

**Transcript GNSO Council Teleconference
14 April 2016 at 21:00 UTC**

Note: The following is the output of transcribing from an audio recording of the GNSO Council teleconference on 14 April 2016 at 21:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-council-14apr16-en.mp3>

as well as the Adobe chat transcript at:

<http://gnso.icann.org/en/meetings/transcript-chat-council-14apr16-en.pdf>

all on page:

<http://gnso.icann.org/en/group-activities/calendar#apr>

List of attendees:

NCA – Non Voting – Carlos Raúl Gutierrez

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Volker Greimann, Jennifer Gore

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

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan - absent, proxy to Rubens Kühl

Non-Contracted Parties House

Commercial Stakeholder Group (CSG): Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoeben, Tony Harris, Paul McGrady, Heather Forrest

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

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

GNSO Council Liaisons/Observers:

Olivier Crèpin LeBlond– ALAC Liaison

Patrick Myles - ccNSO Observer - absent

Mason Cole – GNSO liaison to the GAC

ICANN Staff

David Olive - VP Policy Development

Marika Konings - Senior Policy Director

Rob Hoggarth - Senior Policy Director

Mary Wong – Senior Policy Director

Julie Hedlund – Policy Director

Steve Chan - Senior Policy Manager

Berry Cobb – Policy Consultant

Lars Hoffmann – Policy Analyst

David Tait – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Terri Agnew - Secretariat Services Coordinator, At-Large/GNSO

Josh Baulch - Manager, Meetings Technical Services

Guests:

Charlotte Lindsey-Curtet - Director International Committee of the Red Cross (ICRC) Geneva

Nigel Hickson – VP IGO Engagement

Rinalia Abdul Rahim – ICANN Board member

Larisa Gurnick - Sr. Director, Multistakeholder Strategy & Strategic Initiatives

Yuko Green - Manager, gTLD Operations

Charla Shambley - Strategic Initiatives Program Manager

Coordinator: The recordings have already started.

Glen de Saint Géry: Thank you very much. Would you please be so kind as to say your name when it is called out because we have got a vote and I would like to make sure that everybody can be heard if they vote on the – on the call.

Keith Drazek.

Keith Drazek: Keith Drazek is here.

Glen de Saint Géry: Donna Austin.

Donna Austin: here

Glen de Saint Géry: Rubens Kuhl.

Rubens Kuhl: Rubens Kuhl here.

Glen de Saint Géry: James Bladel.

James Bladel: I am here, thank you.

Glen de Saint Géry: Jennifer Standiford.

Jennifer Gore: Here, thanks.

Glen de Saint Géry: Volker Greimann. I do not see Volker on the call yet but he may be late. Phil Corwin.

Phil Corwin: Present.

Glen de Saint Géry: We have apologies from Valerie Tan who is absent. And Rubens Kuhl has got her proxy. Susan Kawaguchi.

Susan Kawaguchi: Susan Kawaguchi is here.

Glen de Saint Géry: Paul McGrady.

Paul McGrady: Here, thank you.

Glen de Saint Géry: Heather Forrest.

Heather Forrest: Heather Forrest here, Glen. Thank you.

Glen de Saint Géry: Thank you. Tony Harris.

Tony Harris: I'm present.

Glen de Saint Géry: Wolf-Ulrich Knoblen.

Wolf-Ulrich Knoblen: I'm here.

Glen de Saint Géry: Marilia Maciel. I don't think Marilia is on the call yet Amr Elsadr.

Amr Elsadr: I am present. Thank you.

Glen de Saint Géry: David Cake.

David Cake: Present.

Glen de Saint Géry: Ed Morris.

Ed Morris: Here, Glen.

Glen de Saint Géry: Stefania Milan.

Stefania Milan: Stefania present, thank you.

Glen de Saint Géry: Stephanie Perrin. Stephanie is not on the call and not on the Adobe as far as I can see. Julf Helsingius.

Julf Helsingius: Julf is here.

Glen de Saint Géry: Thank you. Carlos Gutierrez.

Carlos Gutierrez: Yes, I'm here. Thank you.

Glen de Saint Géry: Olivier Crépin-LeBlond.

Olivier Crépin-LeBlond: Olivier Crépin-LeBlond present.

Glen de Saint Géry: Thank you. Mason Cole.

Mason Cole: I'm here, Glen.

Glen de Saint Géry: And Patrick Myles I do not see on the call nor on the Adobe Connect. And for staff I think we have apologies from David Olive. We have Mary Wong, Marika Konings, David Tait, Steve Chan, Lars Hoffman, Terri Agnew, Josh Baulch from the IT, Berry Cobb and we have a board member, Rinalia Abdul Rahim. Welcome, Rinalia. And we also have on the call Nigel Hickson – have I missed – and Julie Hedlund – sorry. Have I left off anybody?

I would just like also to mention that we invited our new CEO as was suggested in Marrakesh and received a note from his office to say that he would unfortunately not be able to attend this call but hoped to be on our May call. His office also confirmed that he received and was most touched by the green newcomer ribbon that all the Council signed in Marrakesh.

And just before I hand over to James, please remember to state your name before you speak for transcription purposes. Thank you very much, James, and over to you.

James Bladel: Okay. Thank you, Glen, and welcome everyone to this call on the 14th of April, 2016, and our first call following the ICANN 55 meeting in Marrakesh, which I hope everyone had uneventful travels home in the intervening month.

So as per usual does anyone have any statements – sorry, updates or modifications to their statements of interest? If so please raise your hand or otherwise put yourself in the queue.

Susan.

Susan Kawaguchi: Thanks, James. Facebook Inc just acquired a registrar.

James Bladel: Are you joining our constituency, Susan?

Susan Kawaguchi: Sure. Wouldn't you like me to come sit with you all the time, James?

James Bladel: Of course. Absolutely. Absolutely. Okay, thank you for that update. Jennifer.

Jennifer Gore: Thanks, James. I had a last name change from Standiford to Gore.

James Bladel: Okay, thank you, Jennifer. If we can note to staff that where appropriate please note that name change. And, Jennifer, if you'll bear with us we may slip up from time to time but please, especially if it's me doing it, please correct me.

Jennifer Gore: That's okay, no problem.

James Bladel: Okay, seeing no other hands in the queue we can move on then to Item 1.3 which is a review of our agenda. And the agenda was circulated on the Council mailing list and also appears in the Adobe chat room in the center screen. So does anyone have any recommended changes, updates, modifications, edits to our agenda, or can we consider that adopted? Jennifer, is that an old hand? Or something on the agenda?

Jennifer Gore: Sorry, yeah, it's an old hand.

James Bladel: Okay. Okay I think we can consider the agenda adopted. And just a note that it is fairly complex. There's a lot to do today and a number of the topics were the subject of extensive discussions on the list so we'll dive right in here as soon as possible.

Item 1.4 just noting that the status of the previous Council minutes were circulated and posted on to the mailing list as well as the minutes of the meeting of the special

Council session that we had on Leap Year Day, 29th of February, and that will be posted on I believe the 22nd of April as it's indicated.

Okay if there are no objections then we can move on to Item Number 2 with opening remarks. And there's only one agenda item – one task under this agenda item, which is to review the open projects and action list. We can move through this hopefully fairly quickly and take a look at those items that are still open.

First one being that we have a couple of open – and I believe those are the blue items here – the Helsinki meeting planning, which is ongoing. It's also the subject of Agenda Item Number 10. So if there are no objections perhaps we can skip that and move on to the next item here where we talk about liaisons.

We had here flagged a couple of items that are on hold relative to an SSAC liaison and exchanging liaisons with the SSAC. I don't know if there's been any progress on this, Marika. And I think at this stage in the game we either need to reach out to Patrik, restart this action item or kill it and get it off this list because it still has, I think, old names associated with it from previous – from back to Buenos Aires almost a year ago.

So if there's – does anyone have any thoughts on this? At one time apparently we thought this was a valuable thing to do but it's not valuable enough apparently to actually get it done. So does anyone have any particular thoughts on this? Marika.

Marika Konings: Yeah, this is Marika. Just maybe some history on this item. I think this got on at some point when, you know, there were dark horse ethic issues and reports that are of interest to the Council. And, you know, to ensure kind of conversation or timely dialogue on those items. And I think that's where this originated from.

But at the same time I think people need to be aware that the SSAC of course has specific requirements in relation to membership so it's not like other organizations like the GNSO where, you know, people can appoint a liaison and the Council would normally accept that person. From the SSAC perspective any person joining the SSAC, whether it's the liaison or a member need to fill those same requirements.

So I think that's why the item got here on the list to see whether indeed is there any interest of the group to pursue that and see whether there is already someone from the GNSO community that is on the SSAC that meets those requirements and would be interested in being the liaison or whether the other way around there would be an interest from the SSAC to have a liaison to the GNSO to provide updates from – of that kind.

I'm not aware of that conversation having progressed further than, you know, it being mentioned during some of the joint sessions. So, indeed, as you said, I think the question is, is it something that, you know, needs further discussions or should it be moved off the list for now until the time comes that people feel it's worth exploring again.

