

**ICANN
Transcription
GNSO Council Teleconference
Wednesday 28 June at 11:00 UTC**

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The audio is also available at:

<http://audio.icann.org/gnso/gnso-council-28jun17-en.mp3>

Adobe Connect recording: <https://participate.icann.org/p3cvhm27yh4/>

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Date: 28 June 2017

Coordinated Universal Time: 11:00 UTC:

<http://tinyurl.com/y82vvnvze>

04:00 Los Angeles; 07:00 Washington; 12:00 London; 14:00 Istanbul; 21:00 Hobart

List of attendees:

NCA – Non Voting – Erika Mann

Contracted Parties House

Registrar Stakeholder Group: James Bladel, Michele Neylon, Darcy Southwell

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

Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan

Non-Contracted Parties House

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

Non-Commercial Stakeholder Group (NCSG): Martin Silva Valent), Stephanie Perrin, Stefania Milan (apology, temporary alternate Avri Doria), Edward Morris, Marilia Maciel, Rafik Dammak, Avri Doria

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

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Ben Fuller - ccNSO Observer

Carlos Raul Gutierrez– GNSO liaison to the GAC

ICANN Staff

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

Marika Konings – Vice President, Policy Development Support - GNSO

Mary Wong – Sr Director, Special Adviser For Strategic Policy Planning
Julie Hedlund – Policy Director
Steve Chan - Senior Policy Manager, Policy Development Support
Amr Elsadr – Policy Manager
Berry Cobb – Policy consultant
Emily Barabas – Policy Analyst
Nathalie Peregrine - Specialist, SO/AC
Terri Agnew - Secretariat Services Coordinator, GNSO

James Bladel: So good afternoon. Welcome to the GNSO Council Open Meeting. We will get started here in just a moment. Those of you joining us, please take a seat. For councilors, please make your way to the table, and for everyone on the phone, please stand by. And do I have the actual -- okay, good afternoon. Got a couple more councilors trickling in so we'll give them a chance to get set up.

But while we are allowing folks to get situated, we should just note that this is the open public meeting of the GNSO Council here at ICANN 59 in Johannesburg, South Africa. I will await indication from staff that we are ready to go with the audio and the remote. Fantastic. Thank you, Terri. I would then ask Nathalie if you would please to start the recordings and to call role please.

Nathalie Peregrine: Thank you very much. Good morning, good afternoon, good evening everybody and welcome to the GNSO Council Meeting on the 28th of June 2017. Would you please acknowledge your name when I call it? Thank you.
James Bladel?

James Bladel: Here.

Nathalie Peregrine: Donna Austin?

Donna Austin: Here.

Nathalie Peregrine: Rubens Kuhl?

Rubens Kuhl: Here.

Nathalie Peregrine: Keith Drazek?

Keith Drazek: Here.

Nathalie Peregrine: Darcy Southwell?

Darcy Southwell: Here.

Nathalie Peregrine: Michele Neylon?

Michele Neylon: Here.

Nathalie Peregrine: Valerie Tan on remote? Valerie?

Valerie Tan: Here.

Nathalie Peregrine: Thank you, Valerie. Phil Corwin?

Phil Corwin: Present.

Nathalie Peregrine: Susan Kawaguchi?

Susan Kawaguchi: Here.

Nathalie Peregrine: Paul McGrady?

Paul McGrady: Here.

Nathalie Peregrine: Wolf-Ulrich Knoblen?

Wolf-Ulrich Knoblen: Here.

Nathalie Peregrine: Rafik Dammak?

Rafik Dammak: Here.

Nathalie Peregrine: Stephanie Perrin?

Stephanie Perrin: Here.

Nathalie Peregrine: And Stefania Milan has her sent his apology for today's meeting and her temporary alternate is Avri Doria. Avri?

Avri Doria: I'm here.

Nathalie Peregrine: Thank you. Heather Forrest?

Heather Forrest: Here, Nathalie. Thank you.

Nathalie Peregrine: Tony Harris?

Tony Harris: Here.

Nathalie Peregrine: Ed Morris?

Ed Morris: Here.

Nathalie Peregrine: Martin Silva Valent?

Martin Silva Valent: Here.

Nathalie Peregrine: And on remote we have Marilia Maciel? Marilia?

Marilia Maciel: Yes, thank you Nathalie for the connection.

Nathalie Peregrine: Pleasure Marilia. And Johan Helsingius?

Johan Helsingius: Here.

Nathalie Peregrine: Cheryl Langdon-Orr?

Cheryl Langdon-Orr: Here.

Nathalie Peregrine: Carlos Raul Gutierrez? We'll try and reach out to him. Ben Fuller?

Ben Fuller: Here.

Nathalie Peregrine: Thank you. Erika Mann?

Erika Mann: Here.

Nathalie Peregrine: And staff is also present in the room. May I remind you all to please remember to state your names before speaking for remote participants and transcription, and also interpretation purposes. Thank you very much.

James Bladel: Thank you, Nathalie and thank you councilors, and particularly those who are participating remote. We appreciate your dedication to your work. As per the next item in our agenda on administrative matters, does anyone have any updates to their statements of interest or their status as a counselor either at the table or remote?

Okay, seeing none, we will then move onto Item 3, where we take a look at our agenda. And noting that there is an agenda item that was scheduled for a vote, which has been withdrawn and that's Agenda Item 5, which was submitted by Paul and withdrawn by Paul with the understanding that it may be introduced at a later meeting as a discussion item for July.

Any other changes or comments relative to our agenda? Heather? Heather's crunching up the last bits of her lunch so maybe I'll stall for time by singing.

Heather Forrest: Forgive me, James. Interpretive dance would be so much more welcome. James, may I add an item of AOB please?

James Bladel: Absolutely.

Heather Forrest: Thank you.

James Bladel: Thank you, Heather. Let's note that the status of the minutes for the previous meetings for the 20th of April and the 18th of May have been posted to the Council list on those respective dates that are listed there in our agenda.

Thank you. Okay, Agenda Item 2, where we review our list of projects and action items, and I wonder if we can ask staff to put that into the Adobe room here. I'm working without a computer today so anything you can do as a crutch for me is welcome. We don't need to spend too much time in detail because certainly, a lot of these items are the subject of sessions and cross-community discussions and ongoing face-to-face work here in Johannesburg. So it's probably not necessary for us to belabor them individually.

However, I did want to give any councilor the opportunity to highlight any items from our open project list that they felt were -- and I just lost it -- their open project list that they felt were particularly relevant to this meeting. I would note that as far as our open PDPs, we do have one that is probably nearing completion and that is the Access of IGOs to Curative Rights Mechanisms. The other PDPs are certainly well along in their work and that work continues here at ICANN 59.

There are also a number of implementation issues located at the bottom of the report, including one that was I think a notice went to our list the week before this meeting regarding the timeline for the implementation of SIC

WHOIS. Any other questions, comments, or statements regarding our open projects? Kind of want to be sure that anyone who is participating remotely, Marilia or Valerie, if you have any comments, please raise your hand.

Okay, let's then load the action item list please. Give them a minute to get that set up. Okay, I had it on my screen and then I lost it. There we go. Just noting that there are a number of items in blue that indicate that those actions are in process and/or appear on our agenda. There is a green item here, which is the response to the communique in Copenhagen. Clearly, we're going to, tomorrow during our wrap-up session, we'll identify a team to put together our response for the communique here in Johannesburg.

I'm scrolling fairly quickly through these, so if anyone has comments as we go along, please get my attention. I don't know if everyone is going to -- go ahead, Michele.

Michele Neylon: Thanks, James. Just on things like, say, the following up on the GNSO -- sorry, on the GAC communique, do you want us to volunteer now or do you want to wait for the wrap up?

James Bladel: Typically, we cover that in the wrap up session and we identify those folks who are going to volunteer to respond to the communique. And the good news is, is that we had some feedback from the Board and from the GAC on the usefulness of that communique and so I think that the -- on the viral response to the communique. And I think that the faster we can produce that following coming out of an ICANN meeting, the better.

Any other comments on action items. Susan?

Susan Kawaguchi: Could we mark the selection of the nominees for the RDF review team completed since we've done that?

James Bladel: Yes, we can. We can certainly change the color of that, I believe, from -- I guess that goes from blue to green if I'm remembering our color coding correctly.

Susan Kawaguchi: Just nice to have things off the list.

James Bladel: Yes, and anything that's green on this month's list will not appear on next month's list. Marika? Can we activate the floor mic please for Marika or she can come to the table.

Marika Konings: This is Marika. Just a note on the WHOIS review team item, the reason why that's not marked as completed yet is because there's one item specifically in relation to a communication that's expected to go out from the GNSO leadership team to the members to communicate what the expectations are from the Council. Some of the communication was sent for the SSR review team and we're waiting for that final confirmation, but we're close to sending that. So definitely for the next item that item will be marked as complete.

James Bladel: Thank you, Marika and just for the benefit of council, I think Heather, and Donna, and I approved that draft yesterday I think it was. So that should be going out here and for those councilors who are representing the GNSO on that group, which is Susan, Stephanie, and Erika, I would say watch your inbox. You'll have a love letter coming from us shortly congratulating you and then laying out the expectations of the Council.

