whether or not the review should be delayed however I note that comments in the Chat and that I've seen myself by going to the comment period various groups have put in their comments and I'm sure those will be (unintelligible) the deadline by the way is - for the reply period on that topic is the 6th which is tomorrow.

So as I understand it we've covered more or less everything on the agenda. It's been a long meeting. Thanks for your patience and in particular with some of the technical issues.

I think that wraps it up at this stage unless there's anything under AOB that someone needs to raise at this point?

Marika reminds me on the Geographic Regions Working Group - Marika, the trouble is I've got a blank on that right at this minute. There was a request for some input and I think we may need to - if you can just remind me on this.

Marika Konings: Yeah, this is Marika. I can actually hand it to Rob as he's been supporting that group and he can say a couple of words.

Rob Hogarth: Thanks, Jonathan. This is Rob. Just 30 seconds, the working group for the geographic regions review effort produced its final report before the Durban meeting. And as part of their charter they were obligated to reach out to the various groups that sent working group members to

support that effort to ask of those groups had any comments - in particular any objections on the recommendations that the working group had developed.

The time period for supplying those is the middle of October. And I've noted the issue only because I thought it would be at least useful for the Council to say no we're not going to file comments or yes we will. There's no requirement to do so so it's merely a procedural thing. Clearly no one has really raised it from the councilor level but wanted to give people the opportunity to do that.

Jonathan Robinson: Thank you, Rob. Let's pick that up as a third item then on the list and make sure that we either commit to producing some input or clarify what the Council's intentions are there.

All right it's well past the hour now so thanks everyone for your patience and attendance on the long meeting today. I feel we've covered a lot of ground and we'll try and pull this together into some coherent actions and activity going forward.

Thanks again and we'll see you in a few week's time.

Wolf-Ulrich Knoben: Okay, thank you very much. Good-bye.

Volker Greimann: Thanks.

((Crosstalk))

END