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Transcription ICANN Johannesburg

NCSG Policy Committee Meeting

Tuesday, 27 June 2017 at 13:30 SAST

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Rafik Dammak: Okay guys. I think it's really time to start the - we don't have that much slack time later on before I think most of us are going to go to the (EGBR) session. And let's start the recording please. Good. Thanks (Julie). Okay. So thanks everyone for coming to today's session that's the - it is the Non-Commercial Stakeholder Group Policy Committee Meeting.

And what we try usually to do here is to discuss policy and in particular start preparing for the GNSO Council public meeting maybe to go through the motion but also to get some feedback what's going on in this meeting.

And we'll also try to - yes, to maybe other items like the auction proceeds and so on. Okay. So let's start with first agenda item, which is about the GNSO Council public meeting agenda.

There are a few motion to be voted tomorrow in that meeting. I think most of them are controversial but we just need to kind of discuss them and to have an idea how the GNSO NCSG Council will vote on them. Okay.

So the first motion and it's about - let me see. I cannot see from here. I cannot see. I'm kind of blind. Okay. The first agenda item and I think it's in

the (consent) agenda, which means that can be approved quite (goodly) unless there is an objection and then someone want to discuss about it.

And it's about the confirmation of the - of leadership for the GNSO Standing Selection Committee, which is the committee for doing the selection as its name say for the different position and representative from the GNSO like to (do) for your teams and so on.

And this is to confirm the selection of Susan Kawaguchi as a Chair and Johan Helsingius and Maxim Alzoba as Vice Chair. We have two representatives (there that fall) into the Selection Committee but I don't think they are here already.

I don't think there is any problem with this motion. And unless anyone want to discuss on this, I guess we can move on to the next one. Okay. That was pretty quick.

So the next one and it's let the Council vote with regard to the process and criteria for selection of the GNSO representative to the Empowered Community Administration. And I think some of you today could attend the first forum for the Empowered Community.

I think - okay. Currently I think in an interim basis there are - the GNSO representative is the Chair, James Bladel. And so here it's to - I think to confirm - let's see. It's to confirm the process and the criteria for the future to appoint the GNSO representative to the Empowered Community. Okay. Anyone want to comment on this or anything that kind of (drives) any concerns from our side, as we should.

So from my understanding this - in the process we are assuming that it will be the Chair but also the Vice Chair that they can be - the Vice Chair of the GNSO Council they can be appointed there. Okay. Okay. Seems that was a non-controversial motion and I guess we will focus. Okay.

Okay. Oh, and I see that Renata is here who is our representative to the (SAC). Sorry Renata to put you put on the spot but we were discussing about the process and criteria for selection of the GNSO representative to the Empowered Community Administration. And that's I think coming from your committee.

Renata Aquino Ribeiro: Hello. Renata just arrived. Yes. That is currently in discussion in the SIC. And we had up to now consensus on the procedures. We are actually going still to have a major discussion by mid-July - a meeting about this.

But so far this (desk) SIC operates on full consensus. And so far there were no objections to the procedures presented. We did have consultation - a conversation with James Bladel about the procedures, which would be very close to the GNSO Chair procedures the way the Empowered Community represents (they would) operator.

Since then there was no further meeting or discussion about this. But it could be that in July either this matter finalizes or we have some changes there. Thank you.

Rafik Dammak: Okay. Thanks Renata for the update. And I think I don't see any hands of someone want to comment. And I guess we can move to the next agenda item. And I was reminded that please state your name when speaking for transcript purpose including for myself. So Rafik Dammak speaking.

So the next agenda item or also the Council vote is about initiation for drafting team (to go through the) changing the name of the GNSO. That's I think quite funny motion. And yes…

Ed Morris: Rafik, that has been withdrawn by Paul McGrady. So we will not be - we won't be debating it tomorrow.

Rafik Dammak: I didn't see that in the Council list. But was sent to the Council list or…

Ed Morris: I don't know. But I know - I talked to Paul and I guess yesterday at the session, which I was unable to attend, I guess he did state that he was going to withdraw it. And I talked to Paul this morning and he confirmed that.

Rafik Dammak: Okay. Thanks Ed. Yes…

Elsa Saade: Actually I was in the session yesterday and I can confirm that he had withdrawn the motion and he said that we can discuss it later on but the motion is not on the table anymore according to what he said on record yesterday.

