
HYDERABAD – GNSO Council Public Meeting part 2

Monday, November 07, 2016 – 15:15 to 16:45 IST

ICANN57 | Hyderabad, India

List of attendees:

NCA – Non Voting –Erika Mann – absent apologies

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 - remote participation

Non-Contracted Parties House

Commercial Stakeholder Group (CSG);

Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoben, Tony Harris, Paul McGrady, Heather Forrest

Non-Commercial Stakeholder Group (NCSG): Amr Elsadr- absent Temporary Alternate

Mathew Shears, Stephanie Perrin, Rafik Dammak, Stefania Milan, Marilia Maciel -

absent Temporary Alternate Sara Clayton, Edward Morris

Nominating Committee Appointee (NCA):

Julf (Johan) Helsingius - remote participation

NCA – Non Voting – Erika Mann – absent apologies

GNSO Council Liaisons/Observers:

Cheryl Langdon-Orr– ALAC Liaison

Patrick Myles - ccNSO Observer - absent -apologies

Carlos Raul Gutierrez– GNSO liaison to the GAC

JAMES BLADEL: Let's start to make our way back to the table. Thank you, that was quick. This new council comes back to the table much

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faster. I like that. Although it looks a lot like the old council. Maybe a little different.

Glen -- I'll stall for time as Glen walks back to her seat.

This is part 2 of the annual council meeting. And at our annual general meeting is when we say good-bye to our outgoing councillors, which we did just a few moments ago. And now we'll say hello to our incoming councillors.

Glen, I'd ask you to once again read the roll and particularly for the folks who are participating remotely, if you don't mind.

GLEN de SAINT GERY: Thank you, James. I'll do the roll call, and then I will announce the new councillors.

Donna Austin.

DONNA AUSTIN: Yes.

GLEN de SAINT GERY: Perhaps I should also say that Donna Austin and Keith Drazek were re-elected onto the council by the stakeholder group.

[Applause]

Rubens Kuhl?

RUBENS KUHL: Here.

GLEN de SAINT GERY: Darcy Southwell.

DARCY SOUTHWELL: Here.

GLEN de SAINT GERY: Darcy is new as well. She has already theoretically been on the council because she took the place of Jennifer Gore.

Michele Neylon is now no longer a temporary alternate. He is Michele Neylon on the council.

[Laughter]

MICHELE NEYLON: Whoo! I got upgraded.

GLEN de SAINT GERY: Valerie Tan. Valerie, are you on the phone?

VALERIE TAN: Yes, Glen, I'm here.

GLEN de SAINT GERY: Thank you very much.

Susan Kawaguchi. Susan was also reelected by her constituency back on the council.

[Applause.]

SUSAN KAWAGUCHI: Thank you.

GLEN de SAINT GERY: Philip Corwin.

PHILIP CORWIN: Here.

GLEN de SAINT GERY: Heather Forrest. Heather was also re-elected by the IPC back on the council.

HEATHER FORREST: Here, Glen.

GLEN de SAINT GERY: Paul McGrady.

PAUL McGRADY: Here.

GLEN de SAINT GERY: Wolf-Ulrich Knoben. Wolf-Ulrich was also re-elected.

WOLF-ULRICH KNOBEN: Thanks. I'm here.

GLEN de SAINT GERY: Tony Harris.

TONY HARRIS: Yes. I'm here.

GLEN de SAINT GERY: Stephanie Perrin also re-elected onto the council by the NCSG.

[Applause.]

Rafik Dammak is new on the council, but he is not new to the council because he's already been on the council.

RAFIK DAMMAK: Here.

GLEN de SAINT GERY: Welcome, Rafik. Matthew Shears is temporary alternate for Amr Elsadr.

Marilia Marciel -- Sarah Clayton is temporary alternate for Marilia.

SARAH CLAYTON: Here.

GLEN de SAINT GERY: Stefania Milan.

STEFANIA MILAN: Here.

GLEN de SAINT GERY: Edward Morris has been re-elected on the council.

EDWARD MORRIS: Here.

GLEN de SAINT GERY: Julf Helsingius. Julf, are you on the phone?

JULF HELSINGIUS: Yes, here.

GLEN de SAINT GERY: Erika Mann is new on the council. Erika, unfortunately, is not here. She sent her apology. She's not in Hyderabad at all.

Cheryl Langdon-Orr.

JAMES BLADEL: I'm sorry, Glen. Is Erika on the line?

GLEN de SAINT GERY: Not at far as I know.

JAMES BLADEL: Okay. Thank you.

GLEN de SAINT GERY: Cheryl Langdon-Orr, we welcome you in the place of Olivier Crepin-Leblond.

CHERYL LANGDON-ORR: Here.

(Applause.)

GLEN de SAINT GERY: Patrick Myles. I don't think Patrick is here. I think he's in meetings all day, too.

The ccNSO liaison.

And, Carlos, we welcome you back on the council as the GNSO liaison to the GAC.

And have I left off anybody this time?

JAMES BLADEL: Just me. I'm here.

GLEN de SAINT GERY: Just you. Sorry, James. James Bladel. Thank you.

JAMES BLADEL: Thank you. And welcome new councillors. Such fresh, eager faces. And, I mean, you look around the room. And you see Michele and Rafik and Cheryl. And you think how quickly can we bring these people up to speed? Welcome. Just kidding aside. It's great to have veterans joining us and also folks like Erika who bring such a depth of experience. We're very excited to have all of our new councillors.

Our first order of business is to update any statements of interest. I note Glen has put all the new councillors SOIs into the agenda. I think we are still missing an SOI from Erika.

GLEN de SAINT GERY: Indeed, we're missing her SOI. And she's aware of that and will provide it.

JAMES BLADEL: Thank you, Glen. If you could let us know on the list when that's available.

GLEN de SAINT GERY: I will.

JAMES BLADEL: Perfect. Let's review our agenda, which is posted in the Adobe room and this is not a full council meeting. It's an abbreviated council meeting where we tackle some administrative matters. And then we also have time for an open mic and some AOB.

