

**Transcript GNSO Council Teleconference
14 March 2013 at 15:00 UTC**

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on page :

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

The Adobe Chat transcript is also posted on this page and can be directly viewed at:

<http://gnso.icann.org/en/meetings/chat-transcript-council-14mar13-en.pdf>

List of attendees: NCA – Non Voting – Jennifer Wolfe

Contracted Parties House

Registrar Stakeholder Group: Mason Cole, Yoav Keren, Volker Greimann

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

Nominating Committee Appointee (NCA): Thomas Rickert

Non-Contracted Parties House

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

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

Nominating Committee Appointee (NCA): Lanre Ajayi

GNSO Council Liaisons/Observers:

Alan Greenberg – ALAC Liaison, absent apologies

Han Chuan Lee– ccNSO Observer

ICANN Staff

Fadi Chehadé – President & CEO

Akram Atallah - Chief Operating Officer

Cyrus Namazi - Vice President, DNS Industry Engagement

Marika Konings - Senior Policy Director

Julie Hedlund – Policy Director

Barbara Roseman – Policy Director

Berry Cobb – Policy consultant

Brian Peck – Policy Director

Carlos Reyes – Policy Analyst

Lars Hoffmann – Policy Analyst

Glen de Saint Géry - GNSO Secretariat

Alexander Kulik - Systems Engineer

Margie Milam - Senior Policy Counselor - Apologies
David Olive - VP Policy Development - Apologies
Rob Hoggarth - Senior Policy Director - Apologies

Coordinator: This afternoon's conference call is now being recorded.

Glen de Saint Géry: Thank you very much. Would you like me to do a roll call for you,
Jonathan?

Jonathan Robinson: Yes please, Glen, let's go ahead. Hello and welcome to the Council
- GNSO Council call on Thursday, the 14th of March. Glen, please
proceed to it right away.

Glen de Saint Géry: Thank you. Good morning, good afternoon, good evening
everyone. On the call we have Jeff Neuman.

Jeff Neuman: Present.

Glen de Saint Géry: Ching Chiao.

Ching Chiao: Present.

Glen de Saint Géry: Jonathan Robinson.

Jonathan Robinson: Present.

Glen de Saint Géry: Mason Cole.

Mason Cole: Here.

Glen de Saint Géry: Yoav Keren.

Yoav Keren: Present.

Glen de Saint Géry: Volker Greimann.

Volker Greimann: Present.

Glen de Saint Géry: Thomas Rickert will be joined in a few minutes. Zahid Jamil.

Zahid Jamil: Present.

Glen de Saint Géry: Zahid might be - thank you, Zahid. John Berard.

John Berard: I am here.

Glen de Saint Géry: Brian Winterfeldt. Brian's not yet on. Petter Rindforth.

Petter Rindforth: Present.

Glen de Saint Géry: Osvaldo Novoa. Osvaldo might be on mute but he's on the call.
Wolf-Ulrich Knoben.

Wolf-Ulrich Knoben: I'm here.

Glen de Saint Géry: Maria Farrell.

Maria Farrell: I'm present.

Glen de Saint Géry: Wendy Seltzer.

Wendy Seltzer: Here.

Glen de Saint Géry: David Cake is not yet on the call. Magaly Pazello. Not yet on the call. Joy Liddicoat.

Joy Liddicoat: Present.

Glen de Saint Géry: Wolfgang Kleinwachter. Not yet on the call. Brian Winterfeldt has just joined us. Brian?

Brian Winterfeldt: Present.

Glen de Saint Géry: Lanre Ajayi.

Lanre Ajayi: Present.

Glen de Saint Géry: David Cake.

David Cake: Present.

Glen de Saint Géry: Jennifer Wolfe.

Jennifer Wolfe: Yes, present.

Glen de Saint Géry: We have apologies from Alan Greenberg, the ALAC liaison. Han Chuan Lee.

Han Chuan Lee: Present.

Glen de Saint Géry: Thank you. And for staff we have our CEO Fadi Chehadé, Akram Atallah, Cyrus Namazi, Marika Konings, Julie Hedlund, Barbara Roseman, Brian Peck, Berry Cobb, Lars Hoffman, Carlos Reyes and I think we have David Olive and Rob Hogarth on the line too. Is that so? Otherwise they're not on yet.

Thank you, Jonathan. Have I left anybody off?

Thomas Rickert: This is Thomas Rickert, I just joined.

Glen de Saint Géry: Thank you very much, Thomas. And may I just ask people to say their name or remind you to say your name before your speak for transcription purposes. Thank you very much and it's over to you, Jonathan.

Jonathan Robinson: Hi everyone. Just as a moment's preamble well I'd first like to welcome all the councilors to the call and a special welcome to the senior members of ICANN staff who have joined us today.

The reason for Fadi and Akram joining us and Cyrus, as I understand it, is because we planned to have an update and discussion on the latest developments on the Registries Agreement - the RAA.

And for that reason we - when we come to discussing the agenda in a moment I will propose to you all that we bring that item right up to the beginning of the agenda so we deal with that because in the light of a number of reasons but I am aware that I believe Fadi has a very limited time. And so I would all of us to benefit from his presence on the call and vice versa for him to be able to participate as appropriate.

So first of all Item 1.2 is a statement of interest update, an opportunity for anyone to provide an update to statements of interest. You would have seen electronically from me an update and that is now published. I won't go through the details of that but I'm happy to take any questions on that. And also to solicit any input from any other councilors if there are any other updates to statements of interest.

Right, moving on to 1.4, we'll note the status of the minutes of the Council meeting from the previous meeting from the 14th of February. And those were approved as of the 1st of March.

I'm conscious of time but I've customarily began with a few opening remarks and I think I'll just make a couple here. I haven't put up a slide this time but really just to remind councilors that our recent work has been a little thin on motions but we have done some very good work and had substantive discussion and good collaboration on responding to requests for advice.

Of course that puts us - puts before us some challenges because we are not necessarily structured to deal with that kind of thing. And I think it's something which we'll have on our agenda in the not-too-distant-future as to how we deal with this kind of thing on an ongoing basis. And it touches on the whole issue of policy versus implementation.

Really a substantive focus of this meeting is recognizing that we're on the road to Beijing. I think historically we've kept most of our prep work on email and I thought this would be an opportunity to take this actual meeting for us to review plans and for councilors to have an opportunity to comment and give direct oral input on the agenda and to

hopefully ensure your buy-in in the agenda itself and effective participation in Beijing.

We've made good progress I think on some of our work and effective working with other groups. I mean, I've done some outreach work with the GAC, the ccNSO, the Board. And, indeed, as you know we've done some other - some work through the Council leadership working with staff.

So I think there's real potential for a fresh approach in one or more of these areas and that's very encouraging to me and I think should be encouraging to us as a Council.

And really I think a major challenge for us of one of various challenges is to continue to be responsive, collaborative and effective but while still very - being very mindful of the multistakeholder model and all that that entails and that sort of - the careful deliberative processes that are involved in a multistakeholder model.

And that means that certain things can't be taken too fast much as we would like them to go faster at times. And I think that's a real challenge again for us as a Council.

So those are my couple of remarks. And before we move on I wanted to just make the point about the agenda and say that I think we will bring forward with your - unless there are any objections - this item that we had under AOB, which is the proposal we had to get an update on the - and have a discussion on the recent changes to the Registry and Registrar Agreements.

And I'm hoping that I'll get a good input on that from Jeff and Volker. And as I said the senior members of staff want to contribute to that as well.

So the final administrative item we need to go through before moving on to that is just to touch on the projects list and the action list. We've done well on the action list as we've been able to tick off a number of items and I'd encourage you to look at that and keep a close eye on it.

But we have in the interim sent our response to Fadi on the trademark clearinghouse and Strawman proposals. We've deal with the Board request for advice on second level protections and finally closed that off. And we have also provided a response to the Board request for advice on closed generics.

We closed off a couple of other items. One of them is this - the action item for the (unintelligible) meeting and I'm very keen that we keep a track on that for any matters arising. So, Marika and Glen, I would like to keep that item on the agenda and see if we can't pull out any matters arising from that although the Council has seen the action items we should look for matters arising from it and make sure that doesn't disappear off our list.

A couple of open item still, one is appointing a GNSO Council liaison to the IRTP Working Group. We did call for a volunteer. Haven't had much luck with that. I don't know if anyone has since thought about that but it's something which we will need to put in place.

Just pause for a moment to see if I've got a hand come up on that. Seeing none we'll have to pursue that and come up with some other ideas because we will need to appoint a liaison to that group.

And then on the policy versus implementation issue we will - we - the Council has not responded to the public comment period. I think we did have some volunteers participate in some of the - at least volunteer for the organization of the meeting in Beijing. And we will be discussing that a little more in the substantive item under the agenda.

Jeff, thanks. I see your point. If you can keep that as a note for AOB, we will come back to that. I see your point in the chat.

And then, Marika, under this item if I could ask you to just highlight under the Projects List any substantive or significant updates before we move into our agenda proper.

Marika Konings: This is Marika. I'm just pulling up the Project List in Adobe Connect. Basically no real major changes. The main change we made is actually remove some of the items that have recently completed and noted some that will be removed in the next version per the Council's decision during the last meeting.

So all the other updates are just status updates on each of the projects which all seem to be going on track or as planned at least. So I don't think there's anything else of special interest to report but happy to take any questions if people have questions or concerns about the Project List.

Jonathan Robinson: Just pause a moment for any questions or comments on either the Summary Action List we've been running for the last couple of meetings and/or the more substantive Projects List.

All right seeing no - oh I've got Jeff, I've got your hand up. Yes, please.

Jeff Neuman: Yeah, sorry. I'm just - I guess maybe this refers to the AOB as well. But there's an action item on defensive registrations is that as in other GNSO activity? What is the status with that? Or is that something that's just waiting in kind of a wait and see mode right now?