Rafik Dammak: Well, I mean technically it's still on the table if he doesn't withdraw it. Okay. Okay. So okay. Maybe that will - can become topic for the discussion but changing the term generic to global - well, why not? But I don't see the need.

And I recall that in his email that he talked about the global domain division, something like that. Maybe he was trying to fix the wrong problem here but anyway. Okay. Let's see how the discussion will go then in the Council either tomorrow maybe in the Council list. Okay. Any question, comment? No. Okay.

So the next item, which is discussion, and is like maybe to become maybe kind of a soap opera for now since Copenhagen meeting of Cross Community Working Group Internet Governance become kind of - it's become an agenda topic for each call since then.

And so kind of the concern coming from some part of GNSO it's about if this working group is the right - has the right structure to handle Internet governance issues.

And I think one of the issue that some people have is related that we are trying to - the Cross Community Working Group as a structure for that. So the discussion going here within the working group but also I think in yesterday meeting that (someone) is maybe - there is acknowledgement that we need a space for the community to discuss I think the governance issues and to cooperate with the Board Working Group on Internet Governance and the staff.

But then kind of maybe trying to find the right structure, something that we need to come up with but also discussing about the mechanisms and in turn how to participate and how to inform the community and maybe how to reposition because one of the concern was how this working group is making position that is supposed to represent the community and so on.

So I guess tomorrow will be just a continuation and I hope that we can maybe move on to more solution kind of to move forward. And I guess the working group can be tasked to find and make a proposal about new structure that can respond to the concerns of the GNSO and at I think less to the ccNSO as a chartering organization. Okay.

Any question or comment on this? Okay. I hope guys you will participate more and not let me do all - the whole talking for today.

Man: Rafik.

Rafik Dammak: Yes (unintelligible).

Man: Yes. Sorry. For the record, my name is (unintelligible). I wanted to call your attention earlier before now. The issue of the proposal for change of name was withdrawn from the agenda as (unintelligible).

                Is it possible we have some insight into what necessitated that so that probably something we can guide against or something Council prepare

(unintelligible) like I said for Plan B in case? Is any of such things they shall consult eventually on the agenda. Thank you.

Rafik Dammak: Thanks (unintelligible). This is Rafik Dammak speaking. I think of the term - talking about the previous agenda item about the changing the name. I guess we may be with the discussion again get more insight. We didn't have that much discussion and the Council needs to understand the reason behind that.

So maybe we can get some insight tomorrow or later on. But I'm not sure if we have kind of real position from NCSG side on this matter for now. Maybe hearing more about the reason - the rationale about trying to advocate for such change again with our position.

But speaking for myself, I don't see any need for changing now because until like - let's take example in term of activities we do like the outreach. We spent so much time to explain that something is called GNSO and it's about generic name.

So trying to change like - I mean this just creates some confusion and I don't see how it will be helpful anyway. Okay. Yes Matt. You want to add something?

Matthew Shears: Are we still on CCWG IG? Okay. Matthew Shears for the record. So in the related discussions yesterday and today, I think it became pretty clear that the CCWG model is not getting a huge amount of support from those outside or interested in the work of the CCWG IG.

So what's the anticipated next stop on that because I would assume that while we've been trying to meld our existing model to the CCWG model, we're going to have to look at something else, right.

And if we look at something else, it should be pretty quickly decided I would assume because aren't we bumping up against a deadline by which we were supposed to have this all resolved for the GNSO? Is it this meeting or is it the following meeting? I thought there was a period of time within which we had to work this out. Thanks.

Rafik Dammak: Thanks Matt. I don't think we had a deadline to solve this issue. I mean it was like delayed - every time postponed. But since we are here in Johannesburg, I think there was kind of sense of emergencies that we need to find a path to move because I mean keeping just discussing every time about it and not giving guidance is not really helpful.

But I think what I said is the (kind of) discussion at the informal and formal level and maybe we can have some solution. But anyways, some term of official then maybe GNSO can in the next Council call like maybe there will be motion to task or maybe tomorrow. I mean just a (silly) motion to task the working group and maybe to propose another structure or so on.

But I guess depending how in term of process and so on, so. To be honest, I have no clear idea how this will go but I think what at least maybe we are kind of (fishing) the level that okay.