I would like to propose an alternate new agenda item, if I may. I'd like to propose that we, as new item number 2, that we introduce the ICANN ombudsman, Herb Wayne. If you recall, Herb offered to join our council call in October. But, unfortunately, we ran short of time and we had to defer until this meeting. And

we appreciate your flexibility in that regard, Herb. So, if there are no objections, I'd like to add that as a new item number 2 to our agenda and proceed directly to that.

So, Herb, please give us an overview and welcome to council.

HERB WAYE:

Thank you very much, Mr. Chair. Good afternoon, everybody. And thank you for offering me a couple minutes of your time.

I was appointed ombudsman in earlier this summer. And a little bit about myself. I'm from Canada.

Most of my background is in law enforcement and education. I recently retired from law enforcement. And I am still presently associate faculty with Royal Roads University where I teach in their justice program.

One of the prime focuses in the short term that I've chosen to take on is outreach. And I appreciate this opportunity to say hello because this is part of my outreach strategy of developing and building on the existing relationships and creating any new ones that might be necessary to assist me in my function. Everybody in the organization just about and in the community across the board knows that there is an ombudsman. But very few people in the community actually know the ombuds. And I will take a moment for those in the back of the room to stand up

and show you exactly who is speaking to all the people at the back who might not be able to see me.

So knowing the ombuds is critical in developing those relationships and getting the word out about some of the things I can do.

I want the office of the -- ICANN of the office of the ombudsman to be more than just a complaint intake mechanism in the accountability side of the shop. I want to be seen much more as a resource for the community, somebody that can step in when there's difficulty when some of the relationships break down. A community is a network of relationships. Progress requires conflict. And conflict, generally, is a positive, efficient effective way of moving forward when decisions have to be made.

When inappropriate behavior is involved, the relationships break down and progress stops. When those relationships break down to the point where everything becomes poison, I usually get a complaint. So I would hope that the leadership and the members of the community seek me out when things start going a little bit south.

And, by coming to see me early, I can get in, offer some advice, maybe look at the situation with an external view, and, hopefully, solve the problem at the earliest possible moment so that people can get on with the work as informal as possible.

I will also be promoting presently in the short term and through the term of my office the expected standards of behavior that ICANN has recently published. And I invite every one of you and everybody in the community to take two minutes to read those expected standards of behavior and think about whether you are actually living those expected standards of behavior.

And, if you are, you are becoming a role model for the youth and the newcomers to this organization. And you are creating a safe, harassment-free, respectful environment for everybody. Think about that for a moment moving forward.

I would like to invite everybody to stop in to my office, which is at foot of the escalators at some point before the end of the meeting. I love to chat. I love to meet new people. And, by being close to the community and being close to people like you, I get a much better idea of how things are running and where my services as a resource can be more efficiently used and assist this group of fabulous people.

So I wish you a very safe and productive rest of your meeting. And thank you very much again, Mr. Chair, and the rest of the council for offering me this opportunity.

JAMES BLADEL: Thank you, Herb, for that overview of your office and your services and your vision for this role. Any questions or discussion for Herb? On the table or on the phone? No. Looks like we're going to let you off easy. But it's good to have a face to put with the name. And we won't be shy, and we won't be strangers.

HERB WAYE: Thank you very much.

JAMES BLADEL: Next item on our agenda is election of a chair. As noted here, there was one nomination received. And that was myself. I submitted a nomination and interest to run for a second term. This would be my final term, presumably. It's my final term as anything, as councillor or otherwise. So on the weekend session we had a discussion about questions and statement that was published. It is still on the council Web site, if anyone wants to refer back to that. I don't know if there's anything more to be said there. We agreed to go earlier with an open vote, so that saved a little bit of staff homework.

We'll open it up for the floor. And, Heather, would you feel more comfortable managing this part of the -- if there's a discussion or

if there's a queue? I don't mean to put you on the spot, but I also don't to seem -- okay. We'll turn it over to Heather.

HEATHER FORREST:

So James has introduced this item on our agenda. We see in front of us the GNSO operating procedures. The relevant section is 2.2. That it advises on the selection of the chair and the two vice chairs. We are required to proceed to a vote. And you'll notice the first point that the chair is selected by a 60% vote.

Before we commence a vote, would anyone like to make any comments, raise any concerns, ask any questions?

I suppose, James, are you still willing to take questions at the 11th hour? Okay. Good.

So the record can reflect that no one has raised their hand.

Glen, could you help us, please, in administering a vote?

Glen de Saint Géry:

I'll do that, Heather. It will be a vote by show of hands. And, for those on the phone, please express your vote.

Is there anybody who would like to abstain from this vote?

Is there anybody who would like to vote against James?

Valerie, Julf, are you happy?

JOHAN HELSINGIUS: Yes.

VALERIE TAN: Yes.

GLEN de SAINT GERY: All those in favor of James as chair, please raise your hand.
Thank you. Valerie? Julf?

JOHAN HELSINGIUS: Yes.

VALERIE TAN: Yes.

GLEN de SAINT GERY: Thank you very much. James, there's no doubt you're chair of
the GNSO Council. Thank you.

[Applause.]

JAMES BLADEL: Thank you, Glen. And thank you, colleagues. As I indicated in
my weekend statement and my statement on the list, I do take

this responsibility very seriously as one of service. And I hope I can live up to your expectations again for another year. Thank you.

Okay. We're charging right through our agenda. I think that we - before we move to AOB, I think that we do want to note that we are probably not prepared to announce vice chairs at this time because of the way the different houses wait until the chair election is complete. But, hopefully, we'll have some announcements on that either while we're all in Hyderabad or shortly after we leave India. So it's just a quirk of the way we select our chairs and vice chairs because of our house structure. So watch for some announcements on the list here soon. But I'm hoping that the team you see up here is the team that's intact, if I'm allowed to editorialize on that. Next on our agenda we have AOB. And I know we have a number of issues that we flagged for potential discussion for additional items of business. We'd also open up the floor for anyone that would like to weigh in from the room on items that we've covered on this agenda, items that we covered on the previous agenda, or items generally in the front of the ASO. So with that, let's open it up to the table for AOB or to the floor for GNSO topics. Susan.

