

**ICANN Transcription – Abu Dhabi**  
**GNSO – Intellectual Property Constituency (IPC) Open Meeting Part 2**  
**Tuesday, 31 October 2017 17:00 GST**

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On page: <https://gnso.icann.org/en/group-activities/calendar>

(Kiran): Hi guys. It's (Kiran). So we're not three minutes past the end of right time but there's not a lot of people in the room. But I actually suspect that's because a lot of people have actually left for the evening (unintelligible) day because I don't see a lot of like open laptops. We see some but not a lot. So I think that we should get moving if we can on the agenda just because there are lot of evenings events also. So Greg are you available and in the room?

Greg Shatan: I am here.

(Kiran): Great. So, you know, (unintelligible)? Hold on. One of the problems is that they locked all the bathrooms but where we're at so I think people are slow getting back partially because they had to get to the ladies' or men's' room. So I guess as long as the Adobe Chat is up and running we don't necessarily need (unintelligible) to continue on the agenda. Okay great. So we'll come back everyone. Greg I will turn it back to you.

Greg Shatan: Thank you (Kiran) and thank you everyone for this second half of the meeting. And I don't think we'll need to use all the time but certainly we shouldn't constrain ourselves. The major event is to get report...

(Kiran): Great we can't hear you. Turn the volume up please. They're turning them up in the back but also if you can get on up to your microphone and speak loudly.

Greg Shatan: Okay I am now right up to my microphone. So the main event for the second half of our meeting is a review of what's going on in the working groups. I don't know if we have anything further to say about the RPM group or did we - I think we beat that horse although there's always more to say about it so perhaps we should move on to the RDS Group and we can deputize someone to speak on behalf of what's going on in that group. Is there any volunteers?

(Kiran): Griffin? Griffin Barnett?

Griffin Barnett: Thank you. This is Griffin Barnett. I guess what's happening right now is we have divided ourselves into drafting teams that are looking at various purposes of RDS. For example the drafting team that I'm involved in is looking at the legal actions purposes which is fairly broad and is probably of the most interest to this group insofar as it includes a lot of actions related to IP enforcement. So that's kind of what we're doing now. The drafting teams have prepared the first draft essentially that were circulated to the full working group. And they were discussed earlier in the week at the working group meeting. And some of the teams have gotten together informally throughout the week to, you know, update and revise their drafts based on input that was received.

And we're basically at the point now where we're just finalizing those kind of purpose statements, identifying the various tasks associated with each

purposes, the various users of data involved in each purpose and then trying to kind of come to a very pithy purpose statement that we can use as the basis for further discussion. So that's kind of the main tasks that we're doing right now in the RDS Working Group.

Obviously there are also discussions around, you know, GDPR impacts on the working group's work although that has sort of been tabled a little bit for the time being to kind of focus on the purpose aspect as we're kind of digesting the legal memo that we received from Wilson Sosini that was discussed earlier. But that's not working standard, not working group. Thanks.

(Kiran): Okay Griffin. (Alex) do you have anything to add here on the RDS PDP? Not a thing, all right. We're low energy at 5:30 on a Tuesday at ICANN. Anything else? Any questions about RDS? Greg I see your hand is up. Go for it.

Greg Shatan: Thank you. Thank you, just a couple of quick comments on the - these drafting teams. There seems to have been in some of the drafting teams a misunderstanding of the breadth of the group was - this was an attempt to factually identify purposes that Whois has put to in real life. But some groups started to stray into commenting on whether the purposes were valid or good or could be achieved in some different fashion perhaps without Whois. So that was one problem noted. I think it's mostly been controlled.

Also at least one group the NCSG contingent sought to include what one might call abusive purposes and to list them as purposes, you know, such as using Whois data in order to send spam and the like. So those were a couple of the more interesting aspects of this process. Thanks.

(Kiran): Thanks Greg. Any other questions or comments about RDS? Nothing okay then Greg back - oh Greg wait. Greg you have two hands up, might be old, one might be new. One might be something that I don't understand. Do you

have anything else to say on RDS Greg? No, okay back to you then to move the agenda forward please.

Greg Shatan: That was just my attempt to (unintelligible).