Okay, any other comments on the action item list? This mic just became very hot. I'm just backing up. I'm afraid of it now. Okay, then let's move onto agenda item number three and that is our consent agenda. And the consent agenda is that the one item that's a motion that the standing selection committee, the SSC, has selected its leadership and that leadership is that Susan Kawaguchi will be its chair and Julf and Maxim will be vice-chair. And the SSC is asking us as a council to confirm that leadership structure.

I don't know if anyone has any concerns about this being on the consent agenda. Seeing none around the table, we can proceed to a vote on our consent agenda, which contains one item. Nathalie if there are no objections, I'd like to proceed via acclimation vote.

Nathalie Peregrine: Thank you, James. Would anyone like to abstain from this motion? Please raise your hand or say your name if you're participating remotely. Hearing and seeing no one, would anyone like to vote against this motion? Seeing and hearing no one, would all those in favor of the motion please raise your hand? Thank you very much. Valerie Tan and Marilia Maciel participating remotely, please say aye.

Valerie Tan: Aye.

Marilia Maciel: Aye.

Nathalie Peregrine: Thank you. No abstention, no objection, the motion passes. Thank you.

James Bladel: Thank you, Nathalie. Thank you Council and congratulations to Susan, Julf, and Maxim and so far, I think the SSC is off to a smashing start. I note that we do also have a scheduled built-in review of the charter and so we await your feedback and update on that when that review is completed. So congratulations.

Okay, next is moving onto agenda item four, which is another motion for a vote and this is the process and criteria for selection of the GNSO representative to the Empowered Community Administration. And if you recall, we have had an interim representative to the Empowered Community Administration, which is myself, since the GNSO became a decisional participant. We've asked the SSC to identify a process by which the GNSO would select a permanent representative and they have, as we have come to expect from the SSC, they've come back with a prompt and thorough work product.

So if you don't mind, I would like to have perhaps Julf and Susan introduce the motion and we'll open it up for discussion. Thanks. Julf, go ahead.

Julf Helsingius: I'll keep this very short. You have seen the motion that we posted on the mailing list. This was something that was at one point looking to be very, very complex and we decided to try to keep it as simple as possible, by basically letting the GNSO leadership select among themselves who is best suited to represent them depending on workload and everything. So this is a very straightforward one. More than happy to answer questions.

James Bladel: Thank you, Julf. Susan, anything to add?

Susan Kawaguchi: No, that's fine.

James Bladel: And I note that on the mailing list there was a bit of an exchange between Wolf-Ulrich raising a question about the use of the consent agenda versus the normal agenda. And Julf, if I'm not mistaken that that was taken as a friendly amendment and is that reflected in the latest language of the motion?

Julf Helsingius: It is, yes.

James Bladel: Would either of you like to introduce the motion or I can read through the result clauses? Okay, sure. Pick on the guy who has no glasses. All right. Okay, resolved -- the GNSO Council hereby confirms that one member of the GNSO leadership team, GNSO Chair and Council Vice Chairs, will be tasked to serve as the GNSO representative to the Empowered Community Administration. This confirmation will be according to the following steps. A, the GNSO Chair election takes place at an ICANN annual meeting. B, noting that the Vice-Chair cannot be from the same stakeholder group as the Chair. Vice-Chairs may be confirmed prior to the Chair election only if there is a single Chair candidate or all Chair candidates are from the stakeholder group. Otherwise, confirmation of Vice-Chairs may happen after the Chair Election.

C, GNSO Chairs confirmed by the GNSO Council upon election as the interim representative to the EC administration until such as the GNSO leadership has had an opportunity to meet and decide who is taking on the role. In case the GNSO Council fails to select a chair, the existing representative to the EC admin will remain in that role until such time as a Chair has been elected. D, as soon as possible, upon confirmation of the GNSO leadership team, the GNSO leadership team will meet to decide who is to be designated as a GNSO representative to the EC admin.

Following this determination, the decision is to be confirmed by the GNSO Council as part of the agenda. The decision on the designation of the permanent representative to the EC admin is then communicated to the ICANN secretary and EC admin. Should at any point during the term of the Chair and/or Vice Chairs, there be a change, for example, a resignation or change in circumstances which may mean the representative is no longer able to perform in this role, the leadership team will communicate this to the GNSO Council as soon as possible, together with the name of the individual on the leadership team who will take on this role so that a new designation can be made.

F, as part of the designation, it will be made clear that in case of absence of conflict, another member of the leadership team may step in to substitute for the representative of the EC administration. Two, the GNSO Council confirms that this process will take effect immediately and requests the current GNSO Leadership Team, that's the three of us, discuss and agree at latest in time for the next GNSO Council meeting, who will serve as the GNSO representative to the EC administration. Until that time, the GNSO Chair will continue to serve as the interim representative to the EC Admin.

Three, the GNSO Council requests that this process is included in the GNSO operating procedures at the next opportunity for revision. And four, the GNSO Council thanks the SSC for its work and recommendations. That's the

resolve clause of the motion on the table. It sounds like we have incorporated the friendly language to address Wolf-Ulrich's concerns. Any other discussions before we move to a vote?

If there are no objections, we can proceed by a voice vote rather than a roll call vote. Nathalie would you do the honors?

Nathalie Peregrine: Thank you. Would anyone like to abstain from this motion? Please raise your hand or say your name if you're participating remotely. Hearing and seeing no one, would anyone like to object to this motion? Seeing and hearing no one, would all those in favor of the motion please raise your hand? Thank you and Valerie Tan, Marilia Maciel participating remotely, please say aye.

Valerie Tan: Aye.

Marilia Maciel: Aye.

Nathalie Peregrine: Thank you very much. No abstention, no objection, the motion passes. Thank you, James.

James Bladel: Thank you, Nathalie and thanks again to the SSC for their work in drafting this process and I can commit to you that Donna, and Heather, and I will meet as soon as possible following ICANN 59 and present a designee to the Council at our next meeting. Thank you.

Okay, we are uncharacteristically ahead of schedule. Maybe we should pass out coffee or something. Item number five was withdrawn, as we noted previously. So moving on then, that ends the motions that are up for a vote. We now move into the phase of our agenda where we have discussion points. The first item is the discussion on the cross-community working group for internet governance. We've had some discussions here in Johannesburg

with the Board Working Group on internet governance as well as one of the other chartering organizations, the CCNSO.

The takeaways I think were that the Board working group on internet governance communicated to us that there is a clear value from their perspective to have a community body that they can -- with which they can engage on these important topics. I think we heard some similar sentiments from ICANN staff coming from the global engagement team. I think we heard similar I think notes of support from the CCNSO for the nature of the work and I think that's something that's shared across all aspects of the community that this is important work.

I think the open concerns are that, as I have heard them, are twofold. One is whether or not the structure of a CCWG is appropriate for this work given that in the interim since this group was started, we created a framework for all CCWGs and this might not fit within that box. And then the second one was noting that there probably is a need for a more robust process in determining community positions and ensuring that those have support across all of the segments of the ICANN community for any engagement that this group is doing in internet governance forums.

So with that, we'll just open it up for discussion. If there's anyone that has any comments, questions, ideas on how to proceed. I do want to just follow-up with one final point. This has been a discussion point for a couple of meetings now. So I feel like we should bring it to some sort of a decision and it would be my personal preference that this not be a discussion item for our July meeting, that it's either a motion for some kind of a vote or it's off of our agenda entirely, one way or the other.

So with that, I'll open up the queue and it looks like we have quite a few folks raising their hands remotely and we'll start with Heather. Sorry, I had the order -- and it could just be my app -- I had Heather, Michele, Rafik, and Wolf-Ulrich. Okay, well, I'm just going to blame iOS on that and I apologize

for that. We'll start with -- what is the order that you have, sorry? Okay, must be doing it alphabetically. So let's start with Rafik.

Rafik Dammak: Thanks. Thanks James for the summary about the kind of position maybe within GNSO and CNSO. What I would like to propose maybe that to move forward and if we can maybe for the next motion to task the working group to work on a proposal maybe for a new structure to be invented here. Because we understand that -- we had a meeting yesterday. So we understand that cross community working group is not seen as the right or appropriate vehicle here. So we can work maybe on the new proposal and getting maybe as input what the GNSO maybe used as previous structure for different cases.

And with regard to maybe the mechanism about the position, maybe if we can get more input from the GNSO here, GNSO Council, also the stakeholder groups and constituency, what they have a specific consent so we can work on that. So depending maybe of the motion in the July meeting, I hope that we can task the working group to work on that and there is willingness to respond to all the concerns and any issues raised by our chartering organization.

James Bladel: Thank you, Rafik. Heather?

Heather Forrest: Thanks, James. Following up on Rafik's comments and indeed, I'm very glad that we did follow that queue. Look, my perspective on this is that we've achieved much more progress this week in terms of having our concerns heard. It seems to me that we've talked about this for several meetings but we're finally making some headway in having those let's say understood and I certainly agree with Rafik and you, James, that we don't want to keep this on the agenda for much longer. It seems to me that we're finally in a position or soon to be in a position to do something about this that takes into account the numerous concerns that we've raised. So thank you.

James Bladel: Thanks, Heather. Michele? No? Okay, next is Wolf-Ulrich and then Marilia after that.