James Bladel: Thanks, Marika. I think that history is helpful. How about I propose that we – that we just take this as an action item for, you know, myself and Heather and Donna to reach out to Patrick and his counterparts in the SSAC and see if there's any interest in restarting this – this dialogue in exchange of liaisons. And if there isn't or if it's just not workable for the reasons you mentioned then we'll just drop it. But we'll endeavor to get this either green or off the list by our next Council meeting.

Don't know if there's – if anyone has any thoughts or objections on that but okay sounds like we're getting some positives on that and Julie is noting some of the challenges, I think, Marika, that you mentioned about eligibility to participate in SSAC.

The next item was the voting threshold for the SCI. and this is also a bit of an older item. I think that the SCI I think is working on some other issues first. I don't know that it has anything particular to report on the voting thresholds. I think we have some updates relative to motions and election procedures but I don't think we have anything here so we will, again, slide this one to either get it green or get it gone if there are no objections.

And, Glen, I just wanted to note that Stephanie has joined the list.

Okay next item is IGO NGO PDP recommendations. And I note that this is also the next item on our agenda, Item 4, so we'll skip that for now, we'll come back to it. The

GNSO liaison to the GAC, we have as well, I believe, an item to vote, which is Item Number 6, so we mark that as completed.

Collaboration with the IETF, David, we've talked about this a little bit. I think we should probably restart this issue. I'm noting that there are some other topics within the IETF that are potentially on a collision course with some of the activities of the GNSO and of ICANN. So it's something that we could possibly take a closer look at in the interim between now and our next session. David, go ahead.

David Cake: Yeah, so I think we've identified the appropriate way to (unintelligible)...

James Bladel: David, I think we lost your audio or maybe it's just me. Am I still on the call? No, okay...

((Crosstalk))

Tony Harris: We can hear you, James.

James Bladel: Okay good. I'm still here but David is not so, David, Glen, maybe we can see if we can contact the operator about reestablishing the link to David.

((Crosstalk))

Glen de Saint Géry: that Charlotte Lindsey-Curtet the director of the ICRC Red Cross from Geneva is on the call now.

James Bladel: Okay, excellent. We're not quite there yet but if could have them stand by we'll be moving in their direction here shortly. Thank you. Next item is PPSAI. And as we are aware we are in a bit of a holding pattern there so I think there's nothing really to note until we hear back from the GAC as well as I think noting that this item received some mention in our response to the GAC communiqué, which is further down the list.

RDAP is completed. The GNSO review, another item that appears on our list and that is in fact Item Number 5. Harassment of participants at ICANN meetings, we don't have an item for this on our formal agenda but there has been a document, a letter, a

draft, that has been circulated as well as a draft document that Jennifer and some others had worked on following our meeting in Marrakesh.

And there have been some suggested edits passed back and forth on that that I think is improving the direction of that document as well as referencing a statement that was issued by I believe – I'm going to probably get this wrong, I can't remember if it was NCUC or NCSG – but there was a statement issued and we reference that in the letter. NCUC, thank you, Ed.

I think where we are on this is we want to go forward. There is certainly a lot on attention on this issue coming from not only other segments of the community but ICANN executive staff. And I believe it's imperative for the GNSO to, you know, the Council and the community to make sure that they are both heard on this issue and that they are included in those efforts – in those community-led efforts to examine potential changes to our standards of behavior and enhancements that were outlined in the statement and in the draft that Jennifer circulated.

So what – so what I'm proposing here is that we continue to finalize that letter on the list and that we drive towards getting that submitted to Akram by the end of this week or early next week. Let's set a target of close of business on Monday to get that posted. They are expecting something from us so I did give them a heads up that we were working on a communication on this topic. So I think that they are waiting for us, if we get that finalized and I think get the rough edges sanded off of that document I think that would be great.

And okay yeah, Jennifer is agreeing. And I think the key thing here is just let's not let that sit. Stephanie.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. And I apologize particularly to Jennifer but to others, that I have not got done the markup version yet. I guess I have pretty substantive issues with what we're sending so far. First of all I don't see any point in having a conference harassment policy per se. The next thing that's going to happen is somebody is going to harass somebody on a list or at a meeting, a teleconference, and we won't be covered.

So I would urge us, if we're going to discuss a harassment policy, and I do recognize it's not us doing it, it's somebody else, but let's recommend what would be more sensible in my view, an entire harassment policy.

And then secondly, I'm not sure that this is framed as well as it perhaps could be. We don't want to get ourselves into a really difficult situation with something that we dashed together because of an incident that happened. This – we're going to have to live with this so I would urge us to not feel that we have to do it within the next week because I think it's not that trivial a problem to get this thing done right.

I may be the only one that thinks that but I know that our own group is somewhat divided on this with some saying try and stop that letter in its tracks, and others saying we can't do it fast enough. So I think this warrants a little more discussion.

James Bladel: Thanks, Stephanie. I noticed a couple of hands went up and then dropped. If I could respond quickly, I think we should probably separate the two questions. One is the letter itself was fairly generic in stating roughly that, you know, we were aware of the issue, we believe it's important. We believe that it warrants a community-led solution and that we would be interested and active in helping to develop that.

Then the draft and the NCUC statement I think tried to put some meat around the problem and frame what a solution might look like and what forms it could take. And if I'm understanding, and I – it's possible that I'm not but if I'm understanding some of your concerns I think they're more about making sure that the latter part of that is done correctly and comprehensively and in a way that we can live with it going forward.

And I think that is absolutely true and it speaks to a number of concerns that were raised with some of the other SO and AC leaders as well. And so I'm just wondering if we can separate the two questions. There is a kind of an overarching letter that acknowledges the problem and wants to easily drive a community solution and then there's the solution itself. And maybe we can look at those separately.

Jennifer and then Stephanie again – or Stephanie, did you want to respond on this point? Maybe Jennifer could allow you to...

((Crosstalk))

Stephanie Perrin: Yeah, if we could separate them that would do a great deal. We all think, yes, we need a harassment policy. I think there's agreement there. It's the substance of the points to consider I believe the document recalls, it seems to me we're starting off on the wrong foot there and that needs a lot of work. So if we could send a generic letter I think there's a great deal of agreement behind that NCUC letter that we tabled because it's – if we sent a letter like that I think we'd be happy. Thanks.

James Bladel: Okay that's one path forward. Thanks, Stephanie. Jennifer.

Jennifer Gore: I just – thanks, Stephanie, I appreciate that. And I, you know, understand that you had some items that you wanted to incorporate into the redline and were anxious to receive those. But based on the working group I thought that the general consensus was that those that participated were in support of the current draft. And if anyone else was opposed to it then I think that's a further conversation we could have.

But I think it would give some teeth to the letter by adding the points to consider not as drafted formal language but just as such that so that it's essentially a framework that can be worked off of and not to be used word for word because obviously ICANN staff will have to take that and digest it and then socialize and come up with their own conference or overall harassment policy.

James Bladel: Thanks, Jennifer. You know, I note that we have a – quite a bit more work to do on this and other topics so I think we should probably try to, you know, try not to get bogged down too much here. But, Ed, you're up next.

Ed Morris: Yeah, James, I'll keep this brief. Full support for what Jennifer said. I think the draft – it's not perfect but it's good as a reference point. ICANN Legal is not going to say, wow, the GNSO sent us a marvelous document, let's not change it, let's not look at it, but as a reference point, along with the NCUC EC statement, which I might add, I have problems with as well. Neither document is perfect but they're good reference points.

And as Jennifer said, in the group I did not hear any negativity towards supporting the model that we sent to you or the letter we sent to you. So I just want to support what Jennifer said. Thanks.

James Bladel: Okay great. Thank you, Ed. And, Stephanie, you have the last word on this.

Stephanie Perrin: Stephanie Perrin for the record. Thanks very much. Well, I'm very sorry I didn't join the group then because I don't like to say negativity, you know, I've worked with these policies, I know how badly things can go and I really strongly would object to (unintelligible) what we've got even after I have a good serious go at it, which I will. I promise I'll get those mark ups in. But it's not ready. We've got to think this through.

I realize (unintelligible) responsible for what we send them. And there's just too much wrong with it at the moment. So please, let's hold off. Let's separate the letter of support from the comments and let's look at this carefully. Thanks.

James Bladel: Thanks, Stephanie. So I think, you know, I note your concerns and I also believe that, you know, the train is leaving the station with or without the GNSO so we need to get something so that we can be – and I don't mean to say this, you know, glibly, but I think that we need to be a part of this effort.

I hear you on the notion that, you know, as a policy there's a lot wrong with this or there's at least a log incomplete with this that needs to be worked on and there's just not enough time to fix it. However, I would point out that that's probably more appropriately done in the follow on work that happens in the community effort that the GNSO will become a part of and not necessarily just a – what I think we want to do here in the next couple of days is simply raise our hand and say we are on board, we want to help – we want to help frame this problem and we want to help come up with some ideas to address it.

And I think that is the key. So, you know, I think – and if I'm capturing what Jennifer and Ed are recommending, what I think we can do is if we can put a deadline in for edits by Monday and get these thoughts on the policy edited – the draft of the policy edited by Monday, but also we could probably help ourselves by not calling it a draft policy, by noting that it is just more of an issues document or something that – a discussion paper that the GNSO has put together and then reference that along with

the NCUC statement in the letter as something that we would like to bring to the table when the community sits down to discuss and address these problems .