(Kiran): Sorry. What'd he say?

Greg Shatan: Okay (unintelligible) that echo...

(Kiran): Jonathan Matkowsky in the room has his hand raised. Jonathan?

Jonathan Matkowsky: Hey Greg I just wanted to observe for - that, you know, it seems to me - and I haven't been involved for maybe more than six months in that working group that they're under a lot of pressure to have produced something and nothing's been done. And as soon as we got the (Mitt) Wilson Sosini memo like shortly thereafter all of a sudden there's a race right before this for ICANN 60 to basically, you know, set forth all the purposes without having - giving anyone really a chance, at least me to really spend the time thinking about those proposes carefully because it seems like everything that's going to follow is going to be governed by those purposes and we're going to be pigeon-holed into them. So I've kind of lost faith in the RDS Working Group. It's going to happen - we're going to have to - I'm observing it but I sort of lost faith. Thanks.

(Kiran): Yes many have lost faith and many have lost faith in the RDS Group. I come and go. Just take a break, come back. You'll be good. I will say it's more organized as of late than it has been. Like it went through a really bad period and then I think the last month has been really focused and organized partially because Chuck is taking control of the list in a way that has made it more manageable and focused while I think not, you know, not necessarily prejudicing one side or the other which I think in the past that was a question. (Alex)?

(Alex): I guess I just wanted to make an observation. You know, I have a fantasy that this - that the work that's happening to solve the impact of GDPR on existing Whois while focused and streamlined and put the RDS Working Group on a path that - well on a path right because we're kind of meandering now so I mean I think that mean two things. One is that, you know, the work to come up with that solution for existing Whois is important because it will probably if my fantasy comes to fruition means that it will influence it's kind of the future of the RDS.

(Kiran): All right thanks. Any other questions? Oh (John)?

Jonathan Matkowsky: No just I agree with that. That's my hope too.

(Kiran): Greg? Greg over to you.

Greg Shatan: Thank you. On that last one I'll just observe that, you know, one of the continuing problems with the RDS Group is that it's really become the privacy group due to constant efforts by some participants. And getting it to focus on actually what the RDS itself might be has been almost drowned out at times. So if there's nothing further on RDS we can move on to new gTLD subsequent procedures and we can look for someone to summarize what's been going on there so far.

(Kiran): Volunteers for new gTLD subsequent procedure? I'm looking at you Michael Flemming. I think you might be the fait accompli on that one although if anyone else wants to make comments about it they can put their hands up in the queue and we'll go after Michael. Michael Flemming is the co-chair of Worktrack 2 for those of you who don't with his - oh the mono-chair, the only chair of the chair. And volunteers our - the volunteer window is open if you want to join Michael as co-chair of Worktrack 2.

Michael Flemming: Thank you (Kiran), Michael Flemming for the record, (Uniright) consulting IPC. So in - sorry not just Worktrack 2 but within the new gTLD subsequent

procedures things have been gearing mostly towards getting things started before Worktrack 5. We finally I'm sure everyone's aware but we finally have all of the co-chairs for that front and center. I'm just thinking if I can name them off.

From ALAC we have Christopher Wilkinson. From GAC we have Olga - yes whose last name I failed to pronounce at the current time. From...

((Crosstalk))

Michael Flemming: From GNSO we have Martin Sutton from the BRG. And from the ccNSO we have Annabeth Lange. So we have a very strong team set for this. Tomorrow we'll have a meeting to talk about - the word escapes me at the current time, the - yes we'll be - the geo names. But it's to talk about the basis...

Woman: Terms of reference.

Michael Flemming: Terms of reference, thank you that's the word. That's the English word.

(Kiran): Michael lives in Japan and so he has a lot of different languages running in his head.

Michael Flemming: but in the meantime for the individual work tracks, Worktrack 4 this week we had presentation on Saturday a little after 12:00. We didn't get much of a lunch but all the same we - each working track kind of presented a second pass for topics that are of particular interest to the community. Worktrack 1 talked about the RSP program as well as the - you know, I have notes. If you could just bear with me momentarily I can bring them up and share with more with everyone.

Let's see - oh I'm sorry no, it was actually so Working Track 1 talked about the applicant support. Working Track 2 talked about global public interest.