Wolf-Ulrich Knoben: Thank you. So also, we didn't have our constituency meeting, not yet. We will have it tomorrow because of timing constraints here, conflicts. But we discussed it in earlier times as well and we are in general, in support of keeping this group alive. The only thing it reaching out to the (unintelligible). So that is still open. One thing, in which form is this group should exist as our understanding is a working group is something which has an end. A working group has to report something. This is a little bit different. Maybe a kind of committee or what else could be the way and I'm asking that because it seems to me that for ICANN purposes, we have a little bit -- we are focusing just on these kind of groups.

So the question is whether there is flexibility to put it in a different way to make it visible that this is a different kind of working group as other working groups are doing. But nevertheless, support from our side and we are also supporting that this should come to an end, this discussion about it, as soon as possible. Thank you.

James Bladel: Thank you, Wolf-Ulrich, and if I understood your comment correctly, that's exactly the challenge that Rafik outlined as looking at the structures that have been used for previous efforts and finding one that is appropriate for this work or perhaps inventing a new one. Marilia, you're up next.

Marilia Maciel: Thank you, James and hello to everyone. It's a pleasure to be able to talk with you. When it comes to this topic, I think that yes, it has been in the agenda for a long time but the discussions in the GNSO have been very productive. As a member of this group, I think that we have a much better charter now, much more tight than we had before. So I do feel that we had made progress, and as a member of the group, I do thank everyone that has made comments and raised points on this issue.

I do feel that this group has been tricky because for the first time, maybe we are confronted with a task that doesn't have a clear end. It's an ongoing effort of following internet governance discussions beyond the ICANN realm. So I think that maybe this should serve as a model of other groups that could be created that maybe have a different characteristic that they are not have to do something that can be delivered in a given point in time.

So let's not just focus on this particular cross-community working group but try to develop a framework that is larger that could help groups to come, as was the case of the human rights working group that did not have a model and adopted a model of a working body. So something that can stay and maybe some of the members that participated on the cross community working group on cross community working groups would be willing to join this effort to make sure that we have a more solid framework that can help us and lasting time.

But I do feel that this task should be pursued by the members of the cross community working group on internet governance because I do heard in the conversations that they had -- that this is the reason why they -- some of them prefer to be a cross community working group in terms of the resources that I can muster, the meetings that they can convey. So I do feel we should be sensitive and let the group come up with different models, and justify the model that they feel is more appropriate. Thanks, James.

James Bladel: Thank you, Marilia and appreciate those thoughts and those comments. And just a note for those here in Johannesburg, we are trying to turn down the noise coming from the other room. I know for a moment or two there it seemed to drown out the remote line. So okay. Just noting that the queue is now clear. Would anyone else like to speak to this topic? Donna?

Donna Austin: Thanks, James. It seems that we've reached agreement that the CCWG is probably not the best idea. So Rafik, your group is going to do some work about what the alternative might look like. But what does that mean in terms

of bringing this back in front of the Council? Because I guess the reason it was in front of the Council was because it was looking for shadowing organization support. So I'm not sure where this leaves us if this is another -- if it's not a CCWG, if it becomes a drafting group, or team, or discussion group, or whatever it might be.

James Bladel: Keith?

Keith Drazek: Thanks, James and thanks Donna for that question. My suggestion is that for our next council meeting, we draft a motion that would effectively remove the GNSO as a chartering organization but in that motion, we also acknowledge the importance of the work, thank the members of the CCWG who have been participating, and to clearly outline that we expect the work to continue in a different format and suggest that in very short order something alternative -- an alternative is created. And we can work on coming up with whatever we name that, but I just think that whatever the motion is that effectively removes the GNSO as a chartering organization that we should make very clear that we support the work and it's really not in an way an indictment of the effort and the importance of the work, but it is something that we need to find a better form. Thanks.

James Bladel: Thanks, Keith and I think that would be a potential for our next meeting to do it in that sequence. Okay, next I have Rafik and then Paul. and I want to point out that I've been reminded by staff that because this is a public meeting and we are now in the phase where we're working through discussion items on our agenda, that members of the audience that are not members of the council, other folks of the GNSO community are also welcome to join the queue if they have thoughts or comments on this topic. We do have a floor microphone for that purpose on this agenda item and others.

So with that, Rafik and then Paul.

Rafik Dammak: Thanks. Just want to comment what Keith said. I'm kind of puzzled here that even acknowledging the work done and so on by the working group, why the GNSO would withdraw that timing if we are also looking to maybe create a new structure that responds to the concerns. Because I think that whatever we put as acknowledgement that the message that we send that we are not interested as GNSO in the work.

So I guess maybe just, Keith, for the time being why we put maybe someday (unintelligible) by when the working group or even if you want a drafting team to come up with a new proposal that responds to the concerns.

I think withdrawing now, it kind of maybe can send the wrong message. Maybe I'm misunderstanding here but just trying to more clarification just to -- not sure that's the right way to do.

James Bladel: I have Paul, but Keith, you wanted to respond to Rafik?

Keith Drazek: Thanks James, and thank you Rafik. I actually personally don't have strong feelings about whether it's at our next meeting or at a future meeting, but I'm happy to hear other's views on that. James mentioned at the beginning of this discussion that we'd had this on our agenda for many meetings and there was a desire to sort of wrap things up one way or another. So that was sort of what I was responding to.

James Bladel: And I guess the question would be to Rafik and the other folks who were involved in this effort, if it would be feasible to have a proposed alternative by our next meeting. That seems a little close and aggressive and I think that's what Keith had in mind is that we want to get this off our agenda so we can do it in a two-step process as potential to make some forward progress here.

Next is Paul and then Michele.

Paul McGrady: Thanks. So this is a technical question and I don't know if it's Keith who would respond or someone else. But if the GNSO withdraws from this, does it automatically make it go away or do they march on without us?

James Bladel: It's a good question and I think it's a bit unprecedented. I think that they would continue, the work would continue with the other chartering organizations. I think the question then open is according to the CCWG framework is whether or not it would still be a CCWG, particularly if other SOs and ACs followed suit, like the CCNSO. So I think we would basically taking a first step and then with the understanding that there would be an alternative proposal shortly following. But the work could continue.

Okay, Michele and then Greg?

Michele Neylon: Thanks, James. I think the issue for Rafik is that you probably think that we're being completely unsupportive of you, whereas it's more a question of the actual vehicle, the method that this group continues its work is the bit that we've been having problems with. I've lost track of how many GNSO council meetings it's been on the agenda for, but it's been on several and it's just really a case of it being restructured as something else. It's not a case of us saying we think it's a terrible idea, far from it.

So I'd be supportive of Keith's idea of putting it on the agenda that we remove ourselves as chartering organization, but we're removing ourselves from that particular version of the group, that particular iteration, that particular vehicle, thanks.

James Bladel: Thanks, Michele and I think it's understood that withdrawing support of the GNSO as a chartering organization does not mean the work comes to a screeching halt and that group is dissolved and far from it. We're essentially saying that that's step one and then step two is to adopt the new structure. So just so we're clear what we're discussing here. Greg, go ahead.

Greg Shatan: Thank you. Greg Shatan for the record. I'm speaking in my capacity as a member of the CCWG IG and someone who's been involved in the charter project. When this was first tasked to us by the GNSO, there was a tactical decision that needed to be made whether we should take the months after being tasked with this to look for a new structure or to take our charter, which predates the official charter of CCWGs and try to improve the charter and bring it into as close a compliance as possible with the now standard CCWG charter format, and also to try to bring the group's work into some form of compliance with more of a sense at least cycles of deliverables and phases of work, and the like, and also to listen to the underlying concerns about getting more communication with the community, more work with the board committee on IG and the like.

So we could have chosen whenever -- however many months ago this was to have a structured project and leave the charter as it was and then just decide that charter would get burnt at the end of the process. Or we could have chosen to do what we did, which was to try to improve the charter to bring it into line with that. That's the choice we made. I feel bad because I was one of the drivers behind that choice, just because I set up the document we started working on, I feel like we're being punished for that choice. I'd rather see -- if that was the wrong choice, I'm sorry to everybody in the committee for doing that.

I'm sorry to Rafik who will have to step down of Chair if this group withdraws its chartering position. I also think it sends -- I think it sends a message of non-support to the group because we're elevating structure over function, but you must be pretty unhappy with the function to pull the rug out from under the group on the basis of structure. It also sends a bad message, frankly, about the concerns about GNSO and internet governance, makes us seem kind of blinkered and inward looking in a world where internet governance goes across the borders of different organizations.

So what I would propose, perhaps, would be a one year continuation of the group with the understanding that within that time, the group will explore and find a new structure. And if there are criticisms you have about the work that we did to improve the charter, which was a huge amount of work, then we'd work on doing that as well. But just basically saying, hey you guys, you went down the wrong path and at the end of that path is a well, and now you're at the bottom of the well. And now, here's the well cover and we hope the other groups don't put rocks on top of the well cover. That just seems to me to be not the most productive approach and not the most productive reaction to all the work that the group has put together. Thanks.

James Bladel: Thanks, Greg and I just want to emphasize yet again that this change is not an indictment of the importance of GNSO community engagement in internet governance. I don't know how big that font has to be in that motion to make that clear because I think it keeps coming up as we discuss this change that it is somehow being shown as a vote of no confidence, I guess, in the entire subject. And I don't think that's what we heard this week. I don't think that's what we've heard through this process going back to Hyderabad. So I just want to put a marker down that I think we've identified and acknowledged repeatedly that we do value the engagement of this group and the board has echoed that, and Sally Costerton's team echoed that on Monday. So I think we're all in agreement of the importance of the work and that's not what's being implied, or telegraphed, or anything by this change.