Jonathan Robinson: That's a very good point, Jeff. It was - it was something which I - as I understand it - well we will come back but as I understand it we found it - it was sort of, in a sense, bound up within the whole Strawman issue. And until we had dealt with our response to the Strawman it was somewhat difficult to come back to that.

There is arguably an outstanding item on what - whether the Council would like to initiate any policy work or related activity relating to defensive registrations. You'll be aware that there was a public comment period at some point relating to - and I put this in quotes - defensive registrations at the top level.

In my opinion the use of the word 'defensive' partly caused a problem here because the concept of a defensive registration at the top level doesn't exist but the public comments solicited input on defensive registrations and you will know that that gave rise to many comments on defensive registrations at the second level.

Nevertheless it showed that there was significant interest in this topic. And so that remains in fact an open item and that's where that exists. So I think it's really bouncing around in the background. And there was a request I believe from the board as to whether the Council wanted to do anything on this.

So it's something which we haven't ever put to bed but we're sufficiently close to the work on the Strawman that we felt at the time we should deal with our response to the Strawman and then decide whether or not to go further. Does that answer your question?

Jeff Neuman: Yeah, well I think it does. I think when we talk about this under AOB we might get more into it but thanks.

Jonathan Robinson: All right well let's come back to that then if it's not. And I wouldn't mind any other comment or guidance on so that would be great to hear more about that.

I think given the potential time constraints and the attendance of senior staff I would like your - the Council's indulgence to bring the matter up from AOB. And, Jeff, I wonder if you and Volker are prepared to make some scene-setting remarks on this because since it was, I believe, the two of you who brought this on to the Council's agenda.

And then we can open it up to discussion and, well, input I think from Fadi and/or Akram since they're on the call as well. How would you like to take this, Jeff?

Jeff Neuman: Yeah, I mean, I can start. I can just go - I don't have that much but I think it would be good to get to hear from Volker. So I can just start it

out. We can go to Volker and then see if - what kind of questions come up as a result of it.

Jonathan Robinson: Yeah, that's great. Thank you.

Jeff Neuman: Okay so, yeah, I raised this topic about I guess the day after the amendments to the RAA came out. I do think that it would good - because I just actually went back to the RAA page right now or the public comment page and there's actually more information today on that page than the last time I looked at that, which is a good thing.

I think it might be helpful. I'll ask ICANN staff if you could just let people know that the page has been updated because now I see that the - there's a reference to the Registrar statement, there's also I think - and you guys can correct me if I'm wrong - I think there's some more redlines on the page that I think then were there on - at least the last time I looked at it which may have been a day or two after it was posted.

So for example there's a redline now that I didn't notice the last time which was a redline of the proposed RAA, the 2013 to the 2009 version. Because I think that's a real helpful redline to know and see how far the - both ICANN and the Registrars have come in the negotiations even though it's been, you know, it seems like it's taken a very long time to a lot of people.

If you look at the amount of changes that are in there I think it really represents a good faith negotiation between ICANN and the Registrars. And I think there's been a lot of progress that's been made. And so I think that's a real helpful (comment) for people to see.

But the basic reason I wanted this on the Council agenda was because I think that with some of the provisions that have been added to the Registrar Agreement as well as the Registry - new gTLD Registry Agreement I do believe - and I know there's others in the community - that it could have a - I think a fairly significant effect or impact on the policymaking function that we as a GNSO community...

((Crosstalk))

Volker Greimann: ...and I was able to call in so I'm now already in the call. Thank you very much. Thank you.

Man: Thank you.

Jeff Neuman: Sorry. So - I didn't know if that was someone asking me a question. So I do think there are some implications there. In there, you know, the same issues that we were - that we brought up if you were on the Registry community call last week, you know, there's an amendment provision in the new Registrar Accreditation Agreement that is essentially a similar type of unilateral right to amend that's in the Registry agreement.

There's also the same type of - I think the expert group Whois recommendation that is the same as in the Registry Agreement where it's presumed to be adopted after a public comment period as opposed to what we would normally think of as having to go through the PDP process.

So with that kind of introduction - and I have some more comments but I really think it's a good idea if we hear from Volker on his comments on the Registrar Agreement and of course ICANN staff and the views of the Council. But I do feel like this - some of the provisions in here and the Registry Agreements do have a significant impact on the multistakeholder model and the policy development function we as a GNSO community perform.

Jonathan Robinson: Thanks, Jeff. And I appreciate you setting it up in that context because I think that's critical as to why you wanted it raised and discussed at a Council level because of the perceived impact on the way in which we do our business. So, yes, let's hear from you please, Volker.

Volker Greimann: Yes, thank you, Jonathan. Thank you, Jeff. As Jeff has already said there's a huge mass of documentation that has been now published for public comment. And I think the essential parts are somewhere buried in with - buried within there.

I think we have made with - together with ICANN staff excellent progress on the matters that have been put before us. I think we have found workable solutions for nearly everything that was asked of us to put into the agreement.

And the main areas of contentions are now issues that weren't really something that was part of the agreement when we started out negotiating it. That was also one of the things that caused these negotiations to drag on as long as they did.

There was a moving goal post and sometimes we weren't - neither of the parties were sure what was meant by some of the requests. But that led aside I think we've made some excellent progress.

Most recently in February when Fadi himself joined the negotiations and took a more active role. And we've made some breakthroughs in the first few meetings after having not met for nearly three months. And I think we were very close to a negotiated agreement however in February new issues - new parts, new requests were put before us.

And we weren't really able to discuss these yet so we're not really happy with the way that we as - speaking as Registrars - happy that some of the issues have been posted publicly before they - we even had a chance to talk about them.

One of those is, for example, the privacy proxy spec where we had no discussions in detail whatsoever on those since the spec was published in February by ICANN.

But the most critical issue - and I agree with Jeff on that - buried within the agreement is the effective replacement of the bottom-up process with a top-down policymaking process which is proposed by ICANN with their unilateral right to amend.

I mean, it is - the language states that there needs to be substantial and compelling need but let's be honest, that's something that - anything can be put under. And as Registrars we don't think that an agreement that can be modified at a moment's notice is something that we want to live with. And I think the Registries agree with us.

Yes, I think that's the main framework that I wanted to raise about that. And I would like to urge all councilors to read through the proposed amendment and to use the comment period to comment on that because no comments means agreement and that's something that might be problematic especially with changes that ICANN might face with the new provisions that are in there.

Jonathan Robinson: Thanks, Volker, for setting the scene like that and also for the positive introduction to the progress that's been made and also highlighting quite clearly where the concerns are.

I see I've got Wendy's hand up and I'd like to invite Wendy to speak. I'm also very conscious that we need to hear from, should they like to take the opportunity, Fadi and/or Akram and/or Cyrus.

So, Wendy, let's hear from you and then I'd like to open the opportunity to ICANN senior staff to contribute should they wish to. Wendy.

Wendy Seltzer: Thanks. Wendy Seltzer speaking from the Non Commercial Stakeholder Group to add our support to the Registrars and Registries in that we think it's problematic to replace the bottom-up process by a top-down opportunity to change the contract by the Board.

And we've been - I think that other pieces of the Registrar Accreditation Agreement being changed at the last moment after negotiations are also problematic and support what Jeff and Volker have said already.

Jonathan Robinson: Thanks. I've got quite a queue forming. I'm - would like to encourage you to keep your hands up and just let me give the

opportunity for either Fadi and/or Akram to comment or make any input at this stage.

Akram Atallah: Hi, Jonathan. This is Akram. Thank you for the opportunity to address the GNSO Council. I want to apologize on behalf of Fadi; he actually was on a plane and he had only 30 minutes of his plane to call - 3:30 I think. So he couldn't be here for responding and addressing the Council.

I want to actually make sure that everybody understands that we appreciate the Registrars' negotiating team's effort and we think that we've made great progress on the negotiation.

I understand the issues that are being raised. We believe that they are real concerns otherwise we wouldn't have put them on the table. Some of the process issues that have been mentioned it's important to understand also that we have a - we had a new CEO who came in and wanted to understand what's going on in the RAA.

That actually delayed the negotiation a little bit around the Christmas period. And we had some additional work that was going on at the time which delayed the negotiation. But I think that with the help of the Registrar negotiating team we were able to close the gap quickly and come back to a RAA that is very strong.

I think it sets the industry at a much better place especially for registrant's rights and for best behavior on the behalf of the Registrars. So I think it's all positive. We had a few issues that we believe need to be addressed. We understand that some of these issues are viewed as untenable at this point. But this is what negotiation is all about.

We are looking to solve a few problems and we hope that we can continue to do the negotiation. And that was our agreement with the Registrars when we decided to go and (unintelligible). We have some timelines that we need to meet. And we felt like - that the main issues we have not made much progress on. And we felt like public comments would help both parties bridge the gap and come to the negotiation table.

In the meantime we acknowledged and we've talked to the Registrars before we posted that we would continue to talk to them, make sure that we leave no stone unturned in order to bridge the gap. And we have reached out already to ask for another session where we can sit down and see which issues haven't been discussed that we could continue to discuss and try to get closure on.

So this is all in the spirit of making something work because we believe this is a partnership. And in order for this RAA to succeed we have to make - to put in a contract that works for everybody. And so this is in no way a way to actually try to force the hand of the Registrars.

We don't believe that a contract that is contentious is a way to work. We will spend more time, you know, arguing and then fighting even after the contracts are signed that doesn't actually make sense to do something like that. So we're not trying to do anything that is not workable for all parties.

We are still willing to listen and willing to move on the negotiation. But we need to put the real issues on the table and try to find solutions for

them. It's important for everyone to know that we're not intending to change the multistakeholder model and the bottoms-up process.