SUSAN KAWAGUCHI: So I had a question on the proposal to narrow the scope of the WHOIS review two or RDS, whatever they're calling it. And I wonder what the timing of that was. I took a look at it and compared it to the recommendations from the final report for the WHOIS review team and have a little bit of hesitancy about it. I completely understand the thought process to, you know, let's don't convene another group to study and review the same issues that are in the PDP but also want to make sure that we're not losing any opportunity to review WHOIS issues are not being covered in those PDPs. So I was wondering timeline?

JAMES BLADEL: I don't have a quick answer for you. I will get you a quick time line on that. I will tell you the timeline is complicated due to my delay of submitting that to the list. For full disclosure that's because the second to last version was posted when I was getting on a plane. And the third to the last version was -- the final version that I circulated was posted while we were here. So I will find out exactly what our time frame is on that. I would say, if you haven't had a chance to review that limited scope to counselors, please do. Please submit feedback on that so that we can roll that up into a GNSO council statement on a scope document and get that back, as Susan indicated, in a timely manner so that we can feed that back into the process. And this

is also, I believe, an item on our wrap-up session as well. It's great. We'll cover it here, too.

Other topics from the table? Look at that. From the floor, anyone in the room would like to raise anything? Heather.

HEATHER FORREST:

Heather Forrest. Just when everyone thought we had a quiet afternoon. The matter that I raised on our council list in relation to an outstanding action item, we have a letter from the Board asking us for input on the small group proposal in relation to IGOs that we need to draft an answer to. We had a draft letter that actually had been redrafted three or four times before we actually put it to a list that went up just before we all got on planes. It last came from James. When did I last send it around?

So the last response from James on this was on Tuesday the 1st of November suggesting that I'm -- we would, hopefully, have a chance to review prior to our review today. I think it's important that we get this done while we're here. I thought it was a good idea that we waited until we had our meeting with the Board so that we could flesh out some of these issues there. And let's say I suspected that we would have a slightly more nuanced reply after our session with the Board. But I'd like to think perhaps we're not drafting on the fly. But, if we have some volunteers, preferably, even folks who weren't involved in the first iteration

of that letter so that we get some new and additional voices in the discussion to nail that down and get that on to the council list so that we can get our response back to the Board and demonstrate that we're not dragging our feet on this issue. Thank you.

JAMES BLADEL:

Thank you, Heather. And did you have a -- any thoughts on the subject of the letter or are you hearing from other stakeholder groups or constituency on the content or the tone or the approach?

HEATHER FORREST:

Thanks, James. Heather Forrest. I think what we heard in our own I almost called it weekend session too, James, I'm -- the thing formerly known as the weekend session, was that there were some general concerns that -- and I think that came out of our discussion with the board as well, that there were some general concerns that we want to take the tone down a bit, that the first draft of that letter appeared after we were cornered in that call on Friday on our way here and we weren't really sure about how that call -- how we were meant to interpret that call. I think in light of the constructive discussions that we've had while we're here, we want to reflect those in the tone of the letter. I think it's probably the case that the substance was

about there which is to say we didn't say very much in substance but we want to reflect the tone.

Can I also add on another item here, James, but it's very much related to this and it segues entirely into this discussion. So it's unfortunate that some of this discussion for those of you who were here in Hyderabad and witnessed it this week or those following remotely, part of this discussion got rather unfortunately personal, and I think we want to perhaps remind each other not to do that, that there's no point in calling out individuals in a context like this and that it would be appropriate, given that we have a communication from Chris Disspain to the council setting out certain matters in relation to ICANN staff's support of the efforts in relation to the small group proposal and what council knew. That letter from Chris Disspain was sent to us as council. It was posted on the council list, but not many people necessarily know to go looking on the council list for emails if they're not on the council list. So to make sure that that message gets out to everyone who might have heard it in the GAC session, if we could all go back to our constituencies and stakeholder groups and just make sure that that gets reflected on your own mailing list to make sure the word gets out. Thanks.

JAMES BLADEL: Thanks, Heather. Sound advice and I -- I concur. With regard to the letter, I agree we've taken a lot more on board with this meeting and we just need to revisit that maybe with fresh eyes. So paul.

PAUL McGRADY: So Paul McGrady. Are we going to try to revise the letter while we're here? So to put some -- some feet to that, one thing substantively I think we need to figure out some concrete way, not just offer again because -- to meet with or include because every time we say we'd like to meet with you and include, they say that they've met and included, right? So we need to figure out a concrete way forward to engage them and the GAC in dialogue.

But that having been said, I would be happy to participate in a small group designed to tone down and make a bit more concrete that letter. And I have availability tomorrow starting at 5:00 and could go for an hour and a half, if others happen to have availability. And I'm happy to take it -- you know, be the person holding the pen, but gathering up the ideas from that group and perhaps producing a draft that could be circulated.

JAMES BLADEL: Thanks, Paul. Very grateful for you volunteering. Any other volunteers to help Paul draft that revision? Phil? Okay. Does that time work for you, Phil, or can you maybe work that out?

PHILIP CORWIN: Was that after 5:00 p.m. tomorrow? Well, just that starts back into our dinner tomorrow night. Doesn't leave very much time. I mean, I'll do what I can but --

JAMES BLADEL: Okay.

PHILIP CORWIN: If it was earlier in the day it would be better. And I did have one other comment on this, if that's -- should I say that now?

JAMES BLADEL: Yeah, go ahead.

PHILIP CORWIN: Yeah, which --

JAMES BLADEL: I'm sorry, can I interrupt you a second? There's somebody typing on the phone, and it's coming through pretty loudly on

the front speaker up here. If we could ask the folks on the phone to please mute when not speaking. Thank you. Phil, please go ahead.