Okay, I have Avri, and then Wolf-Ulrich, and then Erika, did you want to get in the queue as well? Maybe. Just after that, we should probably put a button under that one and look at moving onto our agenda. So next up is Avri.

Avri Doria: Thank you. I want to very much build on what Greg said. I think that no matter how big a font you use when you approach this as withdraw and replace that you will be seen as saying we don't think it's right that we have a member of the GNSO as one of the chairs of it. We are therefore withdrawing. One can say, yes, we totally support the working group but we

don't want to be part of its charter at the moment. What will be seen is it no longer has a GNSO co-chair and they have withdrawn.

I think what Greg said is very sensible in terms of just live with this charter until we find an adequate replacement. And so as opposed to appealing and replacing, you actually replace it at some point with a new charter. I just think that the visual of withdrawing is all that will be seen no matter how big the caveat is written and spoken. And that will be the effect. And the GNSO will lose whatever influence it might have in that by virtue of being one of the chairs. Thank you.

James Bladel: Thanks, Avri. I have Wolf-Ulrich next. Wolf-Ulrich?

Wolf-Ulrich Knoben: I am also fully in support of what Greg was saying. And in addition, It would be -- for us, it would be not fully clear what are the full implications of that suggestion you made, Keith, that we withdraw from the chartering organization. So it would mean then that we need more time to internally discuss, we'll just think about what is material implication on the GNSO and so on. It seems to me that here on the GNSO there are groups supporting the suggestion as it is, at the time being, the charter as it is. Others may have doubts and do not support that. I think it's not the way to say, then, that the whole organization of the GNSO is going then to refrain from being member of the chartering organization other than those groups may think about whether they should actively participate in the future or not as groups and so on.

So summarize that, so we still are in support to leave it as it is. Thanks.

James Bladel: Thanks, Wolf-Ulrich and I think our crew is still growing. We have Darcy next.

Darcy Southwell: Thanks, James. If we were to choose and decide, let's say, that we didn't want to withdraw our support as a charter organization, I guess one of my concerns though is not to have an open ended, you need to restructure if we

were going to suggest that the restructuring needs to happen. There needs to be some sort of a timeline that's established there to get there.

James Bladel: Thank you, Darcy. Any other comments from the table or from the room?
Carlos, welcome?

Carlos Raul Gutierrez: Yes, I was the liaison to that group between 2014 and 2016. I was a council member during that time and just let me make one analogy to what we discussed yesterday with Mary about the cross community working group and the use of country and territory names. The definition of the cross community working group is younger than these cross community working groups. And during these two years I was the liaison, we tried to fit the work of the internet governance group into the framework of the cross community working group. We tried with deadlines. We tried with reports. We tried with definition exercise and they did a great job there.

And the fact is that the only thing that does not fit is the working group and the definition of cross community working groups. I think it's a structural issue and we have to adapt it. That's it. It's not a big issue. Everybody is interested in internet governance. It is just the fact that it does not fit in the narrow definition of cross community working groups that we have now.
Thank you very much.

James Bladel: Thank you, Carlos and we'll call it the last speaker on this topic will be Michele.

Michele Neylon: Thanks, James. It's nice when you give me the last word on a topic. So as one of the other practical things that I'd ask is, is this group providing us with updates in some kind of formal fashion. And if not, why not. And secondly, is this group representing itself as speaking on behalf of the GNSO or any other organization when it engages with anybody? I mean that kind of thing would help with a bit of clarity. Thanks.

James Bladel: Thanks, Michele. I don't know. I don't have ready answers for you on either of those points. I note that we have GNSO participants. We have a GNSO co-chair. We have a GNSO liaison. But I don't know if that translates into a position contribution that represents the entire GNSO and Heather did you say you had some more current info on this?

Heather Forrest: Thank you, James. Not necessarily current info but I would say, Michele, in addition to the -- so I think the answer is at least we have, if you like, formal or informal reporting back from our representatives, which is a good thing. I think we -- there's more that we can do as a council in formalizing that. To the extent that it's informal, there's much more that we can do and even to the extent of expressing with particularity what sort of information we want.

But I think there's another point to be made, which doesn't hurt to put it on the record here since it came out in our discussions and our working session on Monday, which is picking up on what James has just said. We need, as a community, we need to better understand both the messages that go out and the messages that come back, let's say. And admittedly, some of that is on us, let's say, at least our involvement in the messages that go out.

I think it's on both sides. But certainly that was a concern that was articulated. And Keith, I think you make comments in the chat, and I tried to summarize the dialogue that we had in the chat that there is a, for lack of better words, there's accountability and transparency question here in terms of these folks are putting our positions to the broader world about us and we want to make sure that we understand what those are and then close that loop when they come home.

I think unfortunately, the discussion on Monday maybe went down the path of how many, and who, and this sort of thing, those sorts of nuts and bolts when it's really more the (unintelligible) substance. Thank you.

James Bladel: Thank you, Heather. Okay, so as we discussed, I think we have a plan to go forward and certainly, if there is to be a motion then we would look for that by the submission deadline for our next meeting. And I just want to emphasize, and I think this goes to Heather's point is that we're not the only group. The GNSO is not alone in having these discussions. I think we're hearing similar discussions from the CCNSO and similar discussions from the board. If it's a matter of somebody just has to go first or if it's a matter of timing, and sequence, and how much of a gap there is between first, second, and third, I think the answer is just that this is the way the tide is rolling out in this particular topic is that the work is important but the structure needs to change. And we're certainly not in a vacuum in those concerns about the structure.

And so if it -- I feel like it's perfectly appropriate for the GNSO to take a leadership role on that. And I think that we will see that we're not alone in those sentiments. But we will continue on that and as we indicated, we'll have some kind of a decision point at our next meeting. And this will no longer be a discussion item on our agenda. Can we agree to that point at least, that it will either be a motion or it won't appear at all.

Okay, thank you. Moving on then to agenda item number seven, the proposed fundamental changes -- proposed changes to the fundamental bylaws and how this engages the empowered community. Just a question for the room. How many folks were able to attend that early morning Empowered Community Inaugural present at the birth? I'm just going to say, Steve DelBianco, it doesn't count because you're at all of those. You probably conceptualized the empowered community along with Ed and some other folks. So it's kind of like asking Dr. Nasmith if he's ever seen a basketball game. It's not fair but yes, I'm good to see a lot of folks were there.

It was the rolling out or the unveiling of the empowered community administration and also a presentation of the proposed fundamental bylaws

change. I can tell you that the -- I can report that the general sense in our community for that feedback that I have received, and there are a number of stakeholder groups that haven't weighed in yet -- has been that this is a fairly non-controversial change to the fundamental bylaws. I think most appropriately, a number of folks had questions about the board arrived at this proposed change and what other alternatives they considered, et cetera. But this is the way they want to go and it's as good a test case as any to kind of take this new empowered community out for a drive and spin it around the block a few times.

So can we go around the horn and just say has anyone heard any positive or negative feedback from their stakeholder group or their constituency regarding, and especially looking for any concerns or objections to the proposed fundamental bylaws change. Most of the other communities seem to be lining up already in support of this. I think the CCNSO earlier used the red card green card method and determined that they are in support. And I think we've had -- and I'm looking for anyone who knows that there's any other groups that have already taken -- counted noses or taken the temperature of their communities on this as well.

But have Phil and then Ed. Phil?

Phil Corwin: I know they told me not to move the microphone, but I need to bring it a little closer. Thank you, James. Phil Corwin for the record. I took a look at this at the request of the VCX comm for our review and it seemed like a logical way for the board to organize its work based on their concerns that review of reconsideration was interfering with other duties for that committee and their didn't seem to be any objectionable downside for the community, and we've heard no objections for any or even concerns from any BC members. So at least from our perspective, it doesn't seem like anything that we should oppose.

James Bladel: Thanks, Phil. Ed?

Ed Morris: Thanks, James. The NCSG submitted a public comment in support of the board amendment and just to give folks some numbers. First of all, ink the CCWG we probably screwed up. We shouldn't have baked in a fundamental bylaw that specifies the specific board committee. That was our fault. But in terms of why the board feels they need to do this, in 2012, there were two reconsideration motions. For the last three years, the average has been 27.

So the BGC, the Board Governance Committee has been swamped. They can't get to other work so that's the reason for the request. Thanks.

James Bladel: Okay, so not to make a mess of everything but if we are changing the name of the board committee in the bylaws from one board committee to a new board committee, should we instead take this opportunity to blank the name and put some sort of a placeholder generic -- I'm sorry -- global reference to a variable that we can refer to that allows the Board the flexibility in the future to reorganize without going through the ECA?

We feel like we're pretty far down the path to be throwing that out there.

Ed Morris: It's a great idea. I wish the Board would have thought of it.

James Bladel: Okay, so my fault for throwing that out there now. But okay, but thank you Ed, and I did note that there was, I believe, the NCUC and was it the BC, and I think the IPC made a formal comment as well during the comment period. Paul, you're next in the queue. Maybe you can...