And the fixed ERP data which was relevant here just recently in our recent discussion and Worktrack 3 talked about community applications. And Worktrack 4 talked about the financial evaluation.

Some of the key points from that was it's really interesting that the fact that when Working Track 3 brought up a community definition. It was very vague but at the same time I think the - kind of the main feedback we got was that how can you even define a community whereas if you take it to the GAC then they really are very key to define what a community is. And the feedback we got from the GAC was to say why don't we breakdown categories of communities? That is still under discussion.

Public interest didn't have a lot of interest unfortunately but there is some interesting data from compliance that we shared. Applicant support at this current time I don't think there was many deliverables on that. But the financial evaluation look at - was very specific at having many different I think it was a straw cookie monster, a straw bunny, a straw machine. There was several different proposals they had for how to move forward with it with the financial evaluation. I failed to remember all the names of them but there was some good feedback in regards to that so I think that's a good summary of where we are at the current time.

(Kiran): Thank you Michael. So any other comments or questions? Okay sorry. That's all we have listing. So (Anne) I have you in the queue. Anybody else want to add anything? And those - not just questions, adding anything to give an update on sub pro about our experience with the different work tracks? Yes okay (Anne).

(Anne): Yes hi. It's (Anne) for the transcript. My point of view I participate in Worktrack 3 and Worktrack 4. My point of view on Worktrack 4 is that they didn't actually raise probably two of the biggest issues that worth consideration and I'm not sure why. In fact there wasn't consultation in

Worktrack 4 about what issue would or would not be raised during the face to face meeting.

One of the things we all need to think about coming down the line is there's a move on in Worktrack 4 from the one of the co-chairs at least and others in the group about whether or not when you file a new gTLD application you should be required to list the new services that you plan to offer. One approach says disclose of new services as currently required by the AGB. The other approach says no you don't have to do that. You can address that later via the RFEP process so that's just something for everyone to think about where they stand on that. I guess there are pros and cons either way.

And then the second issue that I - that is a bit contentious at this point and there are straw bunnies out there - I think there no, there's straw bunnies on that particular issue that are being considered and debated on Worktrack 4. The other issues with respect to name collisions they've come up with a framework, a proposed framework that says that we should have a do not apply list which is a great idea because if you're told in advance do not apply then you're not going to, you know, invest the money in \$185,000 application or \$130,000 or whatever they decide it's going to be and that then there would be three levels of risk categories -- low, medium and high risk name collision categories.

What I find very unfortunate is that there's been very, very strong resistance to getting any technical advice, paid independent technical advice on this question at any point in time. And I view that as a delay in the process. Emails were sent to the IETF to RIPE and to the DNS OARC I guess it is but no response was obtained really on those categories and the proposed new name collision framework.

And so I keep asking why we're not seeking paid independent technical advice on name collisions and people just say, "Well we don't want to spend the money." And I think those are, you know, two of the more contentious



issues and that they were not brought before the working group in the face to face meeting.

(Kiran): Great. Thanks (Anne), don't see any more hands up in the chat. Anybody else in the room? Okay Greg back to you to move the agenda forward please.

Greg Shatan: Sure. Next if we have anybody in the room who's participating in either of the IGO INGO groups both the curative rights one and the revised preventative rights one be good to hear quickly what's happening in both of those.

(Kiran): There are no volunteers in the room for that one.

Greg Shatan: Well why don't we...

(Kiran): Okay Griffin. Griffin go ahead.

Griffin Barnett: Thanks. This is Griffin Barnett again. I've only been following this group sort of tangentially. I don't even know if I'm actually a member. Okay now I was at one point. IGO INGO Curative Rights Protection PDP yes, not the reconstitution of the...

((Crosstalk))

Griffin Barnett: So yes so the last update that we got from this group was presented to GNSO Council I think earlier in the week. It's poised to deliver its final report to council by the end of the year. They've worked through a lot of their outstanding issues and have reached consensus on most of them including, you know, what - how to achieve standing for IGOs to file UDRP or URS compliance basically that they could be based on trademark rights or similar under registered substantive rights and IGO names or other identifiers where protection under Article 6 Charter of the (price) convention could be used as evidence of standing at the panelist's discretion. Another remaining area of

divergence was determining what happens when an IGO prevails in the UDRP or URS and then the respondent appeal to a court and the IGO asserted jurisdictional immunity. And the court agreed that there was jurisdictional immunity and then refused it for the case so basically what would be the option for recourse for the losing respondent.