But we don't believe that it is a complete solution by any stretch of the imagination. So I think that, yes, and Ed notes that this is more of a reference marker. Phil has pointed in the chat that the policy itself needs to be very carefully constructed, and I think that's not only correct but it also needs to be broader than just our group or even a subgroup. And I think as was raised previously that we need some outside experts, we could probably benefit from including them in this as well.

So, you know, we need to move off of this issue because we have so much more to go and we have some guests waiting. So let's pivot from here and move over to the review of the GAC communiqué, which is on our list as well. We have an AOC schedule review. I can report that I did ask other SOs and ACs during our most recent call to please ask their membership how they feel about the calendar.

I think that there was at least some indication from Alan from ALAC that there was also concern that some of the AOC reviews would be drawing from the same pool of volunteers and overlapping with existing work that's going on in the community. So I think that is an ongoing point of discussion. And then rest is green.

So okay half an hour into our call and we can move then to agenda Item Number 3 which is our consent agenda. I have Jennifer and Stephanie with your hands raised. I don't know if – okay, old hands. Consent agenda is empty.

So now we move to Item Number 4 and that is a presentation and discussion regarding the issue of protection – permanent protections for Red Cross identifiers. Now I just want to point out a little bit here that the folks from the Red Cross met with Heather and myself in Marrakesh and we invited them to come to this particular meeting mostly because it has been a substantial amount of time since we last examined this issue and a significant portion of the Council has turned over due to term limits and what have you since then.

So what we're trying to do here is essentially acquaint Council with this issue. I don't know that we are going to solve anything today but I think it's more of just hitting the reset button and getting ourselves familiar with that. So if there are no objections

and we can proceed with item Number 4.2, and ask the – our guests from the Red Cross to go ahead and provide an overview of this item.

Charlotte Lindsey: Thank you very much. So it's Charlotte Lindsey here from the ICRC in Geneva. So I would like to thank the GNSO Council for the invitation to present today with a view to resolving the issue of permanent protection of Red Cross, Red Crescent names or identifiers in your terminology.

We appreciate the recognition by the GNSO Council that there are still issues to resolve and the willingness to engage with us in this regard. And we note that you've also received a briefing paper dated the 30th of March on the status of protections and the and the status from the GNSO perspective.

So on the basis of the invitation that I received today, and acknowledging that I have a 10 minute time slot, I just – I will address three points today. The first, which is on the scope of the Red Cross, Red Crescent request for protection, permanent protections for names, identifiers and the rationale stemming from existing legal protections under international and domestic law.

Secondly, the names and acronyms for this permanent protection. And thirdly, the points of clarification where we may not share the same reading, if we've understood correctly, the status updates that are noted in this briefing paper of the 31st of March.

So if you are fine with that. Firstly, the point on the scope of the protections that we are requesting. So this relates to the 189 national Red Cross and Red Crescent Societies and the international components, so the International Committee of the Red Cross, the ICRC, and the International Federation of Red Cross and Red Crescent Societies, the IFRC.

So I want to just specify what that rationale for protection is stemming from. So we enjoy an international entitlement under the 1949 Geneva Conventions to use the designations as a means of identification. This use flows from the Geneva Conventions and is not international or domestic trademark or unfair competition laws.

Therefore we have a strong and enduring concern to ensure the protection of the designation from all forms of misuse or misrepresentation and to ensure that any permissions that are used is duly restricted in accordance with the requirements of international law.

In this regard, it's important just to underline the mandate that the Red Cross and Red Crescent actors they're defined by states in international treaties as well as under the statutes of the movement which is adopted by governments and the Red Cross at its international conference. This includes a unique status and specific mandate to act in situations of humanitarian crises.

We have a specific role and responsibilities devolved upon the components of the movement in support of national authorities to monitor and undertake appropriate interventions if there are any forms of misuse of the designations, including on the Internet.

Therefore, the designations must at all times be protected from misuse or misrepresentation because this impacts the respect that could be accorded to them by (unintelligible) to conflict and civilians. And this could compromise our ability to fulfill our humanitarian mission and mandate.

I just want to outline who national Red Cross and Red Crescent Societies are. They're entities which are formed in their respective countries by legislation or by government degree. They are not nongovernmental organizations but are formally recognized and respected as auxiliaries to their public authorities in the humanitarian field.

As to the ICRC and the International Federation, they enjoy special status and the public international law and participate as observers of the UN General Assembly. So the protection, which is awarded to the designation, doesn't result from trademark law, or from common law rights or those conferred by registration due to the global public interest which has been recognized.

The primary stakeholders remain states. The governments party to the Geneva Convention have to carry their primary obligation to ensure responsibility to enforce the protections accorded to the Red Cross and Red Crescent. That's why the GAC

has made consistent pronouncements for these designations to be protected and it's reflected in GAC advice since 2011.

So there is also another public interest I mention which is linked to the designators being particularly vulnerable to Internet fraud and abuse. With them we can see new instances of fraudulent use after and during humanitarian crises. That's my point in relation to the rationale of the protection.

Now I would like to move to the second point on the names and the acronyms. So we have submitted to ICANN a table of four names of the different components of the movements the 189 national societies, the ICRC and the Federation for permanent protections.

The names of the two international components, so the ICRC and the International Federation, as well as their acronyms, have been submitted to ICANN for permanent protection. For national societies we seek the protection of their names in English and their national languages. And please note, it should be recognized that to become a national society is a very formal and strict process.

The latest member, and what would actually be the 190th national society, was admitted in December of 2015 and was recognized 35 years after it was established. The ICRC is the only body that can formally recognize a national society and it has to ensure the very strict conditions for recognition are met.

There can only be one national society per country so the list of national societies will only need to be updated if a new states comes into being, such as the was the recent case with South Sudan, or where a state exists but the national society has not previously met the conditions for recognition, as was the case with (unintelligible). Thus amendments to the list will be few and far between.

My last and final point relate to the briefing note and status update in the paper of the 31st of March. I would just like to underline that the GAC advice is strong, consistent and unanimous because governments have a legal obligation under international law and corresponding domestic legislation to implement and to ensure the protection of the Red Cross, Red Crescent designations in their domestic legal system.

The Red Cross, Red Crescent National Societies, the ICRC and the Federation are not IGOs or INGOs and the issues being resolved under the IGO (unintelligible) are different and stem from very different grounds for protection. Thus, we've not been part of the IGO INGO protections discussion as we do not fit into this category because of our unique status and legal protections. And as the issues are very, very different.

There are not competing commercial uses of the ICRC, IFRC acronyms and we are seeking protection for the names, not acronyms, of the national societies.

We are concerned, also, by the status updates 1 and 2 which are outlined in the 31st of March GNSO briefing paper, which seem to subsume or equate and therefore risk delay further resolution of the Red Cross, Red Crescent protections subsequent to outcomes of the IGO protections matter.

There were two distinct GNSO PDPs, one for Red Cross, Red Crescent protection and one for IGO status. Also, status update 2, to our mind, is potentially misleading in that it reads us the GAC advice from Dublin was that any mechanism developed for IGOs should also apply to certain red cross identifiers whereas the GAC advice in Dublin was that, quote, "the same complementary cross mutual mechanism to be worked out for the protection of acronyms of IGOs be used to also protect the acronyms of the ICRC and Federation." These are two very different readings to our minds.

Also to note that the context of the Dublin GAC advice was that the Red Cross Red Crescent should not have to divert funds received for purely humanitarian purposes to monitor and seek misuses of abuses of the Red Cross designators and names on the Internet bearing in mind we already have a legal protection anyway.

I would therefore like to just conclude to say our meetings in Marrakesh, which led to the GNSO Council invitation, were driven by our concern that two years on from the original board advice highlighting the inconsistencies between GAC and GNSO advice related to the Red Cross, Red Crescent identifiers and 22 months after the board requested that the GNSO Council consider amending those of the GNSO's original PDP recommendations that were inconsistent with the GAC advice we note that actually we haven't been able to make progress in this regard.

We do acknowledge that the GNSO Council wrote in October 2014 to the NGPC seeking clarification, and then one month later the NGP passed a resolution offering – providing temporary protections to the Red Cross, Red Crescent names and asking that the GAC, GNSO, Board and ICANN work on resolving the remaining issues yet we've had no formal interaction on the specific issues of Red Cross protections.

Thus we brought this to their attention in Marrakesh and were given assurances and renewed assurances by the CEO of ICANN that this matter will be moved forward and must be resolved urgently. And the GAC communiqué from Marrakesh reflects this too.

The ICRC has acted in good faith to engage with ICANN, GAC, the GNSO and others to try to resolve this matter. And we stand ready to continue this engagement whilst recognizing that very engagement is diverting our resources from what we are supposed to be doing in relation to our purely humanitarian mandate.

I thank you very much for the attention and your consideration of this today and we stand ready to respond to any questions.

James Bladel: Okay, thank you, Charlotte. That was, I think, both informative, helpful and comprehensive. I think that we have a number of questions, but before we go on I think Heather Forrest, our vice chair, was also present for those discussions in Marrakesh and wanted to give her the opportunity to introduce this issue as well.