Paul McGrady: I'll plead ignorance on whether or not we did a comment. I can check. There are so many comments that this place needs that I just don't know the answer to that off the top of my head. However, I can say that we discussed this in our meeting this week and there was not any concern about this.

James Bladel: Okay, thank you, Paul. Still using Donna's computer for the queue, which appears to be empty. Any other comments either from the councilors or from the room, the rest of the community on this? Okay. Then we can probably tentatively say -- and I notice a distinct absence of weighing in one way or the other from contracted parties, and I think that that's the result of us just not hearing anything from our folks, which is probably an indication of support on the reconsideration request.

Paul, go ahead.

Paul McGrady: Steve DelBianco came to my rescue and pointed out that we did not submit a comment on this, the IPC did not.

James Bladel: Okay, I'm sorry and I apologize for misattributing that. I thought I saw another comment besides the NCSG and I can't remember which one it was coming from. So my apologies for putting you on the spot like that. Okay, so we will try to pin down the registrars and registries but I'll be blunt, they're probably going to ask us, the folks at the table, for our opinion on that and we're probably going to come down in a similar vein that this is a fairly benign change to the way the Board organizes itself. But we don't have that in writing yet.

The challenge then is the timeline and another maybe something we might have looked at from the CCWG is that there's a 21-day period that begins with the end of this meeting, by which all of the decisional participants in the empowered community administration, which includes us, have to agree to this change. Twenty-one days is a very difficult window to get something through the GNSO and by the way, the CCNSO and the GAC have said the same thing, 21 days is very, very tight, very aggressive, particularly coming in the summertime like this, right on the heels of an ICANN meeting. But that is also a bylaws change if we wanted to take a look at that. So it's baked in.

That means our deadline to respond would be -- and I'm looking kind of in Mary's direction here. She'll give me a thumb's up if I go -- if I'm getting this right. It means we have a deadline to respond on the 21st of July. Our next council meeting is scheduled on the 20th of July. So that's pretty tight. To make matters even more complex, the -- we were given notice that the Board has approved the draft budget and that occurred on some date, I forget the actual date, but that also triggered a 21-day window where we would entertain options to reject that budget if -- 21 days for the GNSO to submit a rejection. And in order for us to do that working backwards, some stakeholder group or constituency would have to raise an objection to the council so that we could decide upon it, decide if it had broad support on the council, and then submit that here.

So my thought initially, and it may turn out that this is just too good to be true, which is that if we took our meeting, which was scheduled for July 20, and moved it to July 13, we are inside both 21-day windows and we can take a decision on any hypothetical rejection petitions that might arise, as well as the final acceptance of the fundamental bylaw change. That's me always looking for the quick and easy way. I think Mary and Marika have identified a couple of flaws with that plan that we might actually have to have both meetings, the 13th and the 20th, if we go that route.

And Marika, can you explain why that would be? Oh, and I think it's because if another organization filed -- okay, I got it now. If we decide we're not filing any rejection petition to the budget but some other committee does, let's say the GAC files one, then the GNSO has to determine whether it wants to sign onto their petition within the same window. So that means we'd have to turn that around and take a petition coming from another group and say, what do you think, do we want to enjoin their petition to reject the budget, or abstain, or whatever we do.

So the thinking here is -- and I'm, hey, I'm open to ideas, we're inventing as we go -- the thinking here is we could do two things. Take our 20th meeting

and move it to July 13th, which would make the document and motion cut off basically the day after we leave here. So that would be a challenge on the 3rd. And smack in the middle of a holiday week for the Americans. And then leave the 20th as a placeholder. And if the meeting on the 20th were to occur at all, it would be to consider one item and one item only, which is community X has submitted a rejection petition. Let's vote on how we are going to proceed. And if no community has submitted a rejection petition then the meeting on the 20th just kind of evaporates and there's no need for it.

I hope all that made sense. What are your thoughts -- first of all, is it even possible or feasible to talk about moving a meeting this close? Paul, go ahead.

Paul McGrady: Yes, it's possible and feasible to talk about moving up this close. I don't think that's a big problem. My question has to do with the timing for motions if somebody else rejects because we've got this window. Do we have enough time? So if somebody -- some other community rejects the budget, do we have time between when they reject the budget and when we decide yes or no? And would that be by motion or would that be by acclamation so that the motion window doesn't apply? I'm fuzzy on the timing. Is that settled or do we need a different motion timing window for this kind of thing?

James Bladel: You're right. We almost -- because we have a seven day window but a ten day deadline for motions, we almost have to see three days into the future to know whether that's going to happen. And you're absolutely correct in pointing out that that's another misalignment of the calendars that we're getting from the empowered community participation as well as our own.

Two thoughts. First one is that if another community submits a motion to reject, I don't know how to put it another way. It's going to be all hands on deck from the GNSO and every stakeholder group, and every ex-comm is going to go into, I think, red alert mode because we have a very, very short period of time to come to a decision both individually and collectively on what

to do with that rejection. And as you noted, it's going to be -- we're going to have to waive our usual 10-day requirement and we're going to have to prohibit any deferrals, right, because that's another thing that's usually on the table for these kinds of decisions.

The second thing is, is that I know there's work going on to align the GNSO's operating procedures with the new bylaws and I know that some of you are involved in that. And I would say take a look at this exercise in the next month please as you work and help us. If we need a carve out of a special calendar just for empowered community actions that kind of gives us a get out of free jail card associated with our usual procedures, it's going to be a real challenge.

You have a quick one, Paul?

Paul McGrady: Just a follow-up to that, which is if we do a carve out like that, I think it has to be outward facing. Namely that we could move into emergency mode if one of the other members of the empowered community does something, but that we don't make it the other way to where we could -- we try to cram something down. Does that make sense?

James Bladel: 100% agree that that would be in response to another decisional participant's actions and not the way we would choose it for our own GNSO actions. Yes, I agree. Marika, go ahead. You might just want to come to the table, Marika.

Marika Konings: Yes, thank you. So this is Marika. So as you said, James, we're trying to indeed make things work with what we have at the moment, and indeed there is ability for a waiver. You need to have the agreement to not defer but referring to the changes that are being proposed in the operating procedures, and we'll talk a little bit more about it hopefully during the wrap up session, there was also an issue recognized by the bylaws drafting team as well as staff that the current -- or the timelines in the bylaws for these types of actions do not align with the GNSO operating procedures. So indeed, the solution

that is being proposed is indeed as an automatic waiver for these types of actions because it simply is not possible to fit it in. We initially thought that maybe we can find a way of having a specific timeline for it. But because it's in one way unpredictable because it depends on when is an action taken, are others putting forward petitions, that what is being proposed is indeed a general waiver for these specific type of actions to deviate from what is currently required under the operating procedures in relation to timing of meetings, announcement of meetings, submission of motions to be able to accommodate that.

But it's important that everyone has a look at that and see if that is an acceptable approach or whether there are other solutions that should be considered because we're trying to fit this in with what we have. And I'm hoping that Steve is not going to correct me on that.

James Bladel: Thanks, Marika. And I think to Paul's point, as long as those are used to respond and not to initiate, I think that they're probably more benign. I had a quick question and I recognize Steve wants to weigh in on this and he's probably one of the experts in the room. But is there any flexibility we have on the starting point of the trigger? In particular, the budget was triggered when John Jefferies informed us that the Board accepted the budget. And maybe I've got this wrong, but I'm questioning the decision to do that a week in advance of an ICANN meeting when there's just a big whole blown out of your calendar like that.

Is there a way that we can time those actions, either the community forum or the announcement of the adoption of the budget to make sure that we don't get into this situation again. And I don't know if there's a quick answer for that. But Steve, you're up. Go ahead.

Steve DelBianco: Steve DelBianco with the BC. With respect to the timing, the fundamental bylaw change was actually -- the timing of that begins after the meeting. So we'll check on the budget one to see if there's a similar automatic delay. If it

starts during a meeting then it starts after. We'll check on that. With respect to this new procedure, I know you discussed in the wrap up session but it's worth nothing that staff and our drafting team looked at a variety of ways to have it not be a timing problem.

We thought about, oh, put it on the consent agenda. But when we were concerned about procedures that would allow people to ask that it come off the consent agenda. We looked at other mechanisms where we could potentially work it through but ultimately concluded that a waiver was going to be the way. So that will be in the procedures. That's not much good to us on this particular situation, but it will be fixed when we adopt the new bylaws and policies and procedures.

James Bladel: Thanks, Steve and it's a good point about the triggering. I had ah thought and I lost it but I think Mary has a comment. So go ahead, Mary, and just remember the floor mic is -- oh it's working now.

Mary Wong: Thanks, James and I hope it wasn't me that caused you to lose your train of thought but maybe this will help it come. This is Mary from staff. So I wanted to address the question that you asked, James, about the timing of the secretary notice that triggered the budget process that we're looking at right now. And obviously, it is because the Board made the decision on the 23rd or the 24th of June, I believe, at the June board meeting.

That triggers under the bylaws and obligation for the secretary to promptly inform all empowered community participants and so while one might argue about how many hours is promptly, that really was the reason why that was done.

My understanding from speaking to staff and others is that because this process that you're now looking at actually means that by the time you're done, even if you don't have petitions, a caretaker budget actually comes into effect until that time that hopefully next year that decision from the Board can

come either earlier or at least at a time where it may be more helpful. That will have some impact on budget planning for everyone else so I'm not making this as a problem, but it's certainly something that's being looked into. Thank you.