And there's several options on the table. And I think the one that had attained the most support within the working group was to basically have an arbitration appeal mechanism. So respondents who went through all that kind of process would be able to transfer the matter to an arbitration process for purposes of an appeal as to, you know, the disposition of the domain name that we're - you know, that was that issue in the underlying UDRP or URS.

(Kiran): Great. Thanks Griffin. Questions, concerns, comments about that? Great Greg move it right along please.

Greg Shatan: Thank you. And I can tell it's getting to be that time. Quickly the CCWG Accountability Workstream 2 as you know, many of you probably already know many of the - all of the various nine subgroups have had their first and second readings, in some cases have already had one public comment period. So now everything is going to be teed up and issued later this month as an entire draft report for comment.

The Diversity Sub Group section just went out for comment a couple of weeks ago so it's a little bit out of synch with the rest of the report. But the rest of the report is coming along. I think the most controversial section was the jurisdiction subgroup chaired by yours truly where there was considerable disagreement on some of the more robust or let's say radical even proposals that might have been made by some and particularly members of the GAC who are looking for immunity.

And but we did come up with two strong sets of recommendations on improving on how ICANN deals with (OFAC) sanctions and also dealing with

the venue and choice of law provisions and ICANN contract. So we'll see all of that coming in for a public comment not too long after we leave Abu Dhabi. Other sections I don't need to go over but the - it's basically now there's kind of a pause as the report is pulled together but there's still the high intersection on Thursday on the jurisdiction point part of which will be devoted to discussion yet again the subgroup and also discussion jurisdiction beyond the limits of what the subgroup discussed or might have discussed. So I think that's unless there are questions about other groups or anybody wants a report (Lori) of course was doing a great job as a subgroup chair as well on the good faith exercise of the right to take member off the board or the entire board. So just do want to mention her strong work in that area.

(Kiran): Great, Jonathan?

Jonathan Matkowsky: Sorry. I - for all other business I just wanted to at some point I was looking into what happened with the...

(Kiran): Lean into your mic.

Jonathan Matkowsky: Yes I was just trying to get more feedback on what's going on with the Securities (unintelligible) Advisory Committee and SSR2. So at some point I wanted to share some feedback that I received in that regard with the IPC for consideration.

(Kiran): Great. So I'm going to just suggest that's a really important topic and I do think that we need to discuss it in the IPC and this room is super thin right now for that unfortunately. So I think we should bring it up but I also think we should take that issue to the list while we're here in Abu Dhabi so we can have a robust discussion and not like sort of the half jet-lagged discussion in this room but definitely bring it up in any other business but we're not quite there yet. So...

Jonathan Matkowsky: Okay.

(Kiran): ...Greg back to you for the next agenda item and then just note - oh (Anne)?

(Anne): (Anne), just a quick comment regarding WS2. I was told by a member of the Cross Community Working Party on Human Rights and this is of course a bit of a procedural issue that they are now developing methods for the GNSO to insert human rights impact assessments in its PDP process. So we might just all want to be aware of that and know, you know, how we feel about those recommendations going to come from the working party.

(Kiran): Sorry what's the working party? Is it part of the commission or something?

(Anne): The working party is Niels ten Oever's group that was formed, you know, a couple years ago I think to discuss human rights and how to proceed with human rights in ICANN. And there were questions at the time about what is a working party because it's not a Cross Community Working Group. It's certainly not a GNSO, you know, PDP. I don't know, maybe Heather can comment on the status of the working party but they want to make sure that none of the expertise they've developed within the working party is lost. And so they're developing right here apparently ways in which the GNSO can incorporate human rights impact assessments into its PDP process.

(Kiran): Great, thanks.

(Anne): Yes.

(Kiran): So before we forget we have an important announcement...

Paul McGrady: This is Paul.