PHILIP CORWIN: Yeah, I'm fully in favor of not throwing any gasoline on the fire, toning it down, being positive, outreach, all of that, but I think the one thing we should consider -- I don't know if we should take it into consideration or not but I think that GAC's going to issue its communique sometime tomorrow, and there might be something on this subject in there. We might want to factor that in before finalizing this letter.

JAMES BLADEL: Well, that raises a good point, Phil, because typically after the GAC puts out a communique we convene a small team to respond to any relevant GNSO items that are mentioned in the communique, and if we expect this is going to be one of them, can the letter or some part of it pivot to a response to that aspect of the communique, in which case we would wait for the communique to come out. I think that's a different approach, and I think it's a good one. It's a good idea to consider, and it -- it definitely means we would have to wait for that communique in order to address the letter. Paul.

PAUL McGRADY: I think procedurally it has the perceived advantage of being less confrontational than an independent letter on the topic and that seems to me to make sense to respond that way.

JAMES BLADEL: Yeah, and I think to -- absolutely and to Phil's point, it takes the steam out a little bit, so ...

Stephanie? Sorry, I haven't been watching the queue. Stephanie, go ahead.

STEPHANIE PERRIN: Stephanie Perrin, for the record. Just on a related topic, as we expect that communique to come out, we did hear in the public safety group the other day that they are expecting to attach a series of recommendations from John Carr's report on protection of children, and I'm just indicating my keen desire to be on any small group that's crafting a response to that list of recommendations. Thanks.

JAMES BLADEL: Thanks, Stephanie. Okay. More volunteers. That's great. And can we count on you to volunteer if that part doesn't appear in

the communique? Would you still like to help with the response generally?

STEPHANIE PERRIN: Stephanie Perrin again. The last time I volunteered to respond to the GAC communique it was a disaster. So only if I get help on the pieces that I don't understand. So I'm looking at Heather because I think she bailed me out the last time. So thanks.

UNKNOWN SPEAKER: (Off microphone).

JAMES BLADEL: We'll make sure we have got your back, Stephanie. Thanks. Michele and then Donna.

MICHELE NEYLON: Michele, for the record. I'm more than happy to help Stephanie on that if that comes up as well. Thanks.

JAMES BLADEL: Excellent. Thanks, Michele. Donna.

DONNA AUSTIN: Thanks, James. Donna Austin. I think on the IGO letter we don't know that we need to be in any great hurry to respond at this point. I'd like us to think about what's happened this week. Obviously the communique will be an important document, but I also want to understand how we deal with the Red Cross issue because they are -- while other people don't think they're directly linked, for our purposes they are because they're the two outstanding recommendations from the PDP. So I understand that we want to be timely in our response to the board, but I also want to make sure that we covered our bases because, you know, we've focused a lot on IGO acronyms here. There's a possibility that if we can come to an agreement on Red Cross as a -- something that we can potentially deal with because as people have suggested it's a different set of circumstances, then we need to think about that and how we can do that. Because I think it's not an olive branch but it is an indication that we are taking seriously and we are trying to move these things forward. So I think it's a good faith effort on our part. So I just -- a lot's happened this week. I was following some of the interaction with the board and the GAC on the IGO thing and Red Cross has come up as well. So I think we need to review that transcript as well. And I think we also need to understand what the board is actually going to do because it seems, from what Chris Disspain said to us, is that the board is not taking any action on this until after the curative rights PDP

has run its course. And I think we need to understand what -- what that means as well. So I think we -- certainly we should continue with the drafting effort, but I think it might be a little bit different in focus to what we had originally intended.

JAMES BLADEL: Thanks, Donna. And I agree. The Red Cross issue is perhaps a special case from that PDP. Phil.

PHILIP CORWIN: Yeah, and just following up unlike what Donna just noted, when -- I didn't -- when we spoke with the board I didn't bring it up, but I was a touch concerned by what Chris just said because the -- the board's failure to make any decision on either the GNSO recommendations or the GAC advice on the permanent protections for more than two years, if we delay until there's a final report on the CRP, that would extend it to three, three and a half years because we're not going to have a final report until next March, April at the earliest. And also it might compound the difficulties. I'm not sure that combining the permanent protections and the CRP into one bigger Chinese puzzle is going to help us get to a resolution that if anything positive can be done on the permanent protections before the PDP on the CRP stuff is completed, I think that would be perhaps a more

promising route to getting some relief and getting some decisions and diffusing the situation. Thank you.

JAMES BLADEL: Thanks, Phil. Keith.

KEITH DRAZEK: Thanks, James. Keith Drazek. Yeah, I want to agree with what Phil said, and I just want to make a note that I think we know a couple of years of inaction or -- well, inaction around a PDP recommendation from the GNSO really is terrible precedent, that there are certain time frames associated with the expectation for the board to act. And I think it's like two meetings or something like that. And now we're around two years. And I think at some point we as a council need to stand up for process and for, you know, basically put a marker down. And I'm not sure how best to do that, but I think at some point we're going to need to force this issue to a resolution. And I'm not sure that waiting until this other PDP concludes in the spring is really the right thing to do. Thanks.

JAMES BLADEL: Yeah, Keith, I agree. And this is something we brought up I think once before. Because I think the other part of it is, is that there were temporary provisions that were adopted with the

understanding that the board was going to follow that process and only go a maximum of two meetings, two months. Those temporary provisions have been in place now for a couple of years. And frankly, I mean, I'm not speaking -- I'm just kind of shooting from the hip here, but I think the Registry Stakeholder Group who is enforcing those temporary provisions might consider a challenge to that, some formal challenge to the continuation of those temporary provisions because that process that underpin those temporary provisions has never been followed. So -- and I think that's something that this group should consider when the board makes temporary provisions that are now old enough to go to preschool, you know, that's coloring outside -- pretty far outside the lines. Donna, go ahead.