James Bladel: Thank you, Mary. And your last statement reminded me that I was going to respond to that and to Steve, which is I am starting to get a little unnerved with the fact that we're talking about how to make things go faster, faster, faster, waivers and consent agenda when if you think about the ramifications of what we're talking about, which would be the adoption of a petition to reject the budget and fall back to a caretaker budget, and essentially tell ICANN finance to go back and do it again, that's a pretty big thing to do on seven days or 21 days. And presumably since a lot of us are changing time zone on very little sleep and a bunch of caffeine from talking to our ex-comm.

So I'm just pointing out the disconnect between big huge decision and trying to speed up that process. It is something that's a little concerning but -- and maybe I'm naïve in this point but I'm hoping that this is all just kind of academic and that there's not going to be any petitions to reject, and that we're all just kind of trying this out and identifying flaws.

But I am encouraged to note that the bylaws drafting team is very well aware of the challenges associated with this seat.

And again, this isn't just some kind of exclusive specific to the GNSO problem. Everybody is struggling with this and trying to find a way to work within these constraints. So the queue is clear. I guess Marika's hand is up. Is that an old hand? Okay. So if I can just kind of bring this in for a landing, I think what we'll try to do is let's just as a group agree that we will adjust our calendar. We will move our meeting from the 20th to the 13th. That means the document in motion cutoff date for that meeting is the 3rd.

If another decisional participant in the empowered community raises a petition to reject the budget, we will activate a placeholder meeting that we currently have on the 20th. So that will still stay on the calendar to consider that issue and that issue only. And in the interim, between the raising of that petition and the decision on the 20th, our mission and it will be one with a bullet, will be we've got to go out and engage with our stakeholder groups and constituencies and figure out what we need to do with that petition.

So I guess that's how the scenario needs to play out so that we can hit those targets and we are trying to do better next time. Okay, go ahead, Heather.

Heather Forrest: Just to confirm, be absolutely clear, we're sticking with the original date of our council meeting, originally scheduled date?

James Bladel: No, we are moving the council meeting from the 20th to the 13th.

Heather Forrest: Right, okay.

James Bladel: But we are leaving that 20th as a placeholder.

Heather Forrest: Understood.

James Bladel: On the condition that another community raises a petition. If no other petitions are raised than there's no need for it and we can all just kind of go to the beach or something. Staff, did you get all of that? Okay, well, we've got some work to do on our side so thank you for your flexibility and what this space for future developments.

Okay, next on our agenda is -- oh we're almost to the bottom of the page. Agenda item number eight, and just as a time check, we have it looks like a little more than a half an hour. So we're doing okay. We have a discussion on the cross community working group on the use of country and territory names and I note that we have two of the co-chairs of that cross community

working group here. And if you don't mind, Heather, can I turn it over to you, and you can give us an update and what our next steps as a council would be. Heather?

Heather Forrest: Thanks, James. I'm happy to do that. So quick summary and then I'll turn to the recommendations. This is an effort that has been going since 2013. It was a follow-on effort from the CCNSO study group on the use of country and territory names, which recommended the formation of a cross-community working group. For us in the GNSO, it's important to bear in mind that at the time that this thing was formed, we did not actually have a PDP on foot that was dealing with next round in between the formation of this cross community working group and now, we have of course had the chartering and commencement of work of the subsequent procedures PDP.

This group has dealt only with, as its name suggests, the use of country and territory names. You will see in the screens in front of you a summary of the recommendations as this group is now proposing to wind up its work. And the reason the group is proposing to wind up its work is that it was fundamentally unable to agree on substantive conclusions or next steps. In terms of substantive conclusions, the group did reach a preliminary conclusion in relation to two letter codes. That conclusion was that those should be reserved for the use of country code top level domains.

The basis of that decision was strictly articulated as the adoption in RFC 1591 of two letter codes as a standard for CCs, the use of that external standard ISO 3166-1 in determining what those codes were and the fact that that standard had been used in other environments. It wasn't strictly an ICANN thing so there's a history argument here. There's a confusion argument here or prevention of confusion argument here and it was felt that there was no need to disturb that.

When it came to discussing three letter codes, unfortunately the discussion broke down and that would certainly be familiar to those who attended

yesterday's session on geographic names. So where we are more fundamentally, if I draw us out of substance and what I think the substance of our discussion needs to be, is not just on these recommendations but this. What we have here is a cross community working group that has failed because the community is not able to agree and/or compromise on these issues.

And what we're seeing in this space and I think we're seeing in the comments that came out of the session on geographic names yesterday is questioning and/or doubt as to the role of the GNSO in this space and the role of the PDP. And fundamentally, this is something that I am quite worried about and I can say that to you where I really couldn't say that to the cross community working group because indeed I was a co-chair. So I did not have that ability to give that input. However, I'm giving it to you here and to you, the GNSO community, I would say that this outcome raises significant concerns for me in a sense of the failure to agree on next steps essentially came down to whether the PDP is the right body to take this on, or whether another cross community working group is the right group to take this on.

Now, cross community working groups are not recognized in the bylaws in terms of developing policy. They have a rather uncertain mandate, as we've just discussed in a previous item in our agenda. And we have a PDP on foot that indeed has within its charter the review of the geographic names provisions in the applicant guidebook. So problem number one is this idea of CCWG good, PDP bad. Problem number two is this question of whether or not geographic domain names are within the bailiwick of the GNSO. And those two points are largely the reasons why this cross community working group was not able to agree.

So with that in mind, I encourage you to see this as much broader for those of you who are not living, breathing, and eating geographic names as I do. I encourage you to see this as a much bigger picture. This is an existential GNSO issue and we have had sporadic engagement in the cross community

working group from various seasoned SGs in the GNSO and I understand that some of you just haven't had the resources until now to put into this.

I encourage you now is the time. You're going to have to get involved. This is a big issue. So I'm happy to answer any questions, whether it's substantively about the recommendations or where we are procedurally and I'll turn the floor to you. I'll end by saying that this is on our agenda this time as a discussion item. It will come forward for a vote because we as a chartering organization, along with the CCNSO, will need to respond to the final report and decide what we want to do.

So this is on our agenda now to discuss and it will come before us at the next possible opportunity for us to take action on. So I'm happy to answer any questions that anyone has. Thank you, James.

James Bladel: Thank you, Heather and before I go to the queue, thank you for taking this on. It's been a long saga, and I think Carlos, you've been involved as well so thank you for your service to this work on behalf of the GNSO. It probably felt a little burdensome and thankless to do all this but you are certainly appreciated over here.

I have a queue forming and with my app, I have no idea what order they came in. So let's start with Phil, and then I put myself in the queue, and then Rubens. Phil?

Phil Corwin: Thank you, James and thank you Heather for that report. Phil Corwin for the record and I want to make clear that what I'm saying now are personal remarks. This issue has not yet been discussed within the BC but it's certainly something I think that would be of great interest and concern to the BC.

So speaking personally in regard to the narrow question of the review of the rules for geographic names for subsequent rounds of new GTLDs, my

personal view would be that well, of course, the GNSO and its working group should be in communication with all other parts of the community outside of the GNSO and our working groups of course are open to participation and comment by all members of the community that the rules for generic TLDs are the exclusive jurisdiction ultimately of the GNSO and that we should very jealously guard that jurisdiction. Because once we begin to give one piece of it away, it starts us down a road that could undermine our authority over other aspects of generic top level domain.

So again that's a personal view but I share your concerns and I'll encourage BC members to look at this issue and hopefully be able to report back at future meetings on findings we've taken within our constituency. Thank you.

James Bladel: Thank you, Phil. I put myself in the queue to respond probably similarly and if I could speak just as a registrar and a contracted party, we have a contractual obligation to be bound to new obligations, new changes to our contract that come from the PDP process, the GNSO PDP process. We're not contractually obligated to GAC advice. We're not contractually obligated to board motions and we're not contractually obligated to follow CCWG recommendations. I understand that some of those things find their way into the implementation of different programs, and particularly the new TLD applicant guidebook, I think there are entire chapters in there that were constructed outside of the PDP process.

My personal feeling, and I have not consulted not only with other registrars but even my own employer on this point, but just my personal feeling is that if we start to head down this path that contracted parties need to start pushing back and saying, hold up, where is the basis of authority for putting something into a program that did not come through the GNSO. And I think that goes to your point, Phil, about maintaining or guarding the exclusivity of the ability to regulate the use and development of GTLD domain names. That's what this body is for. It's right there in the bylaws. It's right there in the mission.

So I'm just kind of I guess echoing what you're saying but from the perspective of a company that is on the hook and has signed a contract with blank placeholders in it, which I'm sure any first year law student would tell you is probably not something you should ever sign. But we all signed it under the understanding that this is the process and this is the body that would be used and that we wouldn't just kind of find new avenues to kind of shoehorn things into those agreements. And I think that that's something that the GNSO generally and contracted parties specifically need to be on their guard for as we go forward.

But I take your point and I take Heather's point as well about recognizing that there's future work to be done in this area. And I think part of that, and I'm just going to put Jeff on the spot here for a minute and Avri, part of that is I think the challenge now is to demonstrate that the PDP is the right vehicle to tackle these issues. We've made a good start by having those cross community discussions on CCWG and your straw horse or whatever we're calling it proposal. I understand that there was some push back on some of the other names, so I'll just call it the horse proposal that you developed and presented. I think that's a good start to demonstrate that not only is the PDP appropriate but the PDP is effective in tackling these issues.