The amendment clause is actually intended to be last resort for when there is agreement that something needs to be done but there is a - how say - log jam within the processes that we have that won't allow it to move forward.

So it's not the intention that the Board should be able to come in and change everything. And if there is language to make it - to change in the agreement to make it more along the way - along the lines of what we're saying is that it's only for a log jam in order to get a deterministic process that doesn't make us look as (unintelligible) community as an irrespective community trying to regulate itself .

So we want to make sure that if there is a log jam there is a way to fix it. And right now we don't have a solution for that. So this is really the intention of this call. It doesn't allow the Board to come in from out of the blue and decide on something; it is actually only after the processes have taken place that and - that there is a log jam that they can come in and only if there is a compelling reason for them to come in and do this.

And even after this thing happens and they actually make a ruling or decide on an action the Registrars have the right to contest that, contest the compelling reason and take it to arbitration.

So it is a last resort issue, not a way of doing business. And I hope that everybody understands that. And if there is a better way to do it we are

listening and we want to find a solution that is more in the spirit of the bottoms up process.

So I hope this addresses the few issues that everybody has mentioned. And if there are any questions I would, you know, be more than happy to try to and address them. Thank you.

Jonathan Robinson: Thanks, Akram. Really appreciate your contribution on coming on this call and talking us through your thinking and perspective on this.

I see we have a pretty full lineup of questions headed up by Thomas Rickert followed by Volker, Wolf-Ulrich, Jeff Neuman, Wendy, Joy and Yoav. So let's kick off with you, Thomas. And given the length of the queue and the - giving everyone an opportunity to talk if you could keep your remarks as tight as possible. Thanks, Thomas.

Thomas Rickert: Thank you very much, Jonathan. It was with great sympathy that I read Fadi's announcement that he wants to increase the number of accredited registrars in Africa. In order to simulate business and the creation of new companies what is needed is an environment of certainty and predictability.

With the unilateral change clause in the RAA agreement I see that in danger. So I think ICANN should not engage in whatever activity that gives the signal to the outside world that in certain cases ICANN can unilaterally change the games of the rule and actually make - change the business environment.

I think that those providing seed funding to new registrars will very closely look at the contractual parameters and everything that creates uncertainty might scare them away.

And by the way, we do already have, in the RAA, the possibility to change the contract against the will of the registrar and that's known in the trade as the picket fence.

And what is in the picket fence and where changes can be made there is a full PDP required. And I am very reluctant to believe that it's a good thing to add additional criteria where a contract can be unilaterally changed without full community consultation in the framework of a PDP.

Also a word of caution with respect the latest language in the Registry Agreement whereby only those Registrars that have signed the RAA 2013 can be used to offer new domain names. I think that puts all the good Registrars under suspicion of not doing their business properly. And I think that's a very dangerous sign to give to the outside world that only those who are signing the RAA 2013 are offering a good business and providing good business - good services to their customers.

Thank you very much.

Jonathan Robinson: Thanks, Thomas. We hear from you, Volker.

Volker Greimann: Thank you, Jonathan. First of all I would like to agree with Thomas. Indeed we have the PDP as the basic policymaking tool which should not make this proposal necessary, in my view.

We also have offered to ICANN - proposed to ICANN something that is already as agreed or nearly agreed to the agreement which is an amendment process where ICANN and the Registrars can unilaterally amend the agreement which would be a very great advantage for ICANN and the Registrars because then new changes to the RAA would not become effective when the Registrar signs the next version of the RAA but immediately when Registrars and ICANN agree to amend the current agreement.

That's something that Registrars looked for a long time to make a level playing field and eliminate loopholes where some Registrars could operate under the old RAA and therefore undermine the intent of these agreements.

Further the current proposal had already been proposed once by ICANN. It has been soundly rejected by the community then; it has been soundly rejected by the Board then. I agree that maybe the person that convinced the Board was - might have been - might have had a different than that.

But the argument as it stands that as a lawyer one cannot advise your clients to sign an agreement with such a clause stands regardless of the person who has made it. As Registrars we proposed the amendment process as an alternative.

As a solution we have indicated to ICANN that we would be willing to agree to what the Registrars originally - the new (Registries) originally had in the agreement as an amendment process which would have been perfectly acceptable to us.

So as Registrars the new proposal by ICANN is not really seen as a compromise. I don't think that allowing the Board to take the role of the GNSO in policymaking is a good idea for us to go - good role for us to go down with ICANN because it effectively would eliminate the multistakeholder process or could at least do so.

Jonathan Robinson: Thank you, Volker. I'm going to follow this queue up until Yoav and then I would like to, myself, put (unintelligible) back in the queue because I see that - I don't think Akram is available to put - is able to put his hand up. So, Akram, there's a placeholder for you there should you wish to, you know, come back on any of these items.

In the meantime let's hear from Wolf then Jeff, Wendy, Joy and Yoav. So, Wolf-Ulrich, please.

Wolf-Ulrich Knoblen: Thank you, Jonathan. Well, I will be brief. So I'm not representing a Registrar and I'm not a lawyer. What I would like to say is I'm not in the details of this RAA. But as a person here, and a member of this Council, I feel a little bit confused, so I feel it's strange, well, to see that such a clause is in a contract which is then, for me, an unbalancing item - element to a (contract).

Anyway so that's a general statement I will give. And I would really ask for - to find a different solution for that. And I've heard from Akram that the door is still open that they're searching for some way, well, to think about and as the discussion is still ongoing on that.

The question to me in this context shows only what does it mean in terms of timescale because I was also hearing that this - all this stuff is

very much under pressure with regard to the new gTLD program so that's a question which I have. Thank you.

Jonathan Robinson: Thank you, Wolf. Jeff.

Jeff Neuman: Yes. Thanks, Jonathan. And thanks, Akram, for your explanation. And you and I have talked about some of these things so this is just nothing you haven't heard before.

But you said in your statement that, you know, this is only to be used when there's an agreement that something needs to be done but there's a log jam in the process. I guess my first question on that is - or my question on that statement is, it's agreement by whom? Right?

Who is - who are the parties that agree that something needs to be done? And there seems to be an assumption that any time there's a log jam in the GNSO it's, you know, there's an agreement to do something.

Part of an acceptable outcome of the GNSO may be that nothing should be done despite the fact that one group may want something to be done desperately. I mean, it should be an acceptable outcome of the PDP process that nothing is done. Especially when there's not an agreement that something should be done.

So my concern is that that statement is meant to mean when the Board agrees amongst itself that something needs to be done but there's a log jam then the Board should be able to take action. And I think to me that signifies top down decision making as opposed to a bottom-up multistakeholder process.

The second thing you said was that - well, I mean, you've said a number - the second thing I want to bring up is that you said it's only after all of the processes have taken place and only if there's a compelling reason to act.

And I guess one of my questions on that is, you know, that's - we've seen too many things from the Board in the Registry process and the Registrars where there's never been any kind of compelling reason that's been expressed by the Board for making those changes. They just do.

And, you know, where was the compelling reason to get this particular provision into the Registrar Agreements or the Registry Agreements? This was not a request by law enforcement. This was not a request by the government.

This was not - this unilateral right to amend was not ever brought up as any kind of request by any group within the GNSO or within the law enforcement community or the governments to add to the agreement. And, you know, it may have seemed like a good idea to the Board and the staff but to me that's not a compelling reason.

And then the last thing is that you said this is only for a last resort. And the problem is with this community anybody that doesn't get what they want will always invoke the last resort. And I'm sorry if this offends people even on the Council. But we have a history here of those that feel like if they can't get what they want out of the GNSO they go straight to the Board .

And if they can't get an immediate reaction from the Board they go straight to the GAC to go to the Board. This is a group where historically everyone tries to use the last resort. And then it turns out that the quote, last resort, is never really the last resort.

And so I think that it's a very dangerous precedent. It's not anything in line with, you know, business principles. I mean, as Wolf said, he's not looking at it from a lawyer standpoint, he's not looking at it from a Registry or Registrar but he's looking at it from a business standpoint and there is no business that would ever agree.

There are very few businesses, by the way that would ever agree to a consensus policy process. But if you look at the likes of the new Registries coming in between Amazon and Google and Intel and Cisco and Dell and Microsoft and Apple and Nike and, you know, you name it, none of these companies will ever or could ever agree to a unilateral right to amend.

And, you know, it's just not a reasonable proposition. If there are problems with the policy development process then you should be working on it through the policy development process but not through a Registrar Accreditation Agreement or a Registry Agreement especially with the Registries after you collected \$350 million and you're basically holding them hostage until they can actually get their Registries launched.

And especially with a Registrar Agreement because of a provision you've added in the Registry Agreement which basically says that new Registries are only allowed to use Registrars that sign the 2013 agreement.

So between all of that it seems like, you know, I'll just say it - it seems like Registrars and Registries are being coerced, blackmailed, whatever you want to say, into signing these new agreements with these clauses that are not commercially reasonable. Thanks.

Jonathan Robinson: Thanks, Jeff. Your strength of view is clear. Wendy.

Wendy Seltzer: Thanks. I think agreeing with what's been said, it's inappropriate for policy that affects all of the groups represented in Council to be set in bilateral negotiations where even one of the negotiating parties it's saying not being heard effectively.

In a multistakeholder model policy needs to reflect the participation and representation of the stakeholders. And you've heard from at least three of the four sets of stakeholders represented in Council and I believe even from all four of them that this contract negotiation and particularly the provisions for unilateral amendment do not reflect the interests of all of the stakeholders.

I have additional pieces of the substance that I find problematic in this latest round. I think the proxy privacy provisions are pieces that have been brought up before and rejected in policy discussions.

The Registrants Rights and Responsibilities document while claiming to reflect registrants' rights is a pretty poor substitute for any sort of rights that the registrant and user actually has.