Heather Forrest: Thanks, James, very much. And thank you, Charlotte, very much for following up on this. And so just to offer a bit of background as to our initial meeting in Marrakesh. One thing that I'd like to make clear for, councilors, for your benefit and a bit of background as to why we invited Charlotte to give this presentation today is when we were approached, James and Donna and I, in Marrakesh, to meet with Charlotte and her colleagues, we made it very clear that Council leadership wasn't in a position to make any decisions or do anything about this.

And one of the things that we realized is that Council has changed very considerably in the time since the PDP, and I believe that it was only PDP, that dealt with some of these issues, the IGO INGO names and the IRC names – that Council has changed

considerably since then and that many of us were not as intimately familiar with the issues and the questions that – and indeed the GAC advice that Charlotte has brought our attention to.

So I agree with James, I think this has been a very, very helpful update, and hopefully it puts councilors in a position to understand the international Red Cross concerns and now it's really to us to maximize this time with Charlotte to ask any questions, anything that's unclear or needs to be clarified from her presentation, and then I think as a separate matter we come back to this as a Council and decide what to do. Thanks very much, James.

James Bladel: Thank you, Heather. Okay so, again, just, you know, not to beat the same drum but the goal here is to reset, reboot and refresh this issue because a lot of us are seeing this for the first time or maybe the first time in a long while. So with that if we have any questions for our guest from the Red Cross, for Charlotte in particular, we'll throw open the queue now for discussion and questions. And the first speaker is Phil Corwin. Phil.

Phil Corwin: Thank you, James. Phil Corwin for the record. And thanks to the presenter from the Red Cross for that very informative briefing. I just wanted to note, hearing the briefing and the legal basis for the Red Cross organization protections, I want to confirm my role as the co-chair of the working group which is looking at curative rights protections for IGOs, which is referenced in status update Part 2, that indeed the protections that the Red Cross receives do have a different legal basis than those for most IGOs, what the Red Cross organization looking here is for protections up front, blocking the registration of certain times and terms at the first and in some cases second level.

What we're looking at in our working group, and we've just received our final draft of the legal memo from our hired expert on sovereign immunity status of IGOs, is whether IGOs have standing to bring – to use the current UDRP and URS and whether there is sovereign immunity issues which are problematic in view of the right of appeal to a court of mutual jurisdiction. But the legal basis that we're looking at is either an organization having trademarked its name or having asserted its protective rights under Article 6ter of the Paris Convention. And those are different legal bases than what I just heard explained.

So I just wanted to make that clarifying statement and thank the presenter for that presentation and step back and listen to what the GNSO's future role is going to be on this topic. Thank you.

James Bladel: Thank you, Phil. Any other questions or comments? Okay, I see that we have an empty speaker queue. I think that certainly we want to thank Charlotte for, once again for joining our call and presenting this material. I think that we have some work in front of us to refamiliarize ourselves with not only the substance of the issues that you've raised but also the procedural issues of kind of where this is at, what the next steps are particularly for Council, what options are open to us, what options perhaps are not.

I note that the briefing note refers to the NGPC from the board, which I believe has since then dissolved. So that complicates things as well. So as you can see this not something where we can just give you a kind of a quick answer here today. This is something that we are going to have to take back and work on. But I think that having this reference point on today's call and being able to put down a marker and get everyone synchronized at the same level is helpful for the work ahead.

I note that we have Paul wants to speak on this topic. Paul, go ahead.

Paul McGrady: Hi, James. Sorry for the last entry on this. But this strikes me as a community-wide problem, right, there is – it's not that the protections for the Red Cross are only in gTLDs. Presumably those same protections would apply to ccTLDs as well. And so how – what's the Council's role in something that would have applicability in ccTLD land as well? Does the question make sense? Thanks.

James Bladel: Thanks, Paul. Yeah, I think it does make sense in that, you know, we are somewhat limited in our scope of what we can actually do versus what we can recommend. I think that if, you know, if we arrive at a point where we are making some sort of a statement or recommendation or request of the board that that could be an open question that we put in front of the board is how are you addressing this problem as its manifested in areas outside of the GNSO.

But I agree with you, I don't know that there's any way we can compel that to happen, we would simply make that an add on thought or topic to our concern or statement.

Any other thoughts, questions on this? Okay thanks, again to Charlotte, we will move on then to our next agenda. And certainly appreciate the time and effort for the Red Cross folks to come and present to us today. I think it was very helpful.

Charlotte Lindsey: Thank you. This is Charlotte again from Geneva and for the Red Cross. We can send you the presentation that I just read immediately so that you have to hand. But it would be informative for us if we can be informed of the outcome of the deliberations now of the Council and what we would need to do on our side to move this forward. Because – and we do really appreciate the recognition that you've given today that this issue needs to be – needs to be brought forward. But it would be helpful for us to know what steps we also need to be taking next.

James Bladel: Excellent. Okay, thank you – thank you, Charlotte. And we look forward to furthering this work with you.

Charlotte Lindsay: Thank you.

James Bladel: So that brings us – thank you. That brings us to the next couple of items in our agenda, and I would note that we are just about halfway point in our call. So let's move then to Item Number 5, approval of the proposed approach for implementing recommendations from the GNSO review.

Now, before we tackle this, I think because the – just a bit of procedural housekeeping, I believe because the motion was never fully introduced in Marrakesh, it was never actually withdrawn and therefore when it was resubmitted it missed the deadline and I'm probably saying this all wrong. But the net effect is that we have to first have a vote to consider whether or not we want to discuss and table this motion today because it did miss that 10-day cutoff if only barely.

So rather than burden this process I'd like to just ask if there – if we can, by acclimation, consider a vote on the consideration of the motion that's in the screen now. So are there – are there any objections to proceeding to consider the motion on the GNSO review approach as Item Number 5? All in favor, please say "aye."

Amr Elsadr: Aye.

((Crosstalk))

Wolf-Ulrich Knoben: Aye.

James Bladel: Okay, and any abstentions? Okay hopefully that quick and dirty voice vote satisfies our requirements or obligations under the process to allow us to consider this motion. So with that then I would like to ask Wolf-Ulrich if he wouldn't mind presenting this particular motion which again, is covering the topic of the GNSO review which was moved by Wolf-Ulrich and seconded by Amr. So, Wolf-Ulrich, the floor is yours.

Wolf-Ulrich Knoben: Thanks, James. Wolf-Ulrich speaking. Just, well, in the – from the introduction, well, being brief because we had (unintelligible) of times and opportunities, well, to look at this and the review, you will recall that we had a short discussion about that in Marrakesh and then it – it was told – it was postponed and it was organized by staff in a webinar last Tuesday, which gave us the opportunity, well, to look into more details with regards to what the working party on the review was doing and the result of that was done.

So the – you may remember the GNSO working party, they did a feasibility assessment on the question how it is feasible those to implement the 36 recommendations which have been elaborated by the independent examiner, Westlake. And they also – the working party did also a prioritization of those – of those recommendations.

And in total they came to the result of a kind of four categories of recommendations which, to one extent, were the agreement to some of the recommendations, others were seen as their work was already underway and is on the way to be done. And then there were three recommendations which have been redacted by the working party and which were categorized in red.

And there were other recommendations which the working party agreed to with some part and was of the opinion, well, to amend those recommendations and to propose

some modifications to the text of these recommendations. So that is the content of the feasibility assessment of this working party. And this is about the motion.

And the motion is about, well, that the Council consider the – this working party assessment and then recommends the process something to be done with that assessment. So in – just after the summary, so I would just move over directly to the resolve and then we can start the discussion on that.

So the resolve means the GNSO Council adopts the GNSO review recommendations feasibility and prioritization (unintelligible) and the link is provided there...

((Crosstalk))

James Bladel: Wolf-Ulrich, could you pause for just a moment while we try to isolate something on the – thank you, please continue.

Wolf-Ulrich Knoblen: Oh yeah, thank you. I was just reading the resolve clause. Resolved Number 1, the GNSO Council The GNSO Council adopts the GNSO Review Recommendations Feasibility and Prioritization analysis with the modification of – well analyzes – that was the original text of the motion. I will come to the amendment later on.

Second, the GNSO Council instructs the GNSO Secretariat, on behalf of the GNSO Council and Chair, to communicate the GNSO Review Recommendations Feasibility and Prioritization analysis to the ICANN Board's Organizational Effectiveness Committee, OEC, and communicate that the GNSO Council expects that the ICANN Board and the OEC will factor in the GNSO Review Recommendations Feasibility and Prioritization analysis as part of its consideration of the GNSO Review Recommendations.

And third, the GNSO Council requests that ICANN policy staff prepare a discussion paper that outlines the possible options for dealing with the implementation of the GNSO Review recommendations following adoption by the ICANN Board taking into account the past implementation of the GNSO Review as well as existing mechanisms such as the SCI, the GNSO Review Working Party and other applicable best practices and lessons learned from past reviews.

And there is nothing four. I thought there is something saying about that but, maybe that was replaced or removed.

So that's the original motion which was submitted by myself. And I have to again to apologize, well, having submitted very lately an amendment to this motion which was based on the discussion we had on Tuesday during the webinar. And this is reflected in Number 1 and incorporated now in Number 1 of the resolve. And it means that the GNSO Council adopts this analysis.