So thank you and please continue down that path. So more folks want to speak on this issue. Rubens, Michele, Paul, and Cheryl. We'll start with a completely different order here. Rubens?

Rubens Kuhl: Thank you, James. Rubens Kuhl. I wondered if the co-chairs of the CWG could enlighten us as to whether some regional approach was attempted or considered and that in some cases where global policies are not possible, not everyone in the world agrees with something, there are cases in (unintelligible) where you do a regionalized approach. Was that considered? Would that be interesting from a GNSO perspective?

Heather Forrest: Thank you, Rubens. Heather Forrest. I think that that is a very interesting suggestion. I can say that it's not one that was taken up by the CWG but I would say with Avri and Jeff in the room, it's a good thing for them to hear. Part of the reason why it wasn't taken up by the CWG is its specific mandate was to determine whether or not a harmonized framework for geographic names was possible and that notion of a harmonized framework really discounted anything that you suggest in terms of something that applies to some but not others.

I think that is a challenge that we have in the community and that's largely a product of the different and overlapping efforts that we've had in the community -- GNSO, CCNSO, GAC. We really do need to have -- in terms of applicant certainty, I think we need to have a consistent framework that everyone, even if it's not universal, that everyone understands what applies to them and what does not.

So I would say with Jeff and Avri in the room, it's particularly helpful for them to hear that. But unfortunately, it wasn't within our scope to consider such a question. Thanks.

James Bladel: Thanks, Ruben and thank you, Heather. And I've just noted that we have lost Marilia? Is that correct? That was the beeping we heard on the line and we are trying to reconnect. But while that's going on, we'll move to Michele.

Marilia Maciel: I'm reconnected. Thank you.

James Bladel: Thank you, Marilia.

Michele Neylon: Thanks, James. All this confusion out, straw horses, and horses, and why not donkeys and other creatures? We could have a lot of fun with that. I know that my learned colleague, Mr. McGrady, would have great fun with it too. This kind of thing where you have -- what you see is a set of rules, be that of a contract, a set of policies, and applicant guidebook, or whatever it is.

And then suddenly after the fact you've got all these other kind of weird little tweaks and changes in requests coming in and they don't seem to even have any consistency with the actual current reality. It always freaks me out a little bit, speaking as well as a registrar without having consulted other registrars and not having to consult my own company since I own it.

In the case of all the CCTLDs, they allow country names to be registered to the CC. You can register -- because I've done this -- I've registered a bunch of country names in several CCTLDs and there's never been an issue. And I know this is top level but the thing is, is that the kind of conversations you hear coming from certain parties around this. They say with authority or they give that impression, oh, this is not allowed in CCTLDs. Yet it often is and that kind of thing always disturbs me a little bit. And then some of these other kind of restrictions that they're putting in place -- it could be the country name, it could be the country codes. It can be something else and it's a kind of impractical disjoint that bothers me.

But on point here is that these things really need to be within the remit of the GNSO or else we as contracted parties have no idea where the hell we're meant to go. Thank you.

James Bladel: Thanks, Michele. Paul?

Paul McGrady: I agree that this is an existential issue. This essentially has the potential to shift away from the GNSO to other bodies within the community, the making of GNSO policy, and I think that we should resist that. I think that that should really trouble us and I'm glad to see I think some progress from some of the other groups indicating that they may be willing to participate within the PDP on this limited issue. But I do think that we need to very strongly and politely say that we insist that the GNSO has a reason to live and that we aren't going to cede ground on this.

The second thing is this right now, some of the proposals out there have the ability to undo all the hard work on the new GTLD program itself because essentially, some of the proposals are calling for an unlimited repository, untied to national law, and essentially anything that any government wanted to put into that list was blocked at top level, and you would have to seek permission from governments in advance, from all the governments that might have some interest in that particular term in advance. And those are going to be hundreds or thousands of terms.

There's one letter from Peru, I think, to Dr. Crocker, that gave their list and it was this huge list including Jesus Nazario, which I think is maybe not just a territorial term, not sure. And so we're talking about a wide ranging list that would essentially block all the new real estate, which was the purpose of the new GTLD program in the first place. So not only on a forward going basis is this an existential threat, but it actually has the ability to undo years, and years, and years of work dating all the way back to Paris, which would be a shame. Thanks.

James Bladel: Thanks, Paul. I have now Cheryl. And then Chuck is at the floor mic. So Cheryl, go ahead.

Cheryl Langdon-Orr: Thanks very much, James, and I want to make it really clear. Yes, I'm sitting here as the liaison to the GNSO but I'm speaking now as the ALAC liaison and representative that served on this committee, acting on their behalf, and in the two years prior on the study group in CCNSO. So I'm just hoping to share a little context, as Heather knows. I was on the opposite camp and part of the team that was very much responsible for Section 3 in front of you.

So I wanted to just make sure we understand some of the external view as well, because the internal view is essential and I don't disagree with anything that has been said here, including that it is important to take this as an exercise which does not unravel things that have gone before. So we did

stand the ground and say that whatever happens, it must be a broadly inclusive and with deliberate opportunity for the community to be involved and that should happen.

My problem is, and I'm delighted that Avri and Jeff have guided us in the subsequent procedures PDP process, which has this as part of its mandate. This is part of what we need to do to get the exercises we've had and will have this week because that is demonstrably an effort to do that. My fear is in this case, it may not be enough and I don't want to see the progress and timeline for the larger subsequent procedure PDP be affected unnecessarily by perhaps outlying views and radical views, which we really kind of need to deal with in an almost separate stream.

So not suggesting there's a solution but I am perhaps hoping that you will see both sides. But we don't want to derail the excellent work that's being done in the sub-pro PDP, but saying if everyone else wants to come along and be engaged when that PDP process is dealing with this topic, you're going to have to really look at how you even telegraph the agendas, when things are on, how they're on. It's really impractical to take the rest of your community into that. So just an awareness raising from me. Thank you.

James Bladel: Thanks for the context, Cheryl. The next two speakers are Chuck and Jeff and then I have Paul in the queue, and then Carlos.

Chuck Gomes: Chuck Gomes. I'm going to reinforce what several of you already said, but I want to give a little background. In the new GTLD PDP that occurred in 2006-2007 for the 2012 round, one of the principles we adopted as part of that was that we wouldn't adopt any policy unless it was based on some objective standard of international law with a case of GTLDs. And it's a really slippery slope as soon as we make decisions based on subjective criteria without some law. In some cases, it might be a local law. It might be an international treaty. But as soon as our PDP process in the GNSO and you kind of hit at this, Paul, and I think Michele did too. As soon as we open it up

to subjective opinions as to what should be allowed and not allowed, it's a terribly slippery slope for us.

Now, I think though when we're communicating this, to the GAC in particular in this case, but to other groups as well as it's applicable, we need to explain that concept that we're not just being stubborn and protecting our turf. We actually believe that any policy that's developed needs to be based on some objective standard that we can rely on. And I think that's the extra step we need to take in order to communicate our message in this regard. If governments can help us see some objective standard rather than I think I want to protect all of these things, that's what we really need and that's what we should request.

James Bladel: Thanks, Chuck. I have Jeff, Paul, and Carlos and then we're just going to close the queue because we have to move onto our next two items. So Jeff, go ahead?

Jeff Neuman: Thank you. Jeff Neuman. I feel like I'm returning home. Missed you guys. I just wanted to get up here and talk on behalf of myself as one of the co-chairs and Avri as the other co-chair can weigh in as well. This is a really complicated issue and I would love to stand up here and say that the only thing we need to insist on an objective standard and that's it, and we're not going to budget from that going forward. I would love to be able to say that. This is an issue that has a number of years of -- over a decade of history -- lots of different viewpoints, whether based on law or otherwise -- and is one that certainly evokes a lot of emotions in any and every community.

So one of the -- it's not for lack of trying to come up with an objective standard. We'd love to do one. But I think we have to recognize in a multi-stakeholder body that we have to understand the viewpoints of others, but in the end come up with something that we hopefully all can live with and that's what we're trying to do. I will say that regardless of what's in the straw person, horse, whatever you want to call it, I think it achieved its goal in

getting opinions from members of the community out. What I would recommend going forward, and I would love the GNSO to support this, is that within the GNSO policy development process, our working group, that we establish a work track number five specifically tailored just for geographic names and that we do something a little bit different than what we've done in the past for our working groups, but invite the leaders of this work track to be members -- to have one member of some of the other communities (unintelligible) that work track.

For example, having one GNSO rep, one CCNSO rep, one GAC rep, and one ALAC rep. Invite them all to participate. It's not been done before but I think in that way, and I've had a number of discussions with other communities, they would participate in that type of environment. And in that way, we can maintain what the bylaws state, which is the GNSO is the policy body with respect to generic top level domains. But also involve the community in a way that they're going to participate.

So that is what we intend to propose to the community tomorrow. Would love the GNSO endorsement of that concept moving forward and also a clear statement from the GNSO that generic top level domains, even if it's just reading from the bylaws, are in fact the appropriate place for the discussion of policies related to generic top level domains. Thanks.