(Kiran): ...from (Andrea) in the - okay just one second Paul. I've got you in the queue. I just need to make an important announcement for the room. Just a reminder that all the concourse level doors at the (Aloft), the (Rotana). That's the

central capital at (Rotana). And the Premiere Inn have now been locked. So when we - when you leave here don't go the south way. Unfortunately you have to literally go all the way the perimeter the entire U of the conference center from where we're at and go through the (Aloft) to get out onto that side of the Convention Center so I hope you have your walking shoes on. Paul?

Paul McGrady: I think they're shuttling (unintelligible).

(Kiran): Sorry. They are - oh there's a shuttle sorry. There's a shuttle from...

Paul McGrady: (Unintelligible).

(Kiran): From Hall 4 which is the - I think the main hall which is just there.

Woman: (Unintelligible).

(Kiran): It is so there's an event. They've been locked since this morning which I found out to my detriment. So the - so Paul you had - was that Paul or (Steve) who was saying - who was trying to get in the queue before I made the announcement.

Paul McGrady: That was Paul. Hi everybody. Thanks very much. Just a note on the Cross Community Working Party on Human Rights it has no charter. It has no authority to issue anything. It is - has the same general effect as a bunch of us got together and had a call. You know, they can write in what they'd like. And so anyways I appreciate the heads up (Anne) but, you know, it's not as if that particular group has any particular standing to, you know, it would be I'm sure considered one input on any process that the GNSO Council undertakes to implement that particular bylaw within its own domain although, you know, I've been away for a long, long time. If I'm remembering the bylaw correctly I think the Human Rights Assessment's more of a board function but I could be wrong about that.

But if it turns out to be a GNSO Council function or a requirement in addition to the board, you know, whatever they put in will be one part of whatever process we end up doing to determine how the GNSO Council should behave. But I just don't want to (unintelligible).

(Kiran): Yes just very quick - very quickly Paul the problem is they have the ear of the GAC sorry. They have the ear of the GAC and so, you know, somebody noted Mark Carvell presented to them thought they were official party the GAC could end up rendering advice that's based on what the working party is doing. That's our problem I think.

Paul McGrady: They see and the GAC advice presumably can't change GNSO operating procedure or else we're all in trouble so thanks everybody.

(Kiran): Greg your hand is up.

Greg Shatan: Yes just to put a finer point on the Working Party. The Working Party to the extent that it has a charter at all is really an NCSG Committee with a title that to my mind is at least somewhat misleading and may in fact have misled the GAC. And while I agree with Paul that both in terms of the effect of the working party and the fact that the GAC could have GNSO procedure the fact that this - that these discussions are going on, you know, is fine. But the fact that the GAC is taking it more seriously or more universally than they should is not fine. And it may need some sort of effort to disabuse them of the notion that this is a GNSO structure because in the absence of information to the contrary it's entirely likely that they are supposing that because not everyone in the GAC is an ICANN wonk in that way so I think we need to watch out for that.

And I think in terms of where this would go in GNSO procedure the - it's not really so much the - what the - how the council would deal with human rights but rather how PDP would deal with the human rights bylaw and implementation. That is kind of the subject of this working party effort which is

being headed by someone named (Viduci Marda) who is fairly well-regarded in Indian Internet governance circles. So I think there is a danger like over this Working Party that we need to monitor and thanks.

(Kiran): Thanks Greg. So I guess we'll go to IPC Leadership transition now quickly and please quickly please. The room is emptying fast and we are very tired and we now have to walk 2 miles to get home.

Greg Shatan: Don't forget about the shuttle. So very quickly as you - we had a recent election so there will be some change in the faces of the people in the IPC leadership. It's been my honor for years to serve as President of the IPC effective December 1st. As you all know Brian Winterfeldt will take over that role. After the dust settles from Abu Dhabi we'll make sure that there's a smooth transition and knowledge transfer hopefully complying with the GDPR from me to Brian. Similarly John McElwaine is taking over from Lori Schulman as Treasurer.

(Kiran): So Greg I'll just note that literally no one that needs to be transitioned is in this room. So like Jonathan, John is not here, Brian is not here. They're in the GAC session on RPM which is running over. And so we may actually want to table this conversation until we're in a meeting where they are actually present.