And abrogation of the biggest sense really disturbs the opportunity for the community to set ICANN policy by giving the (unintelligible) that Jeff and Volker mentioned is often abused.

The - limiting the opportunities for the Board to get involved in decisions is actually protecting the Board from the kind of lobbying that we otherwise see. Curtailing their power is actually protecting their ability to oversee the interests of all of the stakeholders.

Jonathan Robinson: Thank you, Wendy and particularly for that last remark which I think is unique to the discussion we've had so far. I'm conscious that we have a queue of three more people. We are hearing some pretty coherent and unified positions. So unless - we should hear the three in the queue. We should give Akram and/or any other member of staff an opportunity to provide some final input. And I think at that point in the interest of the time and the progress of the meeting we should draw this out into a close.

So I've got in the queue Joy, Yoav and Lanre. And then we'll close that queue, give an opportunity to staff to make any final remarks they would like and I think we've heard a pretty coherent and complete position from councilors at this stage. So, Joy, please go ahead.

Joy Liddicoat: Thank you, Jonathan. Two things to add to the discussion. Firstly in relation to the picket fence, and thanks to Thomas for raising this, this has also been a concern that we've discussed in the Non Commercial Stakeholder Group particularly I think because the more pickets that are removed from the fence the more difficult, if not problematic, it becomes for us to defend the multistakeholder bottom-up model in other forums related to Internet governance where ICANN's

performance and conduct is under scrutiny and, indeed, our engagement in the ICANN policy processes is challenged for its robustness and credibility.

And I think that's extremely disappointing, Akram. I'm sorry that Fadi was not able to stay on the call. But I think to be completely honest I've heard no real explanation of the rationale for any of the changes proposed in the Registrar - in the RAA agreement in the discussion that you've given us.

And I understand that you've talked about the spirit of the conversation and being open to more discussion. But frankly sort of this kind of method of negotiation I think doesn't really behoove, you know, a body such as the GNSO Council.

And I'd really like to hear some practical actual examples based on, you know, ICANN experience and our Registries and Registrars' conduct where - that would justify the need for, in particular, this unilateral change provision. Thanks very much.

Jonathan Robinson: Thanks, Joy. I've got Yoav next.

Yoav Keren: Yeah, so many of the things I wanted to say were already said by others. I do want to talk about a point that I can understand where ICANN is coming from. The criticism on ICANN, on the time thing (unintelligible) take and the processes, the long processes are there for many years.

I'll be frank, I was one of those criticizing in the same way. I joined this Council - one of the reasons was to try and make a difference. And this is a thing that I can understand.

Akram Atallah: Hello?

Jonathan Robinson: Yoav?

Yoav Keren: Sorry, yeah, can you hear me?

Jonathan Robinson: Yeah.

Yoav Keren: Yeah, okay sorry. I had a disturbance here. And so I can understand the point where this is coming from. I think this is the worst solution. This is not - this is not acceptable for businesses, as Jeff pointed - and others pointed. This is not something that Registrars can live with. I don't think Registries can live with this kind of unilateral changes.

I think that we need to make things better. We need to make things work maybe faster in the policymaking process. I have ideas. I know others have ideas. I think the Council needs to have more power. I think the Council needs to be more as a party that gives its advises, I actually like that, then only monitoring the processes.

But getting to a solution that will create a very, very unpredictable business environment is very dangerous. And in the long run I think it will be a bad thing for ICANN. So I hope this whole thing will be taken off the table. Thanks.

Jonathan Robinson: Thanks, Yoav, and in particular for your remarks about the role of the Council and all this. I think there's a couple of things, I mean, Jeff made it - and others have made it clear - Jeff in raising the item, others have supported it. The role of the Council in the multi - and the multistakeholder approach as a whole needs to be carefully monitored through all of this.

We are cognizant - I think all of us - that we will need to respond rapidly at times and there may be an evolving role for how the Council deals with that but that's a subject for another day.

I've got Lanre and I will have called the queue to a halt at the end of Lanre but I see Brian has joined. And since we haven't heard from the IPC I think we have heard from almost - we have heard from all other groups or constituencies within the Council so I think let's hear from Lanre and then Brian and then call it to a halt at that point. So, Lanre and then Brian and that really has to be the end of the queue. Thank you.

Lanre Ajayi: Thank you, Jonathan. Not many people will jump at signing a document that will be unilateral (unintelligible) by one of the parties. I don't really think it is appropriate to give power to any of the parties to be able to change an agreement (unintelligible).

At the same time I think (unintelligible) given by Akram on the need to have flexibility when they are (unintelligible) to make some changes. But (unintelligible) how do we define (unintelligible). So it's a big challenge. And I guess that could be a (unintelligible).

A solution that actually comes to my mind is I think that the possibility (unintelligible) of the agreement such that when the need to change the agreement it can be (unintelligible) for the next agreement so that that changes can be incorporated in the next agreement.

That's what comes to my mind. That maybe truly a need to change the agreement, there may be compelling reasons that the division of the argument is not (unintelligible) for the next time when we are making the new agreement. That is solution that came to my mind. Thank you.

Jonathan Robinson: Thanks, Lanre and for that unique input. Brian.

Brian Winterfeldt: Yeah, thank you, Jonathan. I'm not necessarily giving a formal IPC statement because we did not file public comments. But I did want to support what Jeff said about the unilateral right to amend being a huge issue. I did file comments on behalf of many of my clients and I read many, many public comments, in fact I didn't see any public comments where anyone was supporting the unilateral right to amend.

And so that is, I think, very concerning to us and we do, you know, agree with Jeff and other people on the Council call who have stated a concern in particular about that provision.

Jonathan Robinson: Thanks, Brian. Appreciate your contribution even if it isn't formal...

((Crosstalk))

Jonathan Robinson: All right I think, as I said, I would bring that queue to a close. Yoav, your hand is still up from previously if you could lower that please. And then I think we should finally give a last word to staff if they would like

to having heard the input of - in the round of the Council. Akram, or anyone else from staff, would you like to make any additional or closing remarks?

Akram Atallah: Thank you, Jonathan. I just want to thank the Council members for participating and actually voicing their opinion. We appreciate that. I want to make sure that we are not here to negotiate this. And I don't think it's appropriate forum to negotiate this or take your time in negotiation.

But it is very important for us to advocate why we're trying to do things this way. And maybe - maybe you are correct that this is not the right solution. We are looking for negotiation to lead us into the right solution.

But as I mentioned earlier our intention is to find mechanisms that solves the problems that work for everybody and that definitely do not circumvent the bottoms-up stakeholder model. So we look forward to continue talking to the Registries and the Registrars, finding a solution to all of these issues.

And some of the comments that, you know, mentioned that we're trying to coerce the Registries and Registrars, as far from the truth, I mean, at least from the intent perspective. I think that the request for Registries to work with only Registrars that signed the 2013 RAA where it came from is really that we want to have a level playing field.

We wanted to provide an incentive for everybody to sign the 2013 RAA and not have people that are still on the 2001 RAA like there is today and some on the 2009 RAA. It creates higher burden to the Registrars

that sign up to the new RAA versus ones that stay on the old RAA. And it's not fair and it doesn't make for a level playing field basically. So that was where it came from.

And if we can actually all, you know, agree that on the intentions I think it is a lot - there are a lot more smart people that could come up with more solutions that work within the multistakeholder model I'm hoping for actually that to happen. And then we can all agree on that.

But first let's agree that the goals are right and to one of the comments that mentioned that we need use cases that explain why we do - we want to do this - we are finalizing a paper on that. We should be able to publish this hopefully sometime in the next few days.

And to explain why we're asking for this because in my view it's more important to understand the need then we can all come together and find maybe a better solution than what we put on the table. But it's important to explain the need and that's what we're striving to do right now so I hope this explains our position and where we're coming from. And we look forward to be on the call like this where we're all agreeing on things.

So we look forward to seeing everybody back on the negotiating table. I think we sent an invite for the Registrars to come back to the negotiating table to finish the loose issues. We will do the same with the Registries.

And as I said earlier our intention is to have agreements that work for everybody because that will be the only way things can work in a community like ours. Okay?

Jonathan Robinson: Thank you very much, Akram.

Akram Atallah: Thank you very much.

Jonathan Robinson: I appreciate your time and contribution to this. I think it's very interesting that there were comments in our chat room which were in line with yours to some extent and that we need to - all parties need to understand the motivation for these things in order to discuss them effectively.

And certainly some, at least, in the Council don't understand the motivation for some of these points. And so I think that's a very good point on which to try and move things forward is to make sure that the rationale or the motivation for why these things - why these proposals are in the first place is there.

But that's good. We've taken up a lot of the meeting for this but it's clear that there's some strong feelings and some universal desire to have input on this so thank you, again, Akram and thanks to all the councilors for their considered and thorough contributions.

Akram Atallah: Thank you, Jonathan. Thank you for the Council.

Jonathan Robinson: All right great. We need to move on with the remainder of our agenda. And we brought that right up ahead of some other things now. So Item 4 we have on our agenda now is this ongoing issue of the policy versus implementation paper.

And really I think the issue here is that this is going to be discussed in some detail in a meeting in Beijing. Various of the stakeholder groups and others have commented on the staff paper through the public comment period. But the Council, ourselves, in spite of the fact that this is core to our activity, haven't really picked up this issue and contributed to it with any substance as a Council.

So I think the issue for us either now at Beijing or shortly thereafter is to discuss our role in all of this. And Marika helpfully nudges me with something I had noticed that we had not dealt with consent agenda so I'll pick that up in a moment. But in the meantime let's stick with this topic.

And so really what I would like is any additional update or comment from Marika and then some comment or input from councilors if anyone does have an input as to what - how they feel that the Council should be taking this issue forward given the staff paper and the meeting in Beijing.