DONNA AUSTIN:

Thanks, James. Just to follow up on what Keith said, I think it would be interesting to understand from the council's position whether we actually want the board to reject those recommendations. So, you know, one, we've got a procedural issue that you know it's been sitting out there for quite some time. I mean, I think with that PDP there are 25 recommendations or something, and there were only 2 that were withheld. So the original set of recommendations, you know, the board did act within a certain time frame. But those who that are outstanding, that's obviously a problem for us. I

think, you know, maybe a question for the council is, is that a course of action that we want the board to take? Do we actually want them to reject those recommendations? And if they do, what's the consequence of that? So I understand we want -- we want them to count procedurally, but from the council's perspective what does that give us if we actually -- do we want them to do that, and maybe we do because maybe that gives us some freedom to move that we don't necessarily have. So maybe that's a discussion we need to have and understand the consequences of that.

JAMES BLADEL:

I have some thoughts, but I'll defer to anyone who wants to respond to Donna's question. Paul.

PAUL McGRADY:

Paul McGrady. So I guess -- can I still claim -- I guess I have sophomore status as of a few minutes ago, not freshman status. But I don't know how that works, you know, where you ask the board to reject advice -- or not advice, but a policy you sent to them asking them to adopt, right? Especially because we're asking the board to reject a lot of volunteer work, right? And so I just don't know how that would -- how you'd do that. So sorry for such an open-ended statement.

JAMES BLADEL: No, it's a good question and I don't think we specifically asked them to reject the PDP recommendation. I think we indicated that that would be a sufficient trigger for us to go back and reopen the recommendations if they were to reject it. So I think maybe, you know, backwardsly leading them there but not specifically asking them. I think the only consistent ask we've had to this point is to -- that our recommendations stand and that they should take action on those.

And to Donna's question, if I could respond on that, I don't believe that's the best course of action. If the board rejects a PDP and we go back and we revisit that, in addition to the problem of throwing a bucket of cold water on all the volunteer efforts is we don't know that we will have the support to create a new PDP. We don't know that it was arrive at the right outcomes. It's a wildcard. We'll rolling the dice. So I would much rather see something else that would cause us to revisit those.

PAUL McGRADY: If the board did reject it, do we have an obligation to start over?

JAMES BLADEL: No. We can start a PDP. The board can initiate a PDP on those rejected recommendations or we take that up, but I don't know that we're obligated to. And even if we are, the PDP itself is free to come up with new recommendations. Sorry, I'm trying to -- I kind of weighed in here and lost control of the -- my fault. So Stephanie and then Chuck.

STEPHANIE PERRIN: Just a question and a very naive one, if the Board throws out our PDP and decides to initiate one of their own, can it go forum shopping and do something different like, say, a Cross-Community Working Group?

JAMES BLADEL: No. A board-initiated PDP has to follow a specific process. And the Cross-Community Working Group framework that we adopted has been pretty clear about staying out of the remit of other SOs like the GNSO. So it's a good question. I think, because the ccWGs are the shiny new toy that everyone wants to apply to problems. And I think it's a good question, but I don't think that that would be the right approach.

I'm sorry. Marika's reminding me that it's not necessary that we could go from a rejected recommendation directly to forming a new PDP. There is an interim step that we could do to consult

the previous PDP. Would have been nice to do in months rather than years. But there is an option to -- yeah.

So we have -- that's a good question. Option or obligation to do so, Marika? If the Board rejects a GNSO PDP, do we have the option to do this? Or we're required to follow that recipe?

MARIKA KONINGS:

I believe you always have to come back with a response. But that response could be here's the same recommendation again.

Okay. Chuck.

CHUCK GOMES:

Thanks, James. I just want to point out that you don't necessarily have to go back to a full PDP. You have some new options that came out of the policy and implementation working group, including an expedited PDP. So I would think the chances are, if you decided to go that route -- I'm not saying that's what you should do. But remember you have some new options. I don't think the other two -- the GNSO review and -- they may not work in this case, because they probably would involve considering policy again. But the expedited PDP, because you have all the ground work laid, I believe would apply if you decided to go that route.

JAMES BLADEL: Thanks, Chuck. That is absolutely correct. That is intended to be a lightweight, faster PDP to address these questions.

But all these options, I think, as we've been fairly consistent, that all of these options need something to trigger them. We can't just unilaterally launch into these processes.

And I think the second and my preferred avenue would be for either the Board or the GAC to tell us where the PDP got it wrong. You know, whether it's -- and maybe that is the case with the Red Cross identifiers. To Donna's point, maybe they weren't considered a special case. Maybe they do belong -- they do need to be removed from that recommendation and considered separately on their own merits. That would maybe be a clear case where we could revisit that. Or, if there was something missing or something that wasn't considered by the PDP.

But the bottom line is we are still waiting for some action or for some decision from the board. Donna, go ahead.

DONNA AUSTIN: Thanks, James. Donna Austin. In terms of the most recent communication that we received from the Board, what they are suggesting -- and Marika and Mary, I'll get this wrong -- there is a mechanism that's available under the operating procedures.

And that's what they're suggesting that we -- that that's the mechanism for how we reconsider the recommendations.

So we need to look into that and understand how we do that as well. And that's the discussion that happened in 2014 between the council and Chris Disspain. They're exploring new possible options for dealing with this. The concern that we have, of course, is that it's now two years down the track. So is that still relevant or not?

JAMES BLADEL:

Thanks, Donna. And I think that is something that we have at our disposal. And it is something that we might not want to take lightly.

Any other folks want to weigh in on this topic? Michele.

MICHELE NEYLON:

Thanks, James. Michele for -- keeps doing that. I don't know why it does that.

Okay. Microphone hates me.

As we discussed earlier today in our meeting with the Board, the concept of having those tripartite discussions between the GAC, the GNSO, and the Board and just kind of get people on -- up to date on what's happening should help to avoid some of these

problems with the future, hopefully. But, as others have said as well, doing the full work of the PDP is not something you want to step into lightly. Thanks.