Greg Shatan: Yes so it seems like we've lost that critical mass at this point. So why don't we just since the last thing left is AOB and I think Jonathan (unintelligible) said he wanted to bring one thing up, at least get it on the record and then we can get it out on the list.

(Kiran): Sure. So we actually do have a queue in the room. So Jonathan was first and then (Aslam) and (Alex). So Jonathan please.

Jonathan Matkowsky: Jonathan Matkowsky. I like the idea of taking it to the list to free up some time here. Will we have a chance to discuss the SSR2 like how we're - our

input from the IPC before we go ahead and have that ad hoc meeting, before we have that ad hoc meeting here in Abu Dhabi?

(Kiran): Yes. I mean it might - so I would say - I can't make the decision but let's - can we put - if we put it to the list I think it actually is a sort of critical and urgent issue on the ground here. Is that what you're asking if we can meet about it?

Jonathan Matkowsky: No it's just before we, you know, I just want to make sure that it's a productive conversation leading to healing process and not additional strife. So to the extent we can have a chance to discuss it on the IPC list before we actually give the IPCs input into what's just developed, you know, it would - that would be great so...

(Kiran): Yes let's put it to the list and let's you put it - put your question to the list, mark it urgent as in like by putting in the subject line, you know, urgent for Abu Dhabi and let's try to get something. I think it's a really good idea for us to respond quickly because it looks like they - the board is sort of scrambling on this issue and we should definitely be a part of that conversation.

Jonathan Matkowsky: Right. So the urgency is exactly what though? That's - is it - it seems like it...

(Kiran): Oh sorry so you're asking what is going on. Okay so I mean...

Jonathan Matkowsky: I'm not asking what's going on.

(Kiran): Right.

Jonathan Matkowsky: I'm not asking what - if there's a real urgency. I think we could take a day to decide what the IPC thinks before...

(Kiran): Oh yes. Well, I mean I would say before Thursday that - but that would still need to be marked urgent on the list because...



Jonathan Matkowsky: Got it, okay.

(Kiran): ...they take this months shouldn't (unintelligible).

Jonathan Matkowsky: Yes.

(Kiran): So urgent meeting like in the next few days but the sooner you've put it to the list this is a somewhat controversial issue right? So I think that we - maybe we don't - maybe we won't need any time at all to develop and IPC position but I think if we give ourselves a couple of days. So if you can put it to the list as soon as possible so we can fully discuss it and have our information. I think that RIPC position should mirror what was discussed in the CSG board session not just by Brian but by the other constituencies which, you know...

Jonathan Matkowsky: I think that's really...

(Kiran): ...have more to do with asking questions than anything else.

Jonathan Matkowsky: I mean that - I mean I think that's really the question. Before we decide the IPC what our position is we need to discuss it and not just move forward because I myself express shock at some of the lack of transparency, what appears to be lack of transparency. And I want to have a chance to just look at it more closely and make sure that what we do as the IPC is well thought out and not just going with the band wagon.

(Kiran): Right. So I mean I guess that the thing is it's really there's not really much to look at with this issue. The issue is that there's nothing to look at.

Jonathan Matkowsky: Well that's an opinion.

(Kiran): Yes.

Jonathan Matkowsky: No, no that - respectfully that's your opinion. I disagree. I think there is something to look at. So that's what I'm getting on the record here. I want to have a chance to look at it before we put an IPC position on this issue at - forward.

(Kiran): Okay what are you suggesting you look at though? What are you suggesting we look at...

Jonathan Matkowsky: I want to look at what happened today and have a chance to really consider the matter from the SSAC position and from other positions, the transparency issue and also all the details before we just jump to any conclusions, that's all.

(Kiran): Okay so I...

((Crosstalk))

Jonathan Matkowsky: I'm an observer also. I haven't been very active on the SSR2. I don't know, are there any other observers on that group for IPC? No. Yes okay so I just want to make sure that it's more democratic and that we have - and I'm not even saying I'm advocating that we don't agree with other members. I think there seems to be a lack of transparency but they're also when I started delving into it looks like it's more - there's more to it. I want to make sure that it's a constructive discussion towards healing and not necessarily towards more strife.