So, Marika, I'm not sure I'd like to offer you the opportunity to say anything more about probably to set the scene for where we're at on this topic in Beijing which may then stimulate councilors to indicate where they believe the Council should fit into this as a Council.

Marika Konings: Sure. So this is Marika. Just to give you an update on where we stand, indeed, with the policy versus implementation discussion as you may recall staff published a discussion paper a little while back that we presented as well to you I think two Council meetings ago.

Following that we put the paper out for public comment to really encourage community input on the paper and, you know, get a sense of, you know, was the paper going in the right direction in setting the scene and providing some topics for further discussion. And that public comment forum is actually closing later today.

It was very encouraging to see that many of the groups on the Council - I think almost all have actually submitted statements and comments on the paper so as a next step we'll be summarizing those and producing a summary report that will then feed into the discussions going forward.

So, as Jonathan said, we are planning a session on this at the ICANN meeting in Beijing. It's currently scheduled for the Wednesday from 9:00-10:30 local time. The setup or the plan for that session is to basically have representatives from the different supporting organizations and advisory committees that have an interest in this topic to participate in a panel discussion.

And in addition we've also invited representatives from each of the GNSO stakeholder groups to ensure that, you know, as the GNSO has a very active and big interest in this topic that we do have the different interests represented at that meeting.

So maybe this is - can serve as well as a reminder because I have reached out to the different stakeholder groups. Several of you have already come back with either an indication that you're working identifying a representative or you have already identified a representative but also a couple from which I haven't heard anything.

So it would be really good if you can, you know, maybe check back with the leadership of your stakeholder groups if you're interested in this topic and want to participate on the panel. The idea would be then as well once we have identified who will be participating in that session we'll have a preparatory meeting to ensure that, you know, we coordinate.

And - because really the objective of the meeting is try to see what is the way forward; what are possible next steps that either we can take as a community together or whether certain groups have identified certain areas where they believe, you know, there are certain steps or improvements or changes they can discuss with themselves. So that's a little bit the idea behind that.

And maybe just to mention as well that Bruce Tonkin has agreed to moderate that session. So I think that's where things currently stand. And as Jonathan said, this is still a topic where the Council, as a whole, may want to discuss as well, you know, which elements or which items you as a Council feel you may want to have further discussion on or undertake further work on. So I think I'll just leave it at that for now and if anyone has any questions I'm happy to answer those.

Jonathan Robinson: Thanks, Marika. Someone coughing into their mic who may not be on mute so please make sure your mics are on mute. We're clear then from you, Marika, that there's this topic running in Beijing. There is a requirement for councilors (unintelligible) group to make sure they are represented in that forum should they want to be.

But in particular our question for the Council is what the Council's role in this should be. And I see, Jeff, your hand is up so please go ahead.

Jeff Neuman: Yeah, no, I mean, I guess Marika started to address it with the outcomes. I mean, ultimately any policy that needs to be made that affects gTLDs is under the exclusive jurisdiction of the GNSO. And my fear is that with panel discussions and with, you know, papers written by staff my fear is that we're going to have an erosion of what is in the purview of the GNSO.

So this is an issue that the GNSO has to pay attention to and ultimately it's the GNSO that is to define this for itself as opposed to the staff or the Board defining for the GNSO. So, I mean, I think the panel discussion is helpful.

I'm hoping that there's no a conflicting session because ultimately every time in the past that there's been a policy implementation type discussion there's usually a new gTLD thing or something that detracts from getting attendance at these. So if this is a note to staff who's organizing this this is a critical session for the GNSO Council.

And I would be extremely disappointing - disappointed if there's another competing session because the - like what's happened in the past sometimes the lack of attendance at these type of session is often confused for lack of interest and that's not the case.

So I want to just make sure hopefully nothing conflicts. And then also in the end the GNSO Council is - and the community itself - is primarily responsible for defining what is policy versus what's defining what's

implementation. And I think we just need to put a stake in the ground to thank staff for everything that they've done.

David Olive has put out a paper yesterday I think everyone should read. But ultimately this is a decision for us to make and should not be dictated for us so thanks.

Jonathan Robinson: Jeff, thanks. That's some good points. And it highlights a couple of things to me. One is that we are requesting staff to please go back and make every effort to ensure that this is available to us as a session which we can attend by ensuring it doesn't conflict with any other substantive topics.

And second, it's really a rallying call to those in the GNSO to attend the meeting then as I see it, Jeff, and to make sure that we keep our eye on this particular ball and ensure that this doesn't run away from us because it's right in our court.

So I won't go on about that. I'd like to hear from you, Wolf.

Wolf-Ulrich Knoben: Yeah, thanks, Jonathan. Wolf-Ulrich speaking. Well I agree fully with what Jeff has been saying. Not so far that we are looking for a dictate right now because I don't feel it's a dictate it's just a suggestion by staff at the time being. And we are in the process of to organize a discussion around that.

So the question here is - which you raised, Jonathan, is how - as you have seen on the public comments so the public comment came in from the different constituencies, stakeholder groups as well and others and whether the Council should take a position here as Council,

and understood, Jeff, yes, you're saying yes it is because it's all of the Council to talk about that.

And the question is really where we are with that here. Are we in a position, the Council, well, that we can come up with a Council related comment on that or a position on that rather than just putting together the different inputs from the different stakeholder groups we have so far and then ending up with a kind of Strawman, let me say, answer.

So the - I'm not - I'm not sure about how to organize that but I just would contribute to that discussion. I would like to see a position of the Council. And I would like also to offer my cooperation in that. And the question is how we should deal with it. Thanks.

Jonathan Robinson: I think, yes, Wolf, it's Jonathan speaking. I think for me it's a question of how and in what timeframe. How do we - especially given that we have not responded to the public comment period.

Marika, your hand is up.

Marika Konings: Yeah, this is Marika. I just wanted to respond to some of the comments that Jeff made because I just wanted to clarify that the framework that we put forward for discussion is really intended to be - serve as a broad frame like not only focus on the GNSO as there, you know, there are other supporting organizations that also develop policies.

Although at the end of the day what the outcome may be is that there are, you know, specific frameworks that apply for one or the other or certain elements that apply to one or the other.

And just one observational note I wanted to make as well on, you know, I think Jeff made the point that, you know, policy is under the exclusive jurisdiction of the GNSO; I think there again - and I think it's also a point that was made in one of the Registry contributions is that indeed one of the other elements we may want to look at is indeed how to ensure early participation and input from other groups.

I think we have already made a lot of progress on that but maybe there are other things that need to be done in order to ensure that that input is received as part of the policy development process.

But at the same time when things move into implementation there are other parties that may be affected and may have a view on how that is. So I don't think the implementation part is exclusively the right of the GNSO to have an opinion on; I mean, we do have other advisory groups and supporting organizations that may be affected by certain policies or decisions.

And, you know, no matter where the policy is developed. So I think the idea behind focusing on that as well to see how those groups fit in to that discussion and ensuring that there's a kind of clear expectation of what will happen in certain steps of the process and where everyone's role fits.

So I think that's at least a bit - the (bright ground) to the staff thinking on that but, you know, I completely agree that at this stage it's for us, you know, we've maybe set the scene but it's really for the community to take this and decide how to move forward on this and define what the different pieces or parts are that need for the work or for the clarification. And we're just there, you know, to help as is needed.

Jonathan Robinson: Thanks, Marika. A couple of remarks and then I'm aware that Maria is in the queue. Certainly you just made a point of policy then implementation.

I think one of the issues that I've - one of the themes that's come up that I've heard recently is reminding us and us reminding ourselves that policy and implementation need to be interwoven throughout the policy development process rather than sequential. I know you are aware of that but I just want to remind all of us of that.

Let me go to Maria next and hear from you, Maria.

Maria Farrell: Thanks, Jonathan. I'd just like to call people's attention to the NCSG did in fact provide an input as I know several of the constituencies did. One of the things that really stood out for us is that, you know, using terms like material or significant changes and the idea that if there are such changes that those should be considered policy rather than implementation.

Well (unintelligible) significant are they're adjectives and they're not very precise, you know, they don't necessarily have a legal basis across all jurisdictions. So even throughout the different comments that were made in the public comment (unintelligible) useful interpretations of what they might mean. I mean, material could mean - for one people it could mean that it has impact on Non Contracted Parties, for example.

So, you know, I think that's just a very good example of how many - once you start unraveling this ball of string how many different aspects

there are to this and how really it requires an awful lot of thought I think over a greater number of people and perhaps I think a significantly greater amount of time.

I would like to reiterate what Jeff said about the GNSO Council being the main and the final arbiter of whether something is policy or implementation because, you know, a lot of this has arisen because of the perceived sense that the GNSO Council is a log jam. Well I think it's our job to really, you know, to make policy in an effective way and not create the incentive for people to root around it.

So really to wrap up, I mean, I think that, you know, the document is a fantastic start and it's a three-week consultation, it's a useful initial step. We, in the NCSG, certainly believe that, you know, across AC/SO working group should be formed to look at this in a really comprehensive way.

And we're not quite sure of what the path forward is. And just to give a flavor I don't find myself often agreeing with the Internet Commerce Association's statements but they made a statement at the end of theirs which said ICANN should formally recognize that some implementation of policy may raise new and subsidiary policy matters. And, then on the other hand, that there should be some finality to both the policy and implementation phases.

I mean, I think those are both sentiments that each, you know, pretty much everyone on this call would agree with and yet trying to satisfy both of those, you know, we find ourselves contradicting each other and trying to do the two things really drive us in opposite directions.

So broadly our message really would be this is a really good start. We think there needs to be quite a lot more work. And we would like to hear a little bit more about what is intended to take this forward.