This is a modification of Recommendation 21 that the Council recommends staff, working with the GNSO, to institute measures of information sharing of highly relevant, well, as such related to gTLDs to help the GNSO community members increase their knowledge base. And this is to be given a low priority.

Now what does this mean? Recommendation 21 is means – just check here – that was related to – I don't have the exact text here – but was related to outline a – outline studies in the area of the gTLDs with regards to research, marketing and other important information which may be important, well, to the GNSO community.

James Bladel: Wolf-Ulrich, I'd just note that Larissa and Amr have copied that language into the chat...

((Crosstalk))

Wolf-Ulrich Knoblen: Oh yes, thank you very much. You know, it's well – the GNSO Council should regularly undertake or commission analysis of trends in gTLDs in order to forecast likely requirements or policy and to ensure those affected are well represented in the policy making process. That is the recommendation.

So the reason why it is here mentioned extra is that this recommendation was – has been categorized by the working party in red, that means it was rejected with the rationale. And from the discussion there were – came requirements, well, not to just to reject that rather than to start to think about how these – these results could be done.

So there was a meaning that if it is rejected then it is out of, you know, out of scope here. And there was the requirement, well, to put it into scope but give it a low priority. So that was – and this was – I've – today also have received in written form this requirement coming from Denise who also pointed out that requirement. So that is why I put that here into the resolved as an amendment.

So that is so far to the presentation and should now go into the discussion of that I think and also discuss the process how to proceed with this motion. Thank you.

James Bladel: Okay thank you, Wolf-Ulrich and Amr, and thank you, for the work that you've done on this as well as the folks who attended the session on Monday. I just want to note in the chat Marika points out that – so there was a fourth resolved clause that was just due to an error was not posted in the – on the screen and I'll just read it very quickly for the record.

“The (Unintelligible) Counsel thanks the (Unintelligible) working parties for its work and hopes its members will continue their contributions as part of the implementation phase”. Fairly noncontroversial, but it was left off the reading of the motion and I wanted to make sure it was in there.

So, with that, let's open the queue for questions, and then move to a vote.

The queue is clear and there we have (Omar). (Omar), go ahead.

Amr Elsadr: Yes, thanks (James). This is Amr and apologies for taking a while to get into the queue. I was actually looking forward to hearing from others before I - I (unintelligible). But, yes, I just want to -- again -- reiterate some of the things I said on this, and basically that folks should really be looking at this with an overall, sort of like a bird's eye perspective. I mean, the Working Party's job was at this point, I mean, throughout the process the Working Party was (unintelligible) and making sure there was also a conduit of communication between them and the rest of the community.

But, at this point, the Working Group was (unintelligible) the Working Party (unintelligible) was basically asked to form an assessment of the study and the associated recommendation. It did so, and it is all part of a process of dialogue between the Working Party Counsel and the (unintelligible) Organizational

Effectiveness Committee to sort of advise the OEC on making decisions as the result of the West Lake Study.

And, making those decisions, of course on - making - being as informed as possible from both the (unintelligible) perspective as well as the community's.

I did also mention on this that I have a bit of a problem with the evidence at this point, and my problem is not to the extent where I will object to it, so as a seconder of this motion, I will not object to it (unintelligible) to the amendment being suggested as being a friendly one.

But, I will, again, ask just that the Counsel possibly consider that instead of changing the assessments performed by the Working Party -- that sort of annexed the (unintelligible) to the red sheet that the Working Party came up with -- with its own assessments and rationale.

I say this because if we change now, then this doesn't actually reflect what the Working Party did. But, it is also important to - for the OEC and others to take into consideration what the broader community has been saying and that has been really helpful in that regard.

Of course, there was a public comment period on the preliminary reports by West Lake and there was also a very nicely accumulated set of comments provided to West Lake, I think during the last (unintelligible) meeting -- and that was collected by staff.

But, that was a very helpful resource to get an idea what the committee is thinking of the various aspects of the works done by the Independent Examiner.

But, most of all at this point from -- and during the Webinar -- I don't believe that this amendment actually captures all of the input we received. So, for example, this one addressing Recommendation 21 -- there was another comment on Recommendation 35 which was an issue of diversity and possibly creating a working group to address some of the diversity issues -- again, I think this was a comment made by (Denise) where she has felt that a working group might not be the best answer, where she gave her reasons.

Personally, I agree with her. But, then again, this is not reflected here in the amendments that there were a few other concerns raised such as one-side poll on Tuesday -- that were raised regarding privacy of the data collected from Committee members.

And so, it just seems to me that it might be better form to sort of collect those comments and add them as an (unintelligible) to the Working Party's assessment as opposed to changing the results of that assessment because then it would actually not reflect too well on either on the feedback provided on (unintelligible) Webinar or the Working Party's actual work.

Thank you and apologies for going on about this.

James Bladel: Thank you (Amr). Before we go to (Susan), I just had a couple of questions because I think you've highlighted some important points.

So your concern -- and I think it is something that we should consider -- is that there is some important feedback coming from the Counsel both on the list and in the Webinar from the 11th that is not captured necessarily -- or at least comprehensively captured -- by this amended motion, and that we should find some way to ensure that that is dutifully relayed to the OEC and taking into account for the implementation of these recommendations. Am I buttoning that up correctly or have I missed a big element of your point there?

Amr Elsadr: This is Amr again. Thank you (James). Yes, that is the last point that I made and I think it's a significant one, and the three examples I just mentioned -- well actually, I think there are just two examples apart from Recommendation 21 or just the ones I recall at this time now, but there may be others that I don't - that I actually haven't had a chance to go over the recordings or transcripts of the Webinar yet.

But yes, essentially yes. I mean, if we are making an amendment to a motion, to make sure that some input that was provided that -- even last minute input that was provided -- is included and considered, then the amendment should find a way to reflect all the input and possibly not be selective on the input of one recommendation.

So, yes, I think that that's - I think it's a fair way of approaching this amendment which is why I was hoping we would go about it differently. So - but again, I will not be opposed to the amendments, and I appreciate the fact that Rinalia is on the call with us here today.

So thank you for that Rinalia, thank you for being on Tuesday's Webinar as well. I think Rinalia has also heard a bit from the community on this on Tuesday, and I'm sure the OEC has the great deal more input to consider by what the Working Party produced and what was said on the Webinar.

But yes, if we are going to amend this motion, I would suggest we would do so in a way that captures all the input provided, not just the input on Recommendation 21. Thank you.

James Bladel: Okay, thank you Amr.

Next up is (Susan).

Susan Kawaguchi: Hi, I just want voice a concern. I'm not objecting or opposing the - but, on Recommendation 23, you know, it was marked Red -- and it should not be implemented -- but, and I don't think the GNSO Council should address this issue at this time -- but I also don't want the message going forward that, you know, we think the issue of Constituencies having seats on the Counsel have been addressed, or even really thought through, and it's a closed matter.

So, I just want to voice the opinion that at some point in time, we need to look at how the GNSO is structured and how Constituencies and Stakeholder groups that are ever-changing, you know, the new gTLD space has changed a lot of things so far -- so we need to be able to address that in the future.

So, you know, having that as a Red and not a Green -- not to implement -- is a concern for me and the BP but I'm not opposing this motion.

James Bladel: Okay, thank you (Susan). And, just to confirm, that was Recommendation 23?

Susan Kawaguchi: Correct.

James Bladel: Okay. Thank you. (Wolf Ulrich), you're next in the queue.

Wolf-Ulrich Knoben: Yes, thanks (James). (Wolf Ulrich) speaking to Amr's point. Amr, really, I would not like to suppress any of those comments, but maybe it was not very clearly said at the meeting on Tuesday -- and that was my understanding so -- that we were mainly looking at the - when you are looking at the spreadsheet -- we were looking at how the spreadsheet - the function of the spreadsheet was and how it was - how it looks like in terms of categories of - categories in terms of (unintelligible) or acceptance -- and the level of prioritization of that.

So, and regarding this -- so the others offer an exchange on the list (unintelligible) regarding his comments -- my opinion was here so it should really focus on the question whether to support the recommendations or to - or to shift in the category or in the prioritization in that.

I think throughout the implementation -- and that is also coming from the experience we have with the last review -- and the implementations will take at least the same time as is used to - for the review itself, so two years or more at a minimum -- so there will be enough time and enough opportunity and necessity to discuss in detail what is behind and how it will work.

So, it's more at this stage, I would say it's more the question "shall we go for this specific recommendation or shall we do it not" and in which place which position (unintelligible) it should be done.

So, and so far, I get a comment from (Denise) in this respect -- I didn't get any further comment from her with regards to her other additional comments that you mentioned all ready -- and I've - that's the first point from the other standing.

The second point is so looking what should be done right now. So if you go that way - so to try to add an annex -- so, what does it mean? So the Counsel has to postpone the motion again. So, let's (unintelligible) understanding from the procedure. I would like to do so. We should be ready -- to some extent -- to start with thinking about implementation and then if you do it - put it or do more work on the elaborating on the

motion right now, it's going to be postponed for longer time maybe. And that's what I fear.