(Kiran): Okay so I would suggest that when...

Jonathan Matkowsky: (Unintelligible).

(Kiran): ...you circulate it to the list you circulate the materials that you think add more context to the discussion than the two letters and on which we based sort of the comments today.

Jonathan Matkowsky: Yes and but it doesn't...

(Kiran): (Unintelligible).

((Crosstalk))

Jonathan Matkowsky: ...the decision doesn't have to be made within 24 hours. We can have a chance to discuss it on the list before you come forward as the IPC and decide to join or not join in any...

(Kiran): So the - I mean the urgency is that the SSR2 Team has asked the stakeholder organizations and the advisory committees to respond to the board before the action and suspension is - takes effect which eventually which is it appears in the next couple of days. So that's the sense of urgency but the urgency cannot - and whether or not we need to act quickly can be part of your question to the list.

Jonathan Matkowsky: Okay I will say though that listening to what happened with the board we never discussed the questions from the ISPC's perspective of what we put forth to the board on...

((Crosstalk))

Jonathan Matkowsky: ...these issues.

(Kiran): Let me...

((Crosstalk))

(Kiran): No, no. I need to be very clear because it was not...

((Crosstalk))

(Kiran): No it was not an official question from the IPC.

Jonathan Matkowsky: (Unintelligible).

((Crosstalk))

(Kiran): There were two official questions from the IPC.

Jonathan Matkowsky: Hold on one second. Geez.

(Kiran): And the comments that were made at the table...

Jonathan Matkowsky: Okay.

(Kiran): ...were an official position from the IPC.

Jonathan Matkowsky: I don't think, look...

(Kiran): No don't - I mean please don't misrepresent the comments from an individual member in the IPC and he was clear - he clearly made them in his individual capacity. He introduced himself as an individual. It was not one of the official questions that were submitted to the board and that's a mischaracterization of what happened at the table.

Jonathan Matkowsky: I'm not going to debate you but I want to finish what I was saying. We never had a chance to discuss the issue as an IP - the IPC didn't have a chance to discuss the issue when it went to the board. And, you know, whether or not there needs to be a discussion with the sense of urgency immediately with the board at this meeting without us having a chance to look at the issue it hasn't been decided by the IPC (unintelligible) to (unintelligible). But we (unintelligible) urgency that (unintelligible) ability to think about this (unintelligible) crashing down.

(Kiran): (Unintelligible).

Greg Shatan: (Unintelligible) so let's just (unintelligible) to the board.

(Kiran): (Unintelligible). (Unintelligible) take it (unintelligible). I'm sorry (unintelligible).

Aslam Mohamed: Aslam here for the record. I have one question and one suggestion. The question is do you have a date when the election results and the leadership transition will be effective? And in the interest of democratization of the process hard decisions and major decisions until this transition is complete ought to be different.

(Kiran): So (Aslam) I can answer that question just quickly. The bylaws actually or state that the transition should happen at the end of this meeting. However there have been some discussion that in the past that hasn't happened that way.

Aslam Mohamed: That's the (unintelligible) of the bylaw. That's why it is the question.

(Kiran): Right and so the date is December 1.

Aslam Mohamed: Hard decisions until December 1 who will be chairing and who will be taking it through.

(Kiran): So before December 1 the sitting leadership and after December 1 incoming leadership?

Aslam Mohamed: Yes until December 1...

(Kiran): And then there was some proxy given to Brian to this meeting because of Greg's absence.

Aslam Mohamed: No I am still not clear. I have one question because if there is no mandate I mean this exactly the question which we are raising to the board relating to GAC. If the bylaws don't permit and I have to transition end of business of this meeting then what is the validity of decisions between end of business now and December 1?

(Kiran): That - so your question I think that's probably best to address to the bylaws review team who are the IPC bylaw experts and Vicky Sheckler isn't here unfortunately but maybe that's another question that you can ask to the list (unintelligible).

Aslam Mohamed: You (unintelligible) the bylaws are ambiguous so we don't know it's being addressed in the new bylaws review and we - there's no other option right now. It's ambiguous and it's not worth really...

Woman: (Unintelligible).