Jonathan Robinson: Thanks, Maria. I think you may be interested - and in fact this links a little bit into what Marika said as well that this - whilst policy versus implementation isn't a specific subject of our discussion - our proposed discussion with the ccNSO the issue of how to deal with short term and rather, you know, apparently ad hoc or rapidly arising requests for advice is.

And so it will - and so to your point about cross AC/SO working group while it hasn't gone that far yet there is an opportunity to at least discuss elements of this - the policy advice component at least with the ccNSO so we can start to do that in Beijing I think.

So I think it's clear that there's some pretty strong views on this. I don't see any other hands up but we will need to establish our position as a Council and give our input. And it's quite clear that one element of that is that the process hasn't worked - can't be seen in any way to have finished its course by the time the public meeting takes place, you know, from the basis of the public meeting in Beijing by a long way.

Does - would anyone else like to make any further remarks or responses to what's been said on this topic or are we in a position to close this for the moment?

All right I think we'll move on then in the interest of moving through the agenda. The point I did skip over earlier on was the item under the consent agenda and for that I apologize. I was somewhat under

pressure to try and accommodate the staff being there in the event we didn't accommodate Fadi and he left as you know.

So reverting back to Item 3, the consent agenda, this is the confirmation of James Bladel and Mikey O'Connor are going to act as co-chairs of the IRTP Part D PDP Working Group. And provided I hear no objections to that that will stand. So a moment for any objections to that. Seeing none that will remain on the consent agenda and Mikey and James will be the co-chairs of that group.

Now Item 5 is this item which we've had on our agenda previously and I'd like to close this off in this meeting now. And this is to do with the Whois Privacy and Proxy Relay and Reveal Study.

We discussed last time the issue of this study and where this came from and the possibility of it being impacted by the Expert Working Group on the Whois. Unfortunately our discussion wasn't entirely conclusive as to what the way forward is.

And there is an additional or supplementary proposal on this that we at least instruct staff to go ahead with the RFP for this work so if and when it's clear that the work is appropriate the preparatory work has been done rather than us having to do the preparatory work.

I guess to short cut this discussion I can see no harm, other than a small amount of staff time, in doing this preparatory work so I'd like to maybe put - frame this in does anyone have any objections to it going this far? We are not instructing the work to be done, nearly to put the RFP out, get the proposals and be in a position to do the study at the appropriate time.

So two points, first of all are there any other - is there any other input or clarification from staff on this? I think Barbara may be on the call and if anyone else would like to say anything other than that are there any objections from councilors as to the Council instructing staff to go ahead with the RFP for this work?

Barbara Roseman: Yes, Barbara is on the call. The basic outcome of this particular proposed study would be a review of the current privacy and proxy offerings and their methods of handling relay and request - relay and reveal requests.

So it would not be any information on a given item as it works its way through the process or anything like that. It would all be aggregated data (unintelligible) give us data on the number of requests handled, things like that.

So, you know, it's really basically an overview of the services and offerings that they have now to get sort of a baseline of where the business exists at the moment.

Jonathan Robinson: That frames it helpfully. Thank you, Barbara. I think under those circumstances, I mean, I would remind councilors that one of our positions has been in the past that we would like to see any future policy or related work undertaken on the basis of sound data.

I'm sure there's an argument that could be made that this is sound data. So with that in mind and with my previous question in mind let's hear from the queue now. Joy, Wendy and Jeff. So Joy, please.

Joy Liddicoat: Yes, thanks, Jonathan. More a question really. I'm just mindful that, you know, staff have a significant workload and that, you know, the project list is long and there's still a number of things to be done by the end of the year.

And I'm just wondering, you know, in terms of prioritizing their workload whether this really is a - it's something that, you know, Council feels is a sufficient priority that other work needs to be managed or juggled around and perhaps that's something that also might be worth staff commenting on in terms of, you know, the size of this task, you know, given the small resources they've got.

Barbara Roseman: Well, this is Barbara again. I would say that this is a fairly clear and straightforward study. It's not got a lot of complications for what the outcome is going to be. And so I think the development of the survey would be relatively straightforward based on the work that Interisle has already done.

I do think it would take some time but I don't think it would be an extraordinary amount of time. Whether it is as a high enough priority for the Council that's a Council decision obviously.

Jonathan Robinson: Barbara, given the background noise could you repeat that answer please? I think it would be helpful just in case that was lost for some councilors.

Barbara Roseman: Sure, no problem. I was saying that I think that the preparation of the RFP is actually a fairly straightforward preparation in this instance. The survey that is being suggested is pretty clearly defined. And

Interisle has a lot of the preliminary work in identifying who the participants should be.

Whether, you know, so I think that in terms of it being work, yes it's work, but it's not as much work as developing some of the other Whois studies has involved.

As for whether it's a priority of high enough interest for the Council the Council has to obviously make that decision.

Jonathan Robinson: So just before we - thanks, Barbara. Just before we go on to Wendy can I just clarify on point you made? Is it a given that Interisle would do this work given the previous work that they've done? And...

((Crosstalk))

Barbara Roseman: No, I'm sorry, I'm sorry if that was the impression I gave. No, I'm just saying that in their study, in their reports, they were pretty clear about who the participants of a survey should be and what type of information those participants would be willing to share.

And so I think that the outline of the new survey would be pretty, you know, is pretty well defined. Interisle would not necessarily be the, you know, the go to people. It would involve, you know, them being interested and us doing an open RFP anyway. So, you know, for that there's no necessity that it be Interisle.

Jonathan Robinson: Thanks, Barbara. All right can we hear from Wendy and then Jeff please?

Wendy Seltzer: Sure. When the Non Contracted Parties had their intercessional meeting with members of the Board, Steve Crocker as Chair said quite clearly that there was a sense of moving from Whois as it's currently been defined to directory services involving a re-think of what information is collected, what privacy practices are, opening up the issue to all of these considerations that have been on the table but buried as not in the existing Whois debate.

And with that and the new Expert Working Group I wonder whether the review of existing practices of existing Whois privacy and proxy services is relevant. I would prefer even - given that the staff times I would prefer not to prioritize this even at the RFP drafting stage.

Jonathan Robinson: Thanks, Wendy. And that does address the question - I think we need to address the question. I want to move off this topic pretty soon and we really need to give staff our view as a Council as to whether or not they go ahead with at least the RFP phase of this. Jeff.

Jeff Neuman: Yeah, I'm kind of in line with Wendy. And my point is similar. With everything that's going on with the Registrar Agreements having some new proposed standards for proxy and privacy providers, some new, I guess, guidelines and that now under discussion with this expert group, which I'm assuming this is part of their mandate as well with the potential directory services PDP and the SSAC work.

I mean, I think at this stage it would be my recommendation to put all of this on hold until one of those groups that's addressing it asks for it or I should say unless - or until - I know we asked for this years ago and this is just a continuation of what we as the Council asked for.

I'm just confused as to where this whole thing fits in, whether people are going to pay attention to the results. And, you know, as kind of Wendy said, whether it's even going to be considered relevant in the new world. So, you know, I guess on that I'm not sure. I don't think - like Wendy said - I don't think this should be a high priority and should be - we should move staff resources away from other things.

Jonathan Robinson: All right so I've heard two strong-ish opinions against it. Bearing in mind that we're not even saying to go ahead and commission the study at this stage, we're simply talking about undertaking the RFP in order to know exactly what this will - be taken.

And the only counter to this is the point that I made earlier which is that any work, and to some extent I'm hearing that I think from Marika, should be data grounded. Now there's an argument to say that this data will, in fact, be out of date data in the new world that is emerging in these areas.

But, Marika, I see your hand is now down. You have made the point in the Chat that the idea is that this may help inform the deliberations on new models and provide data to support policy development. John Berard.

John Berard: Hey, thanks a lot, Jonathan. This is John Berard. I feel somewhat personally responsible for this push to (unintelligible) and generate this data. It was my early attempt upon joining the Council to see if we couldn't add some fact-based information to what is a perennial emotionally-charged discussion.

I appreciate that, you know, the river moves on and we may be at a point where current events are more important, more meaningful, more - well more important than things that were conjured a year and a half, two years ago.

But I'm also sensitive to the way in which we work which is that it's important to let 1000 flowers bloom, to steal a quote. And I would encourage us to let this move forward. I have to apologize to the staff; they did offer a (unintelligible) motion on this for me to move forward and I clearly got distracted and didn't get it in on time.

But I would encourage us to continue to try and generate as many real bits of data that could help us or anyone, including the expert panel, make the best decision when it comes to Whois and its successor.

Jonathan Robinson: Thanks, John. We're also less emotional now so does that mean we need less facts now, I wonder? Anyway...

((Crosstalk))

John Berard: You can always enjoy a good fact-less argument especially in a bar over a pint.

Jonathan Robinson: I think I really hear you on the fact-based work though. The question is, is this - are these relevant facts right now? Jeff, Volker and then we really must bring this to a close and we'll have to take it up off list if this remains inconclusive. Bearing in mind that all we are proposing now is that staff go ahead with the RFP not undertake the work at this stage.

So let's hear from Jeff and then Volker.

Jeff Neuman: Yeah, two things; one, I totally agree with fact-based decision making but the reality is that there's nothing up for a decision at this point. So, you know, if the expert working group who's, you know, one of the groups that's dealing with Whois now, they want it, great; let them ask for it, that's great.

If there's a PDP that we start let that working group request it. To me it just seems like we're asking for facts when there's nothing really up for discussion on privacy and proxy. You know, if - this data would have been great before ICANN staff and the Registrars were discussing a privacy proxy guidelines. Like that data could have driven those discussions.

But right now we're asking for facts without a problem we're trying to solve or a policy process underway. So I completely agree with fact-based decision making but there's no decision right now.

And then the second thing on the RFP is as a company that's responded to a lot of RFPs I am extremely sympathetic to the amount of work, time and effort that goes in from people responding to RFPs.