We need that working group probably - I mean Cross Community Working Group framework is not the right and it doesn't respond to the concerns but then can come up with something new to be (invented), so. Yes Avri.

Avri Doria: Hi. Avri speaking. Has the charter been approved by at least two other groups?

Rafik Dammak: No. No.

Avri Doria: Okay.

Rafik Dammak: No it's not. I mean…

Avri Doria: So another - the ccNSO and ALAC and them haven't approved it either.

Rafik Dammak: No.

Avri Doria: Do they have the same kind of issues or are they just waiting for the GNSO to do it?

((Crosstalk))

Avri Doria: …the two of them approved it, it doesn't matter what the GNSO does.

Rafik Dammak: Yes. But I mean we shared the amended charter in Copenhagen. There the ccNSO are still discussing but I didn't hear that they approve it yet or not. So they sent some questions but I mean they are not really controversial just a (more to) that's clarification for them.

                  That I - so they I don't think they want to review or to approve yet or not, so. At this level there was no real - any action in term of approving another charter from the different chartering organization.

Avri Doria: Thank you.

Rafik Dammak: Okay. Thanks. Yes Matt.

Matthew Shears: Just to come back on this again. I think the - Matthew Shears for the record. I think it's fair to say that the work we did in the charter provides the basis for the ongoing work. I think we were particular in that.

                  And what's also pretty clear is that I think it's fair to say not a huge number of the people who are present in the meeting probably read the charter or the proposed amendments.

But that being said, I mean and noting what Avri said, I think it's probably time for us to move on and try and resolve this as soon as possible. And if need be, let's just (port) over the charter and the content of it into some other form. Thanks.

Rafik Dammak: Thanks Matt. And to get my life back I guess. Okay. I guess no more question or comment on this topic. Okay. Any - nothing in the remote participation. Okay. So let's move on to the next agenda item.

And this is about a proposed sentimental bylaw change. Maybe who's more familiar with what's going on in the Empowered Community? Ed, okay, you want to speak.

Ed Morris: Thanks Rafik. And I know you're a bit under the weather and thanks for (soldiering) on through illness to lead us today. This morning at 8 o'clock was a bit of a historic moment here in ICANN. And it was the first ever meeting of the Empowered Community.

For those of us who were involved, and Matthew - I see Avri here who've just spent a lot of their lives the past three years trying to make this happen. It was a pretty important event. And it had to do with the fundamental bylaw change. So let me try to explain what both that's about and why it goes to the Empowered Community.

Under the powers of the Empowered Community, which consists at the moment of the five ACs/SOs who are participating, in order to make a fundamental bylaw change you have to have sign on, a formal approval of four of the five with only one being - factoring in a negative. And abstentions are counted as no votes in this case.

And so when we were creating the new bylaws, we changed the reconsideration process a bit. Currently when you're trying to do a

reconsideration of a Board staff decision, you file the form; it goes to the Board Governance Committee, comes back to you. There are ways of getting you to the full Board but that's basically the procedure.

Under the new reconsideration procedure you file. It first goes to the ombudsman who is the issuing opinion. It then goes to the Board Governance Committee and then all reconsideration motions then go to the full Board.

Well the Board had a little bit of a problem with this in that way back when when this group did a - the trademark (50) reconsideration motion. Previously there had only been three reconsideration motions in the previous two years. Now they're getting 30 to 40 a year.

In the old days I'm told far longer before since I've been here there was a separate Board committee to deal with reconsiderations because there weren't that many of them. They merged it into the Board Governance Committee.

And so what the Board would like to do now is reestablish a special reconsideration committee, which they may also add certain other things such as IRP decisions, et cetera.

But the only one they need the community approval of because we baked this process as a fundamental bylaw in order to change the committee it sent to they had to actually run it through the Empowered Community, which means running it through the GNSO as part of the Empowered Community.

So the request that's been made is we allow the Board to put reconsideration requests through a new reconsideration committee rather than the Board Governance Committee.

It's reasonably uncontroversial. There were questions asked Chris Dispain who represented the Board this morning. Couldn't you do it some other way? And the answer was yes. They could have made a subcommittee of the BGC to consider the reconsiderations. But they felt that that wasn't a good use of their personnel.

And quite frankly he was honest. We wanted to retest the Empowered Community on something a little bit less controversial. That's one of the reasons they did it this way.