JAMES BLADEL:

Thanks, Michele. Okay. It was a good discussion. And I think we've got some good ideas. You know what I'm encouraged is that I don't hear -- maybe this is for the benefit of Goran and others who joined us from the room here. I don't hear three different dug-in ideas from the council. I mean, we are kind of all aligned on this. This is important. We want to get it solved. But we want to follow the process because we want the outcome to be legitimate and enforceable by ICANN staff. But it's not something that we undertake lightly in particular in acknowledgment of all the work that went into it to get us to this point. So I think it's good that we are so -- this is such an important topic. And we are so very closely aligned. This, apparently, for lack of a better description, this seems to -- this seems to transcend a lot of the other fault lines, I guess, in the different stakeholder groups and constituencies. So that's good and it's encouraging.

Okay.

Let's then move to -- we're still in AOB. And thank you for kicking that off, Heather. And thank you, Paul, for agreeing to --

what turned into a drafting team now looks like it's the core nucleus of a group that's going to address our response to the GAC communique.

But we do have a list of volunteers which is Paul, Michele, Stephanie, Heather. This is how it happens. This is how they pull you in. And -- sorry? Carlos. Yeah.

Absolutely. Yes.

And Phil. Sorry, I did forget Phi and Michele. That's like double the size of the normal team that volunteers to draft the -- that's fantastic.

UNKNOWN SPEAKER: I'm very popular.

JAMES BLADEL: I guess, you're doing something right.

Right. So we will await the communique. Okay.

Other topics? This is from the table or from the Board. We're still in AOB. Marika is shaking her head at me. Yeah.

MARIKA KONINGS: From the staff we're slightly confused over who volunteered for what. Initially, we're talking about the response to the Board

letter, which I thought Paul and Phil were volunteering for. And then that morphed into responding to the GAC communique or -
-

JAMES BLADEL: That is correct. Because the response is something that we normally do coming out of an ICANN meeting, and it would be seen as less adversarial. Because we expect this to be mentioned in the communique, we kind of folded it into that response. Yeah.

MARIKA KONINGS: All right. So, just to clarify, you would like staff to go ahead and fill out the template as soon as the communique is available and circulate that to the group of volunteers so they can start populating that with the responses so that the council can consider maybe on 1st December meeting?

JAMES BLADEL: Okay. Next topic. Everybody's kind of bogging down. Donna, go ahead.

DONNA AUSTIN: Can we talk about scheduling associated with the meetings? I know that's a very broad statement.

I guess it's a kind of a brainstorm about how can we do this better and how can we get a better understanding of how the schedule is put together and who's in control? Because I think there was a lot of miscommunication this time around. So I think it will be helpful to have perhaps a little bit of a richer one what happened on the scheduling for this meeting and maybe have some recommendations about how we can do things a little bit better going into Copenhagen.

JAMES BLADEL:

Thanks, Donna. And Marika put up the agenda for our wrap-up session, which begins at 5:00. Because I think we're kind of covering a lot of these topics under AOB, which is fine. Maybe gets us out of here a little earlier. But one of your -- just wanted to point out that item 2.3 is scheduling for Copenhagen and getting an early start on that so that we avoid a lot of the headaches that we had coming in to Hyderabad.

So I guess the responses that we discussed on -- I don't remember what day -- that we want to get an early jump on that as much as possible and definitely start to accumulate -- or accumulate what we expect to be the permanent or the fixture GNSO sessions and then start to build that out to some of the more topical sessions. I guess I would put together an action

item that the chair and the vice chairs and anyone that wants to contribute to that effort, that we start that right away.

DONNA AUSTIN: You don't currently have vice chairs, James.

JAMES BLADEL: That's true. Interim vice chairs. Ex vice chairs. Once we have some vice chairs, we'll get going on that.

We also covered -- and I don't know if there's anything more to be said. But Susan's note here about what is the narrow scope of WHOIS 2 is on here as agenda item 2.5. And 2.6 is the response volunteers for the GAC communique. That leaves two items from our wrap-up topic that we haven't covered in AOB. So, if you want, we can just dive into those. Great. This is an efficient group.

PAUL McGRADY: James, before we do that, back to the scheduling issue for just one second. I'd like to say to staff that though there's been a lot of concerns and perhaps unhappiness raised with the scheduling issue, that we know they're doing a Herculean task trying to get a complex set of different meetings together now and that we do appreciate their hard work. And they -- you

know, we think we can improve it. But we don't want that to reflect in any way other than for us to say thank you for the hard work.

JAMES BLADEL: Well said, Paul. Thank you. And I think, if anything, the last couple of meetings were a real eye opener for me and Heather and for Donna for meeting B about what the kinds of arrows that Glen takes for us. So thank you.

Greg, go ahead.

GREG SHATAN: Thank you. Greg Shatan, for the record. Also touching on the topic of meeting scheduling, before we get fully started on Copenhagen, though I agree the earlier the better on that, I think we need to do a little post mortem on what happened running up to this and also look at the role of how we plan stakeholder group and constituency meetings. Because that has somehow gotten -- is getting filtered through the council. I'm not sure how well that worked except I'm sure that nothing worked that well in scheduling the meeting here in Hyderabad.

So I think we need to kind of take a look at what our entire kind of scheduling rubric is. Because there's got to be something better. And there were all sorts of twists and turns at the

stakeholder group and constituency planning level. And there's, you know, a number of layers and factors here. And I think we need to work through them. And I think maybe we need to form some sort of a group that involved those who were on the tip of the spear in terms of scheduling, including some of the staff support and secretariat and figure out what we were all doing. Because we clearly weren't all communicating together, nor were we communicating well with the meetings strategy team, nor were they communicating well with us. And there were also issues in terms of dealing with the other SO/AC chairs and their scheduling and bilateral meetings and the high interest topics and the like. So that no way means to stop any scheduling of the GNSO Council's agenda. But getting beyond that there's a whole interlaced set of concerns and places where we who are involved in scheduling on other levels felt -- shared your pain. And we now need to figure out how to move to something less painful. Thank you.