So, if that is the point for one of you that either to leave - to put all the comments together -- maybe about prioritization and categorization or other comments -- or just to leave it as it used to be -- then I personally, I would say leave it as it used to be and make a step forward other than just to try not to put all these things together.

So, that's what I have to say for my side. Thank you.

James Bladel: Thank you (Wolf Ulrich). And just noting the time here, we will give (Paul) the last word on this and then we will make a decision on how to proceed.

(Paul), you're up.

Paul McGrady: Thanks (James), Amr, for the record, and I don't belabor this mostly because I've got to catch an airplane this evening and I don't want to miss it.

But, I do think that all (Susan's) comments and others all sort of raise the issue of what do we mean by the word "adopt" and that was the question that I was trying to get to unartfully on the Counsel list.

Does "adopt" mean we think that the worker or the Working party -- in reaction to West Lake -- is irrational and therefore we're passing it along to the Board with a note saying "yes, this seems rational to us. It's what we had expected". This is a comment on process. Or, does "adopt" mean that we all agree that each of these Recommendations substantively are a super-duper idea and we are voting Yes for them to move forward -- because I think those are two very different things.

And, it seems from the Counsel list, that it was - that we were saying the first which is "this is procedural, this seems rational, that's what adopt means". But from the more we talk about this on this call, the more it seems like people are saying "this is a substantive vote on these topics" and if that's the case, there's just a lot of questions that these things raise.

For example, the concern that (Susan) raised on are we forever precluding changes to representation on the Counsel by Constituencies? I mean, that's a pretty big deal. So, I guess I would just like a little more clarity on what we're voting on and see if we can clear that up. It doesn't have to necessarily result in any changes in the motion itself -- but just in the transcript of the call -- makes sense to me. Thanks.

James Bladel: Thank you (Paul), good point, and I think actually you kind of buttoned up the questions fairly well. So, let me see if I can summarize and outline a couple of pass forward, because I think you're correct in that we believe this to be a procedural issue. However, we have uncovered some questions and concerns regarding the substance of the topics and the Recommendations themselves.

I think that you know, the narrow reading of the motion is that we are being asked to approve the Feasibility and Prioritization Analysis itself, and not necessarily you know give our carte blanche blessing to the Recommendations as they are written from West Lake, or as they were, you know, amended or commented by the Work Party.

I think that we have two choices then. We can -- and of course, the presentation of those Recommendations and in our discussion on the list and today's call -- we've shaken out a number of other concerns from (Omar), from yourself, from (Susan), and I think from others -- about just how, you know, how do we go forward with some of these Recommendations and what other sort of issues do they open up consequentially.

So, I think we have a fork in the road, and the options are probably more than two but let me just take a swing at it here and then I'll look for (Mary) and (Marika) to correct me.

The first one is that perhaps either the motion as amended or reverting back to the original language for results, one, we can proceed with some statement that this is essentially -- you know, we proceed as written -- and then we communicate these concerns that we've identified here and on the - you know, in other forums -- to the OEC offline or out of band to this particular motion, and not try to cram it into the language of the Result clauses.

The - and I think that would not only get us out of this particular phase of the work, but I also - I think tee-up nicely the conversation of the work that is yet to come on the actual implementation of these Recommendations.

The second path looks a little bit more like -- well, it's a little bit rougher in that we would probably defer this motion for today and in the interim between now and our next meeting. We would start to construct a Counsel statement or a Counsel Comment document that itemizes all these questions or concerns. Maybe perhaps this is the annex that (Omar) described in his intervention, and we attach that to a reintroduced or amended motion for our May meeting and then consider this as the - not only the adoption of the Feasibility and Priority Analysis, but also kind of a channel where we relay all of these concerns to the OEC and the next phase of the work.

I think that one is probably a little more of a, you know, a - maybe a cumbersome approach but also maybe a more comprehensive approach and I guess I would be interested in hearing any reactions on -- and especially from (Beth) all of those ideas are actually in balance -- but I think those are the two paths that we have in front of us. And, I just wanted to see if there are any reactions or thoughts to that.

(Susan)?

((Crosstalk))

James Bladel: Old hand. Okay.

(Amr)?

Amr Elsadr: Thanks (James), this is Amr. Yes, I just wanted to maybe give a bit of my impression on this -- on what it is we're actually being asked to handle and hope that that provides some context to everyone else on a possible path forward.

First, I think it's important that we, as the GNSO Council, differentiate between the output of the Working Party as opposed to the output of EPP Working Group. So, we're not dealing with a set of policy recommendations coming out of the EPP

Working Group chartered by the Council that the Council would need to adopt before sending to the Board to consider making into ICANN Policy or not.

This is an unchartered group, meant to be a lightweight one, which is what working parties are. It was meant to provide an assessment on recommendations provided by the Independent Examiner that would assess the OECD in its deliberations and considerations of West Lake's recommendation.

I will also note that during the Working Party's deliberations themselves that there was a discussion and a conscious decision to seek Council endorsements of the assessments -- and I would sort of characterize what the Working - what we're doing here -- as endorsing the assessments rather than adopting it.

So, but if I'm not mistaken, the Working Party could've basically just sort of announced what it's reached in terms of an assessment on the Recommendations and sort of sent those to the Council along with the OEC. I may be mistaken in that -- but that was my personal impression.

So, I just wanted to point those out and hope that somehow that that's helpful to everyone else in considering this. Thank you.

James Bladel: Thank you Amr. So, and I note that (Heather) is responding to Rinalia at this point in the chat -- that she's kind of painted the way forward by giving Council the opportunity to make our own comments while also considering the Analysis report from the Work Party.

Okay, so let's bring this one in for a landing. I would propose or I would ask to see if there are any objections to proceeding thusly. We could move to a vote on this particular motion with the understanding that we have a follow-on bit of work to do -- which is that we have to - the window is not closed to capture and enumerate and transmit the comments and concerns that were raised on the List and on Monday's Webinar and on today's call -- and that we continue to work on that in parallel.

But, the Feasibility and Prioritization Study that was prepared by the Working Party will be adopted and endorsed today.

Any objects to moving forward on that?

(Paul)?

Paul McGrady: You had me at “adopted” but you lost me again at “endorsed”.

So, are we adopting it or are we endorsing it? Or both?

James Bladel: I apologize (Paul). I used the word that is not in the language of the motion. Shame on me. It is “adopt”. Sorry.

Paul McGrady: And, for the record, that means that we - essentially, this is procedural -- we’re not voting on whether or not we all agree with every aspect of each of these Recommendations. We’re simply saying West Lake gave this to the Working Party, the Working Party worked hard on it. It seems pretty rational to us. We’re going to tack on some substantive comments on the days ahead but off this goes to the Board, right. That’s what we’re doing?

James Bladel: Not only do I think that that’s correct, (Paul), but I think you just wrote the Introduction to that Comment Statement that would follow.

Paul McGrady: Terrific. Thank you.

James Bladel: Okay, thank you for catching on that, and I apologize for going off script. The Motion does say “adopt” not “endorse”.

So, if there are no objections, then we can move to a vote and for this one, I think perhaps we can move to an Acclamation vote and (Glen), I have no problems conducting that if your voice is up to it. You can take it from here.

However, you would like to proceed.

Glen de Saint Géry: Thanks (James) (unintelligible) I think my voice is all right.

Anyone who is not in favor of the Motion, please say so.

Anyone who would like to abstain from the Motion, please say so.

Would anyone then be happy to say Yes to the Motion -- be in favor of it?

Including...

(Man): Aye.

Glen de Saint Géry: ...(unintelligible) for (unintelligible).

((Crosstalk))

(Group): Aye.

Glen de Saint Géry: Thank you. May I also note that Marilia Maciel is not on the line. We have tried to contact her and we cannot make contact with her, so she will be marked as "absent" from the vote.

But, for the rest, the vote passes with one person absent. Thank you very much (James), and back over to you.

James Bladel: Thank you (Glen) and thank you Counselors, for getting through that, and as a follow-on, I would ask (Marika) and (Mary) to flag that follow-on work for something that we will work on inter-sessionally between now and the next meeting.

Just a time check here. I have 5:30 in the glorious Heartland, which means we've got about 30 minutes left for today's call, and we'll need to press through the next two agenda items where we are expected to vote.

But I'm looking now down lower on the list - lower on the agenda -- Items 11 and 12, and possibly 10, are in jeopardy of being moved to the List.

So, let's just move on with any further delay to the Item 6, which is the Council vote to approve the Procedures governing the selection of the GNSO's (unintelligible) on to the GAC.

Just to refresh your memory, we have both considered the idea that this would become a permanent position, and that is one item I can read through the Motion here if you would like, but we also note that our current Liaison to the GAC that's actually helped kick off the concept of this role, (Mason Cole), has unfortunately asked if he would be relieved of that role by the end of the meeting in Helsinki.

So, the motion as it stands, is that we would make this permanent, that we would begin the process for selecting (Mason's) successor and that we would install a new Liaison to the GAC by that meeting.

So, I'll just read through the - I'll just read through the Result Clauses.