But we do have to approve it if we want to approve it the change for reconsiderations going from the BGC to a new committee that the Board has not yet established and they won't establish it until we approve it.

And that's basically - it's a minor somewhat cosmetic change that has to go through the process because we made it part of the fundamental bylaws. Thanks.

Rafik Dammak: Thanks Ed. Yes Avri.

Avri Doria: Thanks. I didn't attend that because I was prepping for my other thing. But I'm wondering how much chance is there of a pocket veto of us just not caring enough about the change they offer and basically doing a pocket veto on it, which would be a valid way of handling a proposed fundamental bylaw change.

Ed Morris: There was no discussion. I think in an affirmative sense that may be a way to deal with issues, either this one or others down the road. There is great concern among some of the folks that are in the Empowered Community Administration including, you know, (Stefan) who is chairing it today that we maybe should have handled abstentions a little bit differently.

But it's interesting all the parties and everything that comes before us is really difficult. And go ahead Avri.

Avri Doria: And that's the point I'm trying to make.

Ed Morris: Right.

Avri Doria: I think that that and I heard that discussion. I think it is an important feature because that means that if they start making fundamental bylaws changes that we don't think is really worth the effort of voting against. The pocket veto is a very good tool.

And so I just - I've heard that conversation like oh my God, we made a mistake about abstentions. And I'm trying to argue that no we didn't.

Matthew Shears: Okay. Thanks. Yes Kathy. Yes.

Kathy Kleiman: Kathy Kleiman: Question to Ed or anyone else who was in the room at that meeting. Is there any downside to doing this? Do you see any downside, you know, just checking?

Ed Morris: There was no real negativity other than - I think there were some comments that we shouldn't - maybe Avri was trying to point - maybe we shouldn't have to go through all this for such a minor change.

And if any pushback at all is maybe the Board should have just made this a subcommittee of the BGC so we didn't have to go through the process. But there were no objections in terms of changing committees per se.

Rafik Dammak: Thanks Ed. I think in term of position, we responded to the public comment at that time and we supported the change. Yes Avri.

Avri Doria: No. I think them doing it was very good. It was to test it. And in fact, we managed to learn something from it. Is that it is actually a more powerful technique than we thought it was in the first place because if the Board gets frivolous with its changes, we don't even have to reject them.

So we learned about the pocket veto simply because of the concern. So I think it's very good that they did it because it's good that any new mechanism be tested. And but I just want to make sure that what other people are (considering) a failure is seen as not a failure but a further understanding of the power of the mechanism.

Rafik Dammak: Thanks Avri. I guess we go to nice trial today then. Okay. I guess we maybe - I don't see any comment. Oh. Yes Ed.

Ed Morris: Just one last comment. The name of the committee, and obviously Matt's going to be involved in this, may not be the reconsideration committee; is they may throw other stuff in there that does not require community approval.

They could throw in for example responses to the IRPs, that stuff that's not in the fundamental bylaws. So the committee itself could have a wider remit than just reconsideration. But that's the only thing they had to come to the community for.

Rafik Dammak: Okay. Thanks. Okay. So I guess we can move to the next agenda item. And that's about a discussion about the Cross Community Working Group on the use of country and territory name.

And so we get here that - say first we'll get an update I think from the working group chairs. And it seems here that not mistaking we - the Council will discuss the final report and see what are the next steps. And reading kind of the background explanation there is that the working group determined that the (concept) was not physical while it's publishing its final report on this matter.

And I think the work on - for this working group is also related to the discussion today about GO names. Avri, sorry to ask here but the - about the working group on the use of country and territory name, is it kind of related overlapping with discussion for today session?

Avri Doria: This is Avri. Sort of in that its failure is it - and it's discussions are partially inherited in terms of any discussion of a top level. And partially evidence for why creating another CCWG to talk about this is probably a silly thing to do.

But beyond that, it's not directly a feeder. It's not directly affecting. I suppose if they had come to an agreement, then we might not be doing this and, you know, we would be inheriting their output. But since they didn't have an output that we can inherit in the Subsequent Procedures Working Group, no.

Rafik Dammak: Okay. Thanks Avri. Wondering if there is any question or comment here. I don't see any. Okay. So we can move to the next agenda item and probably the - I think almost the