JAMES BLADEL:

Thanks, Greg.

Tony.

TONY HOLMES: Thank you. Tony Holmes, chair of the ISPCP. Following on from Greg, some people might not be aware. But, when we met with the Board, we raised this issue. We made a proposal from ISPs that there should be one representative as a focal point from each stakeholder group, SO/AC and constituencies, to try and address this problem.

The response we got from some board members was that they seemed pretty keen on the proposal. We were asked to follow through to send them a letter, which we have done.

And also to, basically, raise this when it comes up in the public forum. So just to make you aware, there's already something in train that may have some impact on this. Thanks.

JAMES BLADEL: Thanks, Tony. Appreciate that update.

Just trying to keep up here. Donna.

DONNA AUSTIN: Thanks, James. Donna Austin, just following on from Tony. So within the registry stakeholder group and, to some extent, actually it was a contracted parties house discussion, wasn't it, we had a conversation about scheduling. But we went a little further in terms of substance and also in the context of

volunteer fatigue. We feel there's a lot of white noise at these meetings. And we're not really focusing on progressing substantive topic. So, from a council perspective we've got four PDPs that are currently in operation. Surely, in a 7-day schedule, we can find more than a half day to work on most of them. So we would like to see -- notwithstanding the fact that there is some funding available for PDP efforts, I think it's just one day, Marika. So with four PDPs, that's -- time doesn't go very far. So perhaps a conversation about how can we get the best use of the time in terms of progressing substantive topics, particularly those that are being covered by PDPs. And so we all come together at the same place three times a year. If we could use that time more efficiently to make progress on substantive topics, I think that would be really helpful.

JAMES BLADEL:

Thanks, Donna. Good point. Just to note that for the last two meetings we've asked our active PDP leadership about the potential for a full day face-to-face. And, you know, in most cases they would say, like, they weren't at a good point yet -- because they were new PDPs, they weren't really at a good point where they could take advantage of that. That's not going to be the case when we get to Copenhagen when they are all going to want that extra day. So we should be thinking about that now.

Because they're all going to be a little further down the lifecycle of the PDP. So Phil.

PHILIP CORWIN:

Couple comments I'd like to make. First of all, as one of the co-chairs of the RPM review PDP, we passed on an all-day face-to-face, which is premature for this meeting. But we think it will be useful either in Copenhagen or Johannesburg on that. But haven't made a decision on that yet.

In regard to this meeting -- let me back up. When I left the Helsinki meeting, I felt that the new format was really good. At that meeting that we got an incredible -- that meeting had a different narrow focus than this one -- but that those four days were really a very efficient use of time.

And I'm coming away from this meeting, while it's not done yet, with a very different feeling that somehow we've -- many of us have come a long, long way to spend a very long -- more than a week for some of us, if you came for the accountability stuff and you're going to be staying for council development on Wednesday.

And it was a combination of I heard the same people say the same things in different lengths of time at two or three separate meetings where it was repetitive.

At the same time I found myself at other times being committed because of this meeting or constituents or others not able to go to other meetings that were of great interest to me. And I realize there's no way for the schedulers to know what everyone has an interest in and eliminate all potential conflicts. But it just seems like, when we have this much time, we either should use it more efficiently or not have the this much time.

So I don't know what the answer is. But that's just my gut feeling as we progress more on the downward slope now with this meeting coming to conclusion, that I was real happy leaving Helsinki. And I'm not that pleased leaving this meeting with the use of the time. Thank you.

JAMES BLADEL:

Thanks, Phil. When I ask: Are you specific to the GNSO Council or the GNSO or all -- just the whole meeting.

PHILIP CORWIN:

I have no complaints about our use of time within the council meetings and council activities. It's more with the overall schedule where, you know, today and other days there were sessions I really had a huge interest in and would have liked to attend, but it was impossible because of other primary commitments. And then tomorrow, other than the public forum,

there's really of little interest to me. I know the schedulers can't create a custom schedule that meets my interests of those of other individuals. I just have a feeling it could have been done better, I know it was very difficult for people to plan lots of things including councillors because the schedule kept changing almost up to the end. And it ought to be easier with all the lead time between meetings, to lock things down a lot earlier than they got locked down.

JAMES BLADEL:

Thanks, Phil.

Chuck and then Stephanie and then Tony. Chuck.

CHUCK GOMES:

Thanks, James.

I'll let Donna reinforce what you just said. Because it sounded awfully familiar, didn't it, to our registry and registrar session. I think we all have very common concerns.

But what I wanted to comment on, as we look at scheduling and if we are able to do more substantive work like Donna suggested, PDP work and so forth, it doesn't necessarily mean doing an all-day meeting or a half-day meeting. What we found in the RDS PDP working group -- or what I found as chair on

Thursday -- was in our four-hour meeting, the first three hours was quite productive. And then we started losing people. I mean leaving or just kind of tuning out.

I found myself not pressing quite so hard because I could tell they were tuning out.

So it might be a matter of having a few 3-hour sessions spread out to give people a break or two hours. We don't have to resolve that now. Let's not only think in terms of all-day or half-day meetings. That's hard on people. And you begin to lose productivity. But maybe having multiple, little bit shorter sessions might be very productive.

JAMES BLADEL:

Thanks, Chuck. Stephanie and then Tony and Rafik.

STEPHANIE PERRIN:

Stephanie Perrin. I'm just echoing what everybody else is saying. We found ourselves triple conflicted. And our high-interest session was during our stakeholder group meeting. So I'd like to know what the rationale was for this meeting planning. I think Paul called it the rubric. It's almost as if all of the things you really want to see were packed into one time slot and you had to pick between streams. And, if that is the

rationale, we need to send a strong signal that that that's a poor rationale for the way we run our meetings. Thanks.

JAMES BLADEL: Thanks, Stephanie. Tony.

TONY HOLMES: Thank you. Tony Holmes, I came back originally because it thought it might be helpful to put a little more meat on the sessions with the board on the issues Phil raised. But Stephanie's comments also come right into this. What we also asked for, when you look at the schedule, we hard bake into those schedules the things ICANN is responsible for. Obviously, council business is part of that. It should be hard baked into the program. And it should retain that slot. And other things that we do at ICANN meetings, high interest topics, and other issues, they should work around those hard baked things. We shouldn't have to work around everything else and squeeze everything up twice. I think it goes to Stephanie's comments and also Phil's remarks as well.

JAMES BLADEL: Thanks, Tony. I'll put number one on the hard baked items would be constituency day, because that's where we kind of fell down. Rafik and then Heather.

RAFIK DAMMAK:

Rafik Dammak speaking. So I think there is agreement that we need to get back to constituency day. Because all the difficulties that raised in speeding between two days. And also I think we need to limit the number of high interest topics. Having eight was challenging and also raised several questions regarding how they're organized. Even -- we were kept updated, being the chair of NCUC. But these sessions we have no idea who is organizing them or who will be there and what's the agenda and so on. So we know there is this topic, there some kind of putting together. But maybe from GNSO we need to ask that they really need -- we really need to reduce the number and to be more involved in organizing this session.

Maybe just a question to the GNSO Council. How do we feel about the kind of format we have for GNSO Council we have only one day compared to the usual weekend? Do we think that is working well, or do we need to get back to the usual weekend format?

JAMES BLADEL:

So that's the question on the table. I have my answer, but let's put it like this. Do people like having the weekend condensed to a very long one-day session, or would they prefer to go back to a 2-day session? Can I get some indication? One day?

Two days? Seems like it's more they'd rather kind of do one big day as opposed to -- one and a half day? Yeah. Well, that's kind of what we did when we had the ccNSO lunch and then the board. Those would have been on the weekend that second day, so it's kind of like -- it's kind of what we did for this meeting. We had one day and then we picked up some of the things that wouldn't fit in lunches, so I think that worked out fairly well. Okay. Thank you, Rafik. And thanks for, you know, calling the question. It was something that we were experimenting with coming out of Helsinki, and we weren't -- I wasn't -- we weren't -- there was no guarantee that that was going to work, and it seems to have worked okay. So Heather and then Chris.

HEATHER FORREST:

Thanks, James. A very trite point, but as the poster child of jet lag I'll say that one thing that did actually work, this meeting was not bleeding into the morning. The fact that we didn't really have too many at least formal breakfast meetings that had us on the ground at 7:00 or 7:30, I think that was super helpful. I think that was in recognition of the fact that some people would have to travel a fair distance to get to the venue in the morning and a 7:00 meeting means setting out from the hotel at 6:30 or something like this. I would encourage us to try not to bleed out the day, let's say. Let's try and keep it -- it's enough we give up our weekend. Let's try not to bleed into the red zone that we try

and keep our calls out of. And I think we've had some effective -- again, very trite, but I think we've had some effective working lunch meetings that enables -- enabled us to use that time a little bit more effectively than we otherwise might have, and that was often a bridge time that we were running two different places. Thanks.

JAMES BLADEL: Thanks, Heather. You know, that was so nice to not have those 7:00 meetings that I didn't even notice that they were gone until you mentioned that. That is -- yeah. Because everyone would know that, you know, you ran out of time and then you'd have -- and then they'd start scheduling things at 7:30 and offering coffee and some toast or something to --

UNKNOWN SPEAKER: (Off microphone).

JAMES BLADEL: Yes. So for -- yes. That's a good -- and if we can preserve that in future meetings, then by all means. Sorry. Go ahead.

CHRIS WILSON: Thanks, James. Excuse me. Chris Wilson, chair of the B.C. I just want to -- two things. One, to echo Rafik's comments with

regard to the high interest topic issue, I think there was a lack of communication, organization on planning those topics. I know it was confusing, leading up to this meeting, and exactly how they were organized and who was selecting them. I also think -- I agree with Rafik. I think eight probably is too much because I think it ends up conflicting with lots of other important work we're all doing. And what that magic number may be, I don't know. But three or four probably off the top of my head seems more reasonable. But that's something I think we definitely need to work on. I also want to agree with Chuck with regard to sort of spreading out the PDP working group work.

One other additional point on that is that I know there are certainly members of the B.C. and probably members of other stakeholder groups and constituencies who couldn't justify traveling to India if you're going to work on just half of a day on a PDP working group. And if you can at least spread it out over time, you can justify it to your employer, whoever it may be, hey, I've got work covering over a period of time. So I think there's value there as well. So I just wanted to echo those two remarks. Thanks.

JAMES BLADEL:

Thanks, Chris. And just as a note, I mean, I take your point about not coming all the way to India for a half day and we can set

aside that this wasn't supposed to be in India, but -- but one of the bits of feedback we had coming out of Helsinki was that they didn't -- they didn't feel like a full day was as productive necessarily as a half day and that maybe we could have two half days and that would be -- so I mean, I see both sides of it, I guess. But justifying the cost and expense to India is a whole other discussion. So okay. I'm just -- I've lost the queue here, and I want to make sure that we're mindful of the time. We do have a couple of other points. Heather is that old -- okay. Yeah, Paul. Did you want to have the last word here?

PAUL McGRADY: Break.

JAMES BLADEL: Oh, break. Yeah. Yeah, actually we were supposed to start the wrap-up session at 5:00 and we also lost Michele and Rubens who have another commitment. We'll take a break. We've got two more items to go. So maybe we can just condense the wrap-up session into just those two items and anything else that people want to wrap up on, okay? So let's break until like 5 after 5:00, okay? Thanks. We can stop the recording.

[END OF TRANSCRIPTION]