Result: "The GNSO Council hereby confirms that the GNSO Liaison to the GAC is to become a permanent role at the start of the (unintelligible) year 2017 -- which is July 1 of this year -- and adopts the request for Candidates. GNSO Liaison to the GAC Process: As the Requirements, Processes, and Procedures for this role (and there's the link). Result to the GNSO Council instruct the GNSO Secretary to distribute the request for Candidates to GNSO Stakeholder groups and Constituencies in accordance with the timeline outlined in the request for Candidates, GNSO Liaison to the GAC".

And Result 3: "The Council thanks (Mason Cole), who has been fulfilling this role for the last two years, and looks forward to working with him during the remainder of his term".

So with that, let's open up the floor for questions -- if you have questions about either this role, the process, or the timeline -- then no one has any questions about (unintelligible) (Mason). Of course, he has done an amazing job, and once we are good on this, we can move towards a vote.

Questions? Discussions?

(Susan).

Susan Kawaguchi: So, I apologize. It has been a busy couple of weeks. I have not read thoroughly the Discussion paper at the links for the Motion there. But, one of the things we discussed in Marrakesh was that this would be a rotating position -- so, you know, we

would rotate through the different Stakeholder groups -- and, just reading that again really quickly, I didn't see that criteria in there. Did I miss that? Or, is that not part of the criteria.

James Bladel: I will (Marika) respond to that. (Marika), go ahead.

Marika Konings: This is (Marika). The way that the procedure was originated by and also such a (unintelligible) recommended by the Consultation Group. So basically, each Stakeholder group and Constituency can put forward nominations. Those nominations don't need to be a member of that Stakeholder group or that Constituency. It can basically be anyone they believe is suited for this role. So it doesn't either need to be someone from house, it can be someone from outside of the GNSO, as long as the person of course meets the criteria that are outlined in the qualified candidate.

So that's basically how the rule was originally implemented, and I think the consultation group has recommended it continue, so that doesn't, there's no question of a kind of rotation for this basically, based on nominations and the review against criteria, at least that's how it's currently structured.

Susan Kawaguchi: And so, and then, okay, is it one per stakeholder group? Or can a stakeholder person recommend many?

Marika Konings: Yes, this is (Marika), that's correct. It doesn't say whether it's one or more, it's really up to the stakeholder group or constituency, I guess it really depends on how many people you believe will meet the criteria that you want to put forward. So the procedure doesn't limit that to one per group.

Susan Kawaguchi: Okay, and then it looks like the council chairs will select someone and then submit the motion. So are we, the rest of the GNSO councilors able to know who has applied and the criteria for selecting one of the candidate pool?

Marika Konings: This (Marika), I can respond to that, at least in the last round and I think it's also in the application. It's the understanding that applications are made confidentially. Of course, candidates themselves are able to communicate that they put themselves forward, but it wasn't shared the last time around. It's kind of treated as here, with the

non-coms, you apply, it's within your own arena to decide whether you want to share it or not.

The evaluations, I need to check back. Basically, what I did share as well when we send out the procedure is evaluation sheet that was used last time around, and my assumption is that it would be used this time around, which basically shows again which criteria the different candidates were ranked. And I guess it's up to the leadership team to decide whether they may want to make that available in some kind of anonymized form or indeed ask candidates for approval if the council believes that they want to see that evaluation.

But that evaluation sheet probably should give you some good insight as to, again which criteria the different candidates are ranked and of course, their comment or feedback I'm sure the leadership will be happy to take that on board. But that is basically that is how it's done the last time around.

Susan Kawaguchi: Okay, well thank you for the additional information.

James Bladel: Thank you, (Marika) and thank you Susan for the questions, good questions. (Heather), you're up next.

Heather Forrest: Thanks (James), very much. Susan made an interesting point. One thing that then begs the question on, if we do go into a (unintelligible) is how that would handle our non-com appointees and particularly we have a non-com appointee. So then to the extent that we're working on how, perhaps (unintelligible) folks out of the running which I don't think was the intention in our earlier discussions when we were designing the role. So that would be something that we need to consider, thanks.

James Bladel: Yeah, thanks (Heather), that's a good point. Something to consider. (Donna).

Donna Austin: Thanks, (James), (Donna Austin). Just a suggestion in relation to Susan's question. It's vaguely connected to the possibility of rotations through the contracted parties have, some non-contracted parties have.

Given that the GNSO leadership, the chair and the two vice-chairs, the two come from the contracted parties' house and the one comes from the non-contracted

parties' house, and given (Mason) also comes from the contracted parties' house, I would be happy to, and I haven't discussed this with my vice-chair, but I would be happy to step aside from the selection process in favor of somebody from the non-contracted parties' house, if that was considered a reasonable thing to do. Thanks.

James Bladel: Thanks, (Donna), and I think that might be one way to approach that to ensure that there is balance. Another approach might be to, you know, and I'm just kind of shooting from the hip here, but to informally include some consideration because of the number of factors that are given.

For example, for, as part of the evaluation of candidates that we simply include balance or community, you know, community origin as one potential, or diversity of community origin as one potential factor considered for the evaluation of candidates. And that would essentially note that, you know, if you're a current GNSO GAC liaison is coming from the contracted party house and you have a number of candidates that are all equally qualified or closely matched, but one of them is a non-contracted party, then you would for the maintenance of that concept or that principal of diversity that you would select the non-contracted candidate. And I think that might be another informal way of addressing this, or we could even modify the process to include that as well.

And I think to (Marika)'s point, and then I'll give Susan the last word, to (Marika)'s point, you know it's also not necessary for, let's say for a registrar to nominate a registrar or a, you know, non-commercial person to nominate a non-commercial person. I think we're just kind of looking for a candidate regardless of who nominates them and regardless of where they come from. I think the goal here is competency and capability. Susan, go ahead.

Susan Kawaguchi: Thanks, (James). Susan Kawaguchi for the record. (Donna), I would urge you not to step aside because I think you are definitely, you know, that was not my point and you're definitely fair in your decision-making, so please don't do that.

But I do think there should be a balance from the community and whether or not we, and I had no intention of leaving out the non-coms, definitely think that's a good pool to draw from too. So if we can just sort of informally agree that there should be a

balance from this community, the GNSO community, then you know I am fine with this, and then we can see down the road how that tracks.

James Bladel: Okay, thank you Susan. I think that's a good approach and if there are no objections from council what I can note here as an action item that we will as part of the review for the anticipated slate of candidates that would seek to replace or succeed (Mason), we will modify or amend the process that's outlined here at this link to include at least some consideration of balance or diversity of the community.

And if there are no objections to that approach we can certainly circulate that language to the list before it's finalized, but I think that's probably a good place to fix it here without necessarily rewriting that process. And I think balance is, you know, balance and diversity are probably the things that we should be incorporating into all of these decisions.

So okay. If there are, looks like (Paul) is about ready to board. Thank you, (Paul), and I don't know if you'd made proxy arrangements, (Paul), as you're getting on your flight. Eighteen minutes left, okay, great, so that's my challenge.

Okay, so if there are no objections that means we can move to a vote on item number six, and if there are no concerns I'd like to once again move to acclamation vote, unless there are any objections. Being none, Glen, would you mind?

Glen de Saint Géry: Certainly, (James). All in favor please say aye.

(Group): Aye.

Glen de Saint Géry: I would just like to note that Marília Maciel has been contacted, but she has some serious connectivity problems, as she is absent and the proxy for Valerie Tan, - Rubens Kühl is also positive.

James Bladel: Sorry. Glen, have we lost (Reubens) as well? Okay, Glen, I'm sorry Glen has the, been cut off from the audio so I'll just go ahead and pick it up from here. Does anyone have any objections? Thank you, and any abstentions? Okay, great, let's consider this motion passed without objections, with no abstentions and I think maybe perhaps one absence depending on when we lost audio.

Okay, if we can move to item number seven, this is the adoption of the GNSO input to the board on the GAC Marrakech communique. And this was prepared, this response was prepared by a sub team that was led by Susan, so thank you to that team and thank you, Susan. And if you don't mind, perhaps you could, hopefully everyone has had a chance to review our response to the communique and offer their feedback to that. And then Susan if you don't mind could you walk us through the motion please?

Susan Kawaguchi: Sure. Can I just read the result clause, or do I need to read the whole thing?

James Bladel: Just the result clause, that's usually the shortcut I take.

Susan Kawaguchi: Yes, me too. Okay, "Resolved, The GNSO council adopts the GNSO review of the Marrakech GAC communique, and requests that the GNSO council chair communicate the GNSO review of the Marrakech GAC communique to the ICANN board. Following the communication to the ICANN board, the GNSO council requests that the GNSO council chair informs the GAC chair as well as the GAC GNSO consultation group of the communication between the GNSO council and the ICANN board."

James Bladel: Thank you, Susan.

Susan Kawaguchi: There were some questions that Mary posed on the list. Mary Wong sort of collated some questions, so I don't know if everybody feels those are resolved or in the draft communique, or our response to the communique.

James Bladel: Susan, do you mind if we call on Mary and ask her to respond?

Susan Kawaguchi: Sure, that'd be great.

James Bladel: Okay, Mary, let me put you on the spot.

Mary Wong: Sure, (James), not much of a spot here, but what you see on screen, the questions that Susan was referring to and as we may have explained previously, these questions and comments that were made by various members of the team that

developed that draft and so the question is whether these questions that the council believes require further discussion prior to voting, are they settled or the questions that don't need to be discussed in approving the document.