And unless we are definitively moving forward with a study I do not believe it's fair for us to do an RFP both from an ICANN staff perspective of preparing it and also from those that choose to respond to it, it's not fair to them because especially from a respondent's viewpoint they put their heart and soul into it, they spend a lot of time, money and resources so it's not really fair to them to do an RFP if we're not really intending to go forward. Thanks.

Barbara Roseman: Jonathan, if I may? My understanding of this is that the intent is to simply have us draft the RFP not to put it out for public notice. That if we get the work done of drafting it appropriately so that we're confident it will yield the type of survey that we're looking for and the data that we're looking for then that is one step that's out of the way should this be requested at a future point.

It's not a necessary step to take now in that sense but it is something that would eliminate a step further down the line.

Jonathan Robinson: Thanks, Barbara, for clarifying that so it would be the preparatory work. Volker, let's hear from you and then I think we will bring this to a close. We need to leave our last period of the call for dealing with the preparations for Beijing.

Volker Greimann: Yes, actually I would like to disagree with my previous colleague, Jeff, about the need to do this now. Because I think the GNSO should be actively involved this study and be able to make a fact-based decision once it comes up.

The background of that is, again, the RAA negotiations where ICANN has tried to put a language into the agreement where Registrars would be required to adopt the findings of the Expert Working Group after the Board approves them thereby entirely bypassing the GNSO.

If we now go back on our earlier intention of looking into a study - into issues regarding Whois in general and privacy and proxy registrations especially also since the privacy proxy issues are also part of the RAA negotiations this would show that the GNSO is not interested in taking

a part in these issues and would strengthen the position of ICANN that bypassing the GNSO in this situation would be okay. I think that would be the wrong signal to send.

Jonathan Robinson: Thanks, Volker. I'm just checking the comments that have come through in the Chat. I'm not getting a conclusion from this discussion which is somewhat frustrating. Your counterpoint is well made, Volker. And that I think there's certainly a very strong common theme that we want to see fact-based work. But it just doesn't seem to be a compelling view that these - these facts are currently relevant or necessary.

I think I'm going to have to push this onto the list and try and see if we can't come to some sort of a conclusion as soon as possible because we don't want this on our agenda at another meeting. It's - so it's something where I'm struggling to bring it to a conclusion. I see a suggestion from Joy, if there is no clarity we should simply agree not to proceed.

And probably the balance of views is that so it may be that we push this off the agenda for the time being as was suggested until someone comes up with a compelling motivation for why we should proceed with this in the current context. So I see support for that.

So it sounds to me like there's - the balance of opinions is against going any further with this so I'm sorry, Barbara, it sounds like that's where we're settling for the moment until such time as a compelling need is argued for going ahead and doing more work on this study. Right, let's draw that item to a close then.

And then move on to a substantive item which is an update and discussion on the planning for Beijing. Now the reason I was keen to have this on the agenda is obviously it's very important that we're coming up to our next face to face meeting.

We've typically a lot of this on the list in the past and we have indeed done so now. But I felt it was very important there was an opportunity here to talk through some of the - our schedule in Beijing, take some actual feedback from the Council and make sure that we were properly prepared and as much as being prepared also engaged and have had the opportunity to give input.

So Mason has done a lot of background work and we owe him some thanks indeed for the work he's done with the help of Glen and others on this. So I think I'll hand over to Mason to present you the schedule, walk you through key elements of it and in particular I would flag with you that we did not meet with - to the best of my recollection - the ccNSO certainly or the GAC in Toronto.

For the life of me I can't remember if we actually met with the Board. And someone can help me on that. But I've done some background work with the ccNSO, with the GAC and there may be some opportunity to meet with the GAC, I'm not saying we'll meet with the whole Council and the whole GAC but there's work done there. And we certainly plan to meet with the Board.

So without further ado though let me let Mason walk you through the key items of the agenda, hear if there's any input, take feedback from you and let's take it from there. From my point of view if there is

anything you'd like to see in the first session, the brainstorming session, I'd like to hear that.

We swapped that around at the last meeting and it seemed to work very well so that's something that I'd like to get as a takeaway from this discussion. But I'd like all councilors to they can contribute and participate in this. So over to you, Mason. Thanks.

Mason Cole: Thank you very much, Jonathan. Mason Cole speaking. So I'll call your attention to the draft agenda that's now in the Adobe screen. Excuse me. First I also want to echo my thanks to Glen who's been a tremendous help in getting everything arranged as she always is. So when we're in Beijing we should give Glen an standing ovation because she's been tremendously helpful.

So let me just briefly run through the days of the week where the Council has obligations in terms of its time. There's all of Saturday, as is customary, same for Sunday. We have some obligations on Monday and then the public Council meeting on Wednesday and then a wrap up session now on Thursday.

Most of those times are pretty well agreed to by those involved except for Sunday. And the wild card on that is we are waiting to see what the Board's schedule shapes up to be. So let me just run through what we're doing for the weekend.

As you see on Saturday we're going to lead off with our brainstorming session. Then we move into a number of policy discussions. We will break for lunch at 12:30. We'll review our motions following that.

Then again some policy work along with an update from Ron Andruff, the Chair of the SCI. And then we'll move into - toward the end of the day we'll have a prep session for our meetings the following day with the Board and the GAC.

Ching has graciously arranged for a restaurant for dinner for all of us on Saturday evening and he's providing transportation from the meeting venue to the dinner location so thank you very much for doing that, Ching, that's quite a treat for us to be able to do that.

Then moving into Sunday here's where we have some - still some fluidity in the schedule. We'll lead off the day with a couple of policy discussions then we go to - we're right now scheduled for an hour long session with Fadi at 10:00.

And I've provided a list of topics to Fadi for discussion from the Council. Just in the interest of time I might ask that for - well in the interest of time let me ask for submissions from the Council on the list for discussion topics for our session with Fadi, for our session with the GAC, for our session with the Board and for our session with Kristine on the new TLD program also with the ccNSO on Monday.

I've gotten quite a bit of that but if there are additional issues to bring up then I'd appreciate hearing from you. So we're tentatively scheduled now for a discussion with Fadi that morning. Then we'll go straight to our meeting with the GAC.

Then we'll have a very short lunch break, sorry about that, that's how things are falling out. Then we'll go to the Board meeting and then we'll

wrap up the day with the gTLD update and then Ching will lead a discussion on IDNs.

Now if the Board changes its own schedule around that will all have to be moved around so please consider all these times tentative for now.

Okay Monday our meeting with the ccNSO over lunch then we've been invited to cocktails with the Board that evening. All this leads up to our Wednesday session which is now scheduled for 1:30 although we're trying to figure out whether or not it makes sense to move that to 3:00 pm so that we have some more flexibility towards the end of the meeting. But we're working on that with Glen.

And then we'll have our wrap up session now scheduled at 10:30 on Thursday morning. And then following that Wolf and Jonathan and I usually have our own wrap up session with the staff just to plan out next steps for Council activity based on the happenings of the week.

So the takeaway for the Council on this review of the schedule would be that particularly for the issues where we have interactions with the Board, the GAC and senior staff, if there are other issues besides those already contributed on the list that need to be considered for inclusion on that agenda please provide those to me either on the list or directly off list.

And I'm happy to entertain any discussion about the schedule.

Jonathan, do you just want me to keep the queue for now until we're finished?

Jonathan Robinson: You know, Mason, yes that's - I'm happy for you to do that. Please.
Please, go ahead and do that.

There's one thing - just one remark I'd make and that is that the ccNSO, as you will have seen from the list, have proposed a new way of working rather than the way in which we've worked with these joint agendas in the past where we kind of throw a set of topics over the fence at each other and then come and talk to one another about it that we actually form a smaller working group that properly works through, structures and organize the discussion points on the topics so that we go in as well prepared as possible.

That's in (unintelligible) for the ccNSO and we may well try something in that same way with Board and possibly even GAC. And I have spoken a little to the GAC about that as a possibility; depends what format our meeting takes and I've reached out to the Board that that may be a way of working. And we've got some volunteers for the ccNSO group.

Thanks, Mason. Please go ahead.

Mason Cole: Thank you, Jonathan. I see, Jeff, your hand is up. Go ahead, please.

Jeff Neuman: Yeah, just a real quick question. What is - it says GNSO GAC - what is BGRI Working Group?

Mason Cole: That's - I can't remember the exact acronym but it has to do with the way that the Board interacts with the GAC. It's like Board GAC - I can't remember the rest of the acronym. We've had very preliminary

discussions with the GAC about what form our interaction with them should take.

And because one of their main issues of interest is how to engage with the Council in policymaking activity that perhaps that's the appropriate forum for us to have that discussion. That's still TBD right now.

Jeff Neuman: Oh okay so that's one of the topics we're going to discuss, that's not...

Mason Cole: Correct.

Jeff Neuman: Oh, okay cool. Thanks.

Jonathan Robinson: Jeff, I mean, I don't want to use the poorly chosen words here but the relationship between the GAC and...

Man: Thank you.

Jonathan Robinson: ...the Board to some extent and the GNSO to another has - got increasingly difficult as you know. I think the BGRI was set up as a mechanism for the GAC to engage more effectively with the Board or at least to start to explore ways in which they might more effectively work with the Board.

There is an opportunity perhaps, it's not certain, for us to talk with that group in the same way as to how we might better understand one another and start the conversation going as to how we more effectively engage.

So that's really what that's about. It's a little bit tenuous at the moment as to how we re-engage with the GAC in a more constructive way and with recognition their desire to be aware of and engage with the policy development process earlier.

And this, I believe, is in all of our interests where the alternative seems to have been in the past where substantial policy development work goes on with the GAC for rightly or wrongly apparently unaware or insufficiently aware of it and then potentially objects or gets involved at a Board level very late in the process.