James Bladel: Thanks, Jeff and I'm encouraged by that idea, creating a new work track, but also the way you've proposed to structure it. I think it sounds like a great idea. It certainly brings this effort and all the stakeholders under the umbrella of the PDP, which I think addresses a lot of the concerns a lot of us are having around the table. I note that we've got a little bit of time left. We have Paul and Carlos, your hand was down. You're down, okay. The only concern I would have and you don't have to respond now, is that if you do go that route, the CCWG failed to reach agreement and I think you would have to understand exactly why that happened and how you would expect to

succeed to reach a consensus in that work track where the CCWG was unable to do so.

That's just my only thought on that, but I'm sure that that weighs heavily on your mind as well. Paul, you're up next.

Paul McGrady: Thank you, Jeff and thank you, Cheryl both. I think -- I fully support the idea of a work track five. In fact, I've been agitating for work track five because I think we've got some momentum coming out of this meeting, but we need a method to capture it and to keep going. I really like the idea of shared leadership for that work track five. It brings a lot of people in, gives them the chance to participate on equal footing. I think if we have shared leadership, we'll also have shared participation, which is a very good thing. I do take Cheryl's advice seriously that if we do that, we're going to have to -- unfortunately this is what we always do -- hey, staff. But we're really going to have to ask staff to help us help that leadership team especially. We're going to have to be very sensitive to when meetings take place. We're going to have to maybe look at the language issue of the output document so that it's not just English.

So we may have to step up our game a little bit to make that work but I think if we're committed to it and we open up the tent and ask people to come in, that is our best bet to get something done through the PDP process, that then the board can rely on at the end of the day because it has the legitimacy of all the voices under one roof. Thank you.

James Bladel: Thanks, Paul and I had closed the queue but Phil, you raised your hand. Do you have a quick comment?

Phil Corwin: Yes, very quick and again it's a personal view because I haven't consulted with BC. Colleagues, I'm not dismissing or objecting to Jeff's idea, but I do hope we explore it to make sure that we're not creating a precedent for creating a CCWG within the context of a PDP because there's no sense

keeping the front door lock if you're opening the back door. I think we need to vet it a little more before we declare it a great idea and go forward with it.

James Bladel: Thanks, Phil and yes, I think what you heard was initial reactions. I think Jeff is expecting that we would have a discussion and kind of turn this thing around and a look at it a little bit. But given the choice from my personal perspective, given the choice of the PDP eating the CCWG or the other way around, I choose the former rather than the latter. But that's again just an initial reaction.

Okay, thank you -- Rubens? Guys, we have a hard stop at the top of the hour. We have two more AOB business so can we make this extremely quick? Rubens, one minute. Jeff, 30 seconds.

Rubens Kuhl: Just remind all of us that membership in the GNSO PDP is not limited to GNSO. So the fact that we are inviting other constituencies, et cetera, doesn't change the fact that the GNSO Council that's overseeing this (unintelligible) element.

Absolutely correct. Thank you for the clarification. Jeff?

Jeff Neuman: Just to respond, 30 seconds, Avri and I intend to make the announcement tomorrow that we are creating a work track five. Whether that speeds up your discussions or not, unless we get specific instructions not to from the GNSO, that is what we intend to do with that structure we talked about.

James Bladel: I don't think there's any concerns about spinning up a new work track. I think we were just commenting on the proposed structure. But to Rubens point, everything that you're doing is within bounds of existing policy process.

Okay, next up is -- and we have a couple of orders of AOB here and I don't want open microphone to be the thing that gets thrown overboard. So we have an update on Section 16 and I can give a brief update. I don't know if Thomas Rickert joined. He did not? Okay. So I'll give a brief update on this.

We have executed, as you recall from our meeting in May, the Section 16 to reconvene the PDP to review and possibly but not certainly revise the recommendations associated with protections of names in the Red Cross, Red Crescent, and National Movement names. This work is just getting started but I can report that Thomas has agreed to lead that up and get going on that. We've asked them to consider that an urgent bit of work and to provide us with a work plan as soon as possible.

Ideally, these things would happen in close proximity to the actual PDP and not several years later. And so that's one of the challenges associated with this particular issue. The one question that was raised and it came up again with our interactions with the GAC is a question of membership. As you might imagine, a lot of folks who participated in the previous PDP have left the industry, don't want to do this again, whatever, for a variety of reasons. But yet, we are also equally reluctant to just throw open the doors to anyone who has never seen this issue before and wants to get involved suddenly at this very, very late stage of the game because we're past 11th hour now. We're into 12th hour.

And so to address that, we have asked Thomas to exercise some judgment in allowing new members, particularly if it can demonstrated that they are replacing a voice, perspective, organization, or individual that participated in the original group but is absent in the reconvened group. So he's working on that. And I don't have a whole lot more to report other than that's underway and we should have more at the next meeting. Donna?

Donna Austin: This is a point that James made to the working group. I don't know whether it was on the mailing list or during the first discussion, but it's really important to understand that this is a discussion about a very well scoped issue. It's not intended to open up anything beyond that and Thomas knows that, and we would expect that he would close anything down that goes beyond that

scope. So I think that's an important piece of the information as well when we talk about membership.

If people are trying to increase the membership to open up new items, that's not going to happen. This is a very limited scope that the working group is being reconvened for.

James Bladel: Thanks, Donna. Any other questions or concerns? We have a couple of items of AOB as well. If you don't mind, I can just kind of run through them fairly quickly. I know we have Denise here for SSR2. We have Susan wanted to give us an update on RDS. Susan, can you give us maybe a few moments here? I know that we're still -- that group is still getting organized.

Susan Kawaguchi: On the review team. I was thinking the working group. Actually, we met informally this week and had a dinner and we'll start weekly calls soon.

James Bladel: Great and really glad that our four representative. I think we have a good slate of members to that group. Denise, you're up for this and I should note that Steve sent an update from Denise to the council list that also was circulated to me through a different list, but it was forwarded as a PDF. So I didn't recognize it for what it was. So my fault on that one but we have it now and Denise, maybe you can give us a couple of minutes, just an overview of where the SSR2 review team is currently.

Denise Michel: Sure, I'd be happy to. I'd like to -- James Gannon also was appointed by the GNSO Council to the SSR review team, as was Emily Taylor, who had a previous commitment and could not be here today. Emily and I are co-chairs of the review team along with Eric Osterweil who was appointed by the RSAC. We met here in Johannesburg in face-to-face meeting and we're still in the early days of our review. This is the security, stability, and resiliency of the DNS review. It's the second of these reviews for ICANN.

We provide updates prior to every ICANN meeting posted on our Wiki. Recommend you use Google to find it but we'll also make sure that staff gets the updated newsletters out to all of the constituencies, SOs, and ACs. We finished our terms of reference. We identified sub-topic work items for the team. We received feedback from the Board on the terms of reference, which we've addressed with a board member on the review team. Work progresses and we look forward to keeping the community updated as we go forward. James, did you have anything you'd like to add? And we'd be happy to answer any questions while we're here. I know you're on a short timeline.

James Gannon: I think Emily -- Denise covered everything and it was unfortunate that Emily wasn't able to be here but I think we have a strong GNSO presence on the team and I think slow start but first review, post the new ICANN bylaws, we have a lot of admin work to get done but we really started our substantive work this week and I think we're on the right path now.

James Bladel: Excellent update. Thank you. Any questions for Denise and James? Thank you for that update and we'll look forward to that, and I promise now to actually read the report that I received twice. Okay, which now brings us to another matter. We had three potential AOBs and I think Heather, you had one, but it's been covered so that's one down. Ed, I know that you proposed an additional item to discuss, which was a standing finance committee to review the ICANN budget to keep us from becoming a deadline driven process and have us more just reviewing that budget throughout the year.

May I ask that we bring that up for a broader discussion in our wrap-up session tomorrow? Because that's kind of internal housekeeping and I think nobody -- I think everybody thinks that's a good idea and I think we should hash out how that's going to work and that could take some time. But it is a good call. And then we had one other item of business, but I think it's going to require us -- Chuck, do you mind if -- can we put you on the spot here to answer a couple questions, if you wouldn't mind going up to the -- it's there.

For those of you who don't know, we were going to prompt you with some questions about your PDPs, but we decided instead to just kind of run through your long and storied history here at ICANN. Because for those of you who aren't aware, Chuck is retiring at the end of this month. Fortunately, and I say thank you to Pat and Keith, Verisign is continuing to allow him to continue in his leadership role to the community through the PDP and we're very, very grateful for that.

I don't even know -- I'm the newcomer up here. I've been only doing this ten years but Chuck was the Chair the year I got here in my first meeting ten years ago and I think all of us have followed in that model of not only your leadership but your thoughtfulness, and thoroughness, and just overall genuine desire to bring out the best in folks as they take on this work. And sometimes, as you noted today in your session that sometimes these are very complex issues and passions can boil over. But you're always the calming and soothing voice in the room.

So I guess on behalf of the entire Council, we wanted to say thank you for all of your service then and now, and hopefully in the immediate and ongoing future. You I think set the bar very high for the rest of us and we aspire to follow -- to live up to your model. So thank you for that and if anyone else would have any other thoughts or questions. We did have that one episode where the (Chulk) did emerge, but we do consider him more of a superhero than anything else.

Chuck Gomes: Thank you.

James Bladel: Thank you, Chuck.

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