James Bladel: Okay, thank you Mary. And for folks who are on the (unintelligible) chat the questions are appearing now on the screen. (Heather)?

Heather Forrest: Thanks very much, (James). I just had two quick questions in regards to the draft, the most recent draft that Glen circulated just prior to the call about (unintelligible). It seemed like there was still an internal comment in that document, I'm just passing through this list here. I wasn't sure if that question, internal comment-looking thing was in that list or if that was something separate that shouldn't have been there, thanks.

James Bladel: Thanks, (Heather). do you mean that there was an open red line or an open comment from the markup, is that what you're referring to?

Heather Forrest: Yeah, I do (James), sorry (Heather) (unintelligible) again and I'm just, I'm trying to (unintelligible). Glen had sent them round a link to the most current (unintelligible) comment. In the first item, let's see. If we scroll down here on the (unintelligible). It's not there, which actually suggests to me that maybe the version that I saw had an internal comment that's since been removed, so that's good (James). Sorry for taking up the time, I just wanted to confirm that.

James Bladel: No apology is necessary, I mean I think it's important we make sure we get these loose ends buttoned up. Next up is (Marika).

Marika Konings: Yeah, this is (Marika). I just want to confirm indeed it's correct. We realize that the version that was yesterday so had a comment in there that didn't belong in there. So just before this call I think actually Mary sent this out, the updated version, which is now off of the screen, which is basically identical to the version that was circulated yesterday minus the comment that didn't belong there.

James Bladel: Okay, thank you (Marika), that makes sense and thanks (Heather) for keeping us honest on that one. And (Donna)?

Donna Austin: Thanks (James), (Donna Austin). I just wanted to go back to the questions that were put up on the screen, because one of those was mine. And it relates to the subsequent procedures, PDP, and also other work that's going on with regard to potential next rounds for new GCLDs. And I just wondered with the, whether the council thinks that it has some kind of role in identifying a time frame or setting a line in the sand to potentially any subsequent rounds.

The reason I ask the question is that I'm aware that there are different paces of work going on at the moment that all kind of point towards subsequent rounds, but you know, some of the concerns that I've heard from, and this is certainly one that's been raised in the registry stakeholder group and the contracted parties have actually raised this as a question with the board in Buenos Aires is that there is an expectation from you know, people beyond this community that new GCLDs will become available at some point, and whether it's something that the council wants to consider about what is the, you know, as the GAC is raised, what is the logical sequencing, and is there a possibility that we can try to draw a line in the sand on, you know, what needs to be done and perhaps, you know, a good time frame in which to do that.

So I know it's potentially controversial to suggest this because we all have different views on it, but I just wondered whether it was something that the council is interested in having a discussion around and seeing if it's something that we could potentially take on as a topic. Thanks, (James).

James Bladel: Okay, thank you (Donna). And just looking here we're specifically on the first three bullet points, and just noting the time. I'm wondering if this is begging for some follow on work here as well and/or something that we can use to continue, you know, just want to reiterate that this is not, this function of replying to the GAC communique or sending a note to the board based on our assessment of policy indications contained within the GAC communique is fairly new, and if we want to put some more structure around that that includes the ability to discuss some more substantive matters, and bubble those up to this response, I think that we can certainly take that on as follow-on work, not only between now and our next call but between the next GAC communique, which I think we can expect some time around the Helsinki meeting.

Okay, so good discussion and then I would like to then, and once again thank you to Susan and to everyone that worked on the drafting team for this document. Can we...

Coordinator: Your call cannot be completed as dialed. Please check the number and dial again.

James Bladel: Hopefully I'm still connected.

Man: Yep, you are.

James Bladel: Okay, great. Let's then move to, let's move then to, back to the motion and if there are no other discussion then we can move to a vote. So Glen, are you back on the line?

Glen de Saint Géry: Yes, I am (James).

James Bladel: Okay, thank you, and if there are no objections could you conduct a vote by acclamation on item, on number seven please.

Glen de Saint Géry: I will do that, (James). Is anyone against this motion? If so, please say so. Hearing no one against, would anyone like to abstain from this motion? Hearing no abstentions, would you please all say aye.

(Group): Aye.

Glen de Saint Géry: Thank you very much, we note that Marilia Maciel is absent, and that Valerie Tan has given her proxy, and the motion passes. (James), thank you very much.

James Bladel: Thank you Glen, and we will work with that to tackle the to-do list that's contained in the second (unintelligible) clause in this motion. Thank you everyone for your help on that. Okay. We have six minutes left in our call, so we're 95% of the way there, but unfortunately we still have about a quarter of our agenda left.

So the first thought here is that, does anyone have any thoughts on, as a means to proceed, I mean I think it's fairly clear that a few of these items towards the bottom of the list will not be anything that we can address in real time on our call, we'll have to take them offline, to the list.

But I think we can move to item number eight, which is the public comments that we're developing for the budget. That's just a discussion, not necessarily a vote or something that we have to approve now. In fact, I think I would propose that the continued editing and final approval of that comment be done on the list. And I think we can say the same to some extent for item number ten, which is continued planning for meeting B.

So just very quickly here, I would ask that councilors, if you have an opportunity to please read the draft comment from the GNSO council on the draft of the fiscal year 2017 operating plan and budget and that if you have any edits, comments, concerns or questions that we get these to the list as quickly as possible.

The comment deadline for this, and I'm kind of looking in various directions here, I think is the 28th of April. Is that correct? Very, 30th of April, okay, sorry about that. The comment deadline is the 30th of April, so we'd like to work backwards from that date and have council approve the draft by at least a day or two ahead of that so that we can get inside of that comment window.

I don't know if we need any further discussion on this item except to outline the next steps. Please take a look at this if you have not already, please submit your comments and let's establish a deadline for one week prior on April 23 to get all comments in so that we can finalize the final draft and get that submitted to the comment period. Getting really bad echo, so, thanks.

Okay. Any other thoughts or statements on item number eight? Okay. Three minutes left. Let's move then to item number nine. I'm sorry, we'll probably skip item number nine and take it to the list. Let's move to item number ten. I know that this topic warrants a lot more than three minutes, and I apologize to (Donna) for cutting them short. You know, sure the time management of this particular meeting. But there is a very healthy exchange on the subject of meeting B on the list. And I know that there's some active work going on as well within the community to help firm up that schedule.

It is something that is new and hasn't been tried before and therefore I think it's creating a lot of conversation. (Donna), if you don't mind, would you may be run it

through the status of our schedule as you see it today, and then maybe what you believe to be the next steps, particularly if we are owed or if we owe any response back to other segments of the community.

Donna Austin: Thanks, (James), I was just trying to put that into the chat. Donna Austin, for the record. So the main big planning is, I wouldn't say it's streamlined at this point in time, but it is happening. I can request a council for topics that they wanted to discuss, similar request went to ALAC, to GAC and the other SO ACs that input has been provided to Tanzie from ICANN staff. I believe she received most recent input from ALAC on Wednesday.

I understand that by Monday, Tanzie will try to populate schedule so that links that I have provided in the chat, is there an outline of what the schedule could potentially look like, that the, there's still a case of trying to do an analysis, the topics that for different SOs and ACs have put forward for discussion, and then identify those that will move forward into the schedule.

Now I will note that a number of the topics that have been raised by both the GAC and ALAC and to be honest they're pretty much duplicated, go in large part towards the subsequent round PDP, so the topics they've identified, they're all topics that have been identified under the subsequent round PDP. So it's likely that, you know, there will be some really good opportunity to have discussions around some of the topics with ALAC, GAC, you know, and other SO ACs in the room, to be valuable.

So we haven't, I've don't have too much more information for you other than we should have a better idea of what the schedule will look like sometime next week. And once we have that we can share that with the group. So that's all I've got for now (James), thanks.

James Bladel: Thanks, (Donna), I appreciate that and I really do appreciate the work that you and (Volker) and others have contributed to trying to hammer out the schedule. We are inventing as we go, and it is a bit of a moving target and certainly we're all in your debt for taking that on.

So appreciate the status and the update, I note that we at the top of the hour. But does anyone have any thoughts or feedback for (Donna)? Otherwise we can

continue to discuss what's on the list. I think we're getting closer to at least, you know, some shared expectations for what's going to happen for meeting B, but I think to some extent much like, you know, some of the other things that we take on at the council we're going to have to have some faith that we can accommodate and adapt as we get closer.

Okay. The queue is clear, the time is now 6:02 here. (Paul) is probably getting ready to get in the air. So I note that we have a number of follow-on items resulting from today's call, specifically agenda items number one through eight, and agenda item number ten. Agenda items nine, 11 and AOB were deferred. We will move those to the list as much as possible, and continue to work on them in between now and the next call.

Our next call is twelfth of May, and you'll be seeing some reminders going out for that. That means the document cutoff is May 2, so be mindful of that deadline as well. I thank everyone for their time and their work, and the work that lies ahead. And with that, if there are no objections we can close the call. Thanks, everyone.

Woman: Thanks, (James).

Man: Thank you all.

Man: Thanks, (James), bye bye.

END