So that's - it's all about how we engage effectively and that's what this is really about. But we haven't yet established how we will interact with them in order to do that. So it's not clear to me that we will be able to engage with the GAC as a whole GAC and as a whole Council. And indeed whether that would be desirable at this early stage of re-engagement if you like. So that's some background.

Mason Cole: Right. This is Mason. So two things, Glen helpfully points out it's called Board GAC Recommendation Implementation Working Group, that's what BGRI stands for. And then I see a note from Ching as well that if you have not yet RSVP'd to Glen for the Saturday evening dinner please do so so he can get a good headcount.

So, Jeff, your hand is still up; is that an old hand?

Jeff Neuman: Sorry.

Mason Cole: Yeah. Okay anyone else? Okay thank you. Jonathan, back over to you.

Jonathan Robinson: I'm seeing some comment come potentially through from Joy and Wendy on the Chat and I wanted to just be aware of that. Although they're just recognizing some minor details there. So, great. Thank you very much, Mason. Thank you, Glen.

I think we're on track to have an interesting and constructive meeting. Very much looking forward to engaging you all on the list on the road to Beijing.

We have a - we now have our next item on the agenda is the AOB and there are a couple of items that need to be brought up here one of which was the point that Jeff raised at the outset and I need to be perhaps reminded of that.

And the other is that we have a - something else which is floating around and I need to just remind myself. This is the meeting - the meeting's working group.

Now we have had, through the different stakeholder groups some applicants for the ICANN meetings working group. We have an opportunity as a Council to endorse that list. My suggestion to the Council is we simply endorse that entire list. And I'll tell you why I suggest that in a moment.

But, Jeff, could you remind me you wanted to say something else on the AOB of open versus closed. Can you remind me of the item that you wanted to cover and then I'll come back to the working group issue in a moment - the meeting's working group. And if I could have anything else under AOB as soon as possible that would be great.

Jeff Neuman: Sure. So the two issues I brought up were really just getting a status on both the Strawman rights - slash rights protection mechanisms as well as an update on the open versus closed what are the next steps ICANN plans to take and what is the role of the Council in those moving forward. That's not really a five-minute discussion but maybe an update.

Jonathan Robinson: Jeff, who are you looking to provide an update on which item? Let's take the Strawman first.

Jeff Neuman: Well I was hoping staff could provide an update. I mean, obviously it's a big interest to the GNSO community. It involves, I believe, many people or most people believe - we said it, in fact, in our Council letter that it involves issues of policy although there was a minority opinion of the IPC in that. So, okay, we've said our peace, now what?

Jonathan Robinson: Well, Jeff, I can make one brief comment. And I hope I'm not sort of speaking out of school here. But I did get a sort of, if you like, a couple of private remarks thanking us for the considered position we took and for the effort we went to and the length we went to to try and produce a coherent and consensus-oriented input.

So our work was respected and appreciated, which from a personal point of view is very, very important to me in terms of our status as a Council. But as to where it's gone from there that's as much as I can say at this point.

Is anyone from staff in a position to give any other form of updates to Jeff's question?

Marika Konings: This is Marika. No update but I can definitely take it back and see if we're in a position to provide an update to you by email if that's okay?

Jonathan Robinson: That would be great, Marika. I think that's a good point. Thank you very much. And maybe it's something you can - we can flag as an item where we put that on the agenda of senior staff for Beijing as well. It makes absolute sense that should be on the agenda.

So, Jeff, and your second point then?

Jeff Neuman: Well is the closed versus open debate. You know, I'm not taking a side one way or the other at least on this call. But I will note that the previous policy the GNSO Council granted, it was 2007 or whatever year we passed that, was that there should be no restrictions on the business models that were proposed by applicants.

So to the extent that is changed I think that would be a change in policy or should at least involve the GNSO community. So on that one again kind of an update and what is the role of the GNSO on that debate going forward?

Jonathan Robinson: And, Jeff, you are aware of the letter we sent in that respect, right? You've seen and are aware of the letter we sent in response to the Board question?

Jeff Neuman: Yes, I'm aware of the letter. But, again, what's the next steps?

Jonathan Robinson: Good question and good point. Joy.

Joy Liddicoat: Sorry. Thanks, Jonathan. So I asked a question in the Chat. I just need a clarification on the last item we were discussing. There was reference made to a discussion on the list about that topic and I just was wondering what that list was; just trying to clarify that in the NCSG group.

Jonathan Robinson: No problem, Joy. I'll come back to that in a moment. And I have - I'm a little vague on it but I'll come back to it...

Joy Liddicoat: Thank you.

Jonathan Robinson: ...in one moment when we close up this open versus closed.

All right, Jeff, your points are well made. I think that we derive a couple of actions from those. And we are looking for updates and next steps and we are looking to assert that the GNSO and the Council is kept informed and close to both of those two critical aspects.

The final item under AOB is this issue of applicants. There was a call for applicants for the Meeting Strategy Working Group. Now this is the group that is looking at the strategy for ICANN global meetings going forward. And there was a call for applicants. And applicants arising from the GNSO were put forward, as I understand it, with the support of their stakeholder groups and that list is...

((Crosstalk))

Jonathan Robinson: ...of applicants it the list that you see before you in the Adobe Connect. It is analogous, although not the same as, the process that took place for the members of the ATRT. And the assumption, I think,

has been - although we haven't discussed this - that the endorsement process of the Council would be somewhat similar.

But when I looked on the ICANN Website relating to this issue it was clear that the - and I'm just struggling to find the reference here. I did find it earlier today. Was that it was clear that the assumption of the organizers would be that - or the request of the organizers was that they would get as comprehensive a list of applicants as possible such that they could then select an effective mix of geography, expertise and so on.

So it is my recommendation to the Council that we simply take this list as is before us and not pass it on. I know - I'm not sure any of us - if, Wendy, if you said escaped, so I'm not sure many of us were paying much attention. But the deadline has passed. The applicants are in. And the request is that the Council provide some form of endorsement.

And therefore my recommendation is that we endorse this in its entirety. But I see, Wolf, your hand is up. Let me take a comment from you.

Wolf-Ulrich Knoben: Just briefly thank you, Jonathan. Well I fully agree to that. The only question is, you know, I you look to the last and the last candidate so, you know, all the others are affiliated to any stakeholder group here in the GNSO. And from the last candidate - I also couldn't see whether she or he is affiliated to the GNSO at all because it was - he was put to the list by ICANN so - and there was some question mark behind.

So the question here is whether somebody from the Council here knows this candidate and has - and knows which affiliation he or she

has. But anyway so if not - if there is no affiliation to the GNSO I would like to say that this candidate should be removed from the list.

Jonathan Robinson: That's a sensible point, Wolf. I take it. Mason, do you have a comment in that regard or related to this?

Mason Cole: Not on that. I'd be happy to take this up after we dispose of this if you prefer.

Jonathan Robinson: Yeah, I think let's get this item out of the way. We've hit the hour so I think it's important. I've just put in the Chat room - you'll see what the organizers of this call for applicants said that each SO and AC is encouraged to send a list of volunteers taking into account the need for diversity but not limited to the number of seats open. This will allow the selectors to balance various factors more easily.

What I read into that is they were saying give us as many as you've got and we will then select from that hence my suggestion to endorse the entire list subject to Wolf's point which is we have no understanding of where - of the affiliation of the last candidates in the list so would find that difficult to endorse.

So can - given the lateness of the hour can I have any objections to that? Or perhaps what we'll do is here's a suggestion, I think we have - we have until the end of today - can someone remind me of the deadline for endorsements? I think it's today or is in the next day or two?

Wolf-Ulrich Knoben: No it is today.

Jonathan Robinson: It is today. So given that some councilors are somewhat surprised what we'll do is leave it open for an hour or two after this meeting but we really do need to get this endorsement up.

So conditional - Joy, you said can we please note - yeah, I think we could. I mean, to endorse it's fairly strong and I understand your point. So we simply have reviewed this list. We note the applications and have chosen not to endorse it. I'm happy to go with that suggestion by Joy and Wendy on the list.

And we simply note the applications, forward them on having reviewed them and note that we are unaware of the GNSO affiliation of this last candidate. In fact I think we should remove that last candidate from the list unless we can understand their affiliation.

So I think that closes that topic. I don't see any other hands up looking for a different view. I've heard Joy and Wendy, that makes sense. Mason, you had one other point before we come to a close.

Mason Cole: I was going to ask the question - I'll be happy to do this on the list - but I could - I think I could use some more clarity on why the move from simply having volunteers for our work group to having volunteers then being endorsed and selected by staff for a work group.

You know, maybe there are cases where the work is at some, I don't know, some sufficient level that it warrants a screening process. But for other things I guess I'm just not clear on it. But I'll be happy to take that up on the list.

Jonathan Robinson: Yes please do, Mason. And what we'll do is we probably have until midnight UTC to do what we have agreed to do conditional on just getting some more information to the extent that it's available in answer to your question.

Mason Cole: Okay.

Jonathan Robinson: So let's draw this meeting to a close then. I think it's been productive. It was very helpful to have that discussion earlier and it does - as many of these issues go to the root of our function and operation as a Council we've conducted the meeting well. It was very interesting to see the strength of positions and the coherence of the arguments. So thank you for well-thought out and thorough input. I think it's been a good meeting.

And it's great to have had all the work done in preparation for Beijing in such a timely way so thanks to those that worked on that. We'll look forward to talking with you all on the list and of course meeting face to face with more or less all of you in Beijing. So thanks very much again and see you soon.

Woman: Thank you.

Jonathan Robinson: With that the meeting will draw to a close.

Wolf-Ulrich Knochen: Thanks.

Man: Thanks, Jonathan. Bye everybody.

((Crosstalk))

Marika Konings: Bye.

Man: Bye.

END