Man: I would say it's not worth debating or arguing about now. I mean the leadership team and the incoming leadership team have agreed on December 1 and that's just the date so it's not productive to...

(Kiran): And honestly we don't vote very much as an IPC organization so there's not really any like official voting decisions that - but it's - I mean it's well noted the ambiguity of it and it sounds like it's being drafted to the bylaw review team. (Alex) you were in the queue.

(Alex): Thanks it's (Alex). I just wanted to give a - the heads up on some discussions have been happening in other meetings today. One is which it's - one is a statement that the NCSG is drafting on domain abuse and the avoidance of content regulation. I'll send a link around. It's not clear to me where they will make this statement but if it happens at the public forum we should probably be prepared or discuss if we need to respond. And I'll take an action to reach out to BC and others to give them a heads up.

And then related it turns out also that there have been discussions in the NCSG on whether ICANN should regulate registries. I guess ICANN is now a regulator to prevent them from adopting even voluntarily the content rules. So this concerns me. And so just a heads up that this content regulation has been kind of updated and revamped. We saw that in Hyderabad and there's work to I guess to press that forward. So just a FYI and heads up.

(Kiran): Thanks Greg.

Greg Shatan: Thanks, Greg Shatan. And just briefly one of the reasons we have a bylaws review team is that over the years custom in practice of the IPC have deviated greatly for many practical reasons from the bylaws which haven't kept up. So a technical adherence to the bylaws is several years out of question frankly. We try - we do our best through inference through consensus and good faith but as (Steve) noted in the chat that the changeover date has been consistent for some years is why (Steve) didn't get a scroll last year when he was about to leave the leadership and why his name will be announced on Thursday.

So I suggest, you know, certainly all decisions IPC makes, you know, are really consensus based. So I hope we don't need to explore that issue further. I think the - I thank (Alex) a lot for bringing up the point that he just did. And we do need to keep an eye on all of the things that are happening while we're off in our place, you know, in our constituency protocol. So we'll see quite a bit more there.

I don't know if there is any other other business and I know the time is late and...

(Kiran): (Anne) is in the queue, Paul is in the queue and Mark is in the queue.

Greg Shatan: Okay we'll let you manage the queue (Kiran) and as soon as the queue clears we can all move along.

(Anne): It's (Anne) just quickly on this topic that (Alex) raised. One thing in terms of that public statement NCSG apparently when I spoke with Stephanie Perrin about consumer protection she said for example that if poison infant formula is being sold to families in Africa as the real thing that anything to do with that is outside ICANN's remit and that that is content regulation. And she also said that it's kind of funny when they talk about ICANN shouldn't be a regulator that they're now proposing this sort of content regulation.

In addition like somewhat related topic apparently according to European Commission GAC rep they have several times proposed Article 40 approach in as a code of conduct approach for the domain name industry and that has thus far been rejected. So I have a question about why no one's, you know, within ICANN org or elsewhere is really talking about the Article 40 approach.

(Kiran): Paul?

Paul McGrady: Thanks, Paul McGrady here. Before we adjourn I just wanted to thank (Kiran) for running this meeting and also stepping up to essentially be the officer in charge on the ground. She did a great job in front of the board today and a great job running this call and others. So thank you for doing that. I know it's a lot of hard work and I appreciate it.

(Kiran): Thanks Paul. Well we're out of - I want to thank (Aslam) for running remote participation in all of our meetings. So that has been a complete pain as well so thanks to (Aslam) in particular like round of applause for (Aslam). And we have one more person in the queue. Mark Trachtenberg take us home please.

Mark Trachtenberg: I move to adjourn the meeting. I'm not accepting any friendly amendments to this motion. Is there a second?



(Kiran): Second.

Mark Trachtenberg: Great.

(Kiran): All right Greg we have a motion to adjourn on the table here on the floor. Any last parting words as my co-chair.

Greg Shatan: (Unintelligible).

(Kiran): Oh we can't hear you Paul - or Greg. Please get closer to your mic.

Greg Shatan: I say by the power invested in me by all of you I hereby declare this meeting adjourned. Go forth and...

(Kiran): Thank you. All right thanks everyone.

Man: Thanks everybody. Bye-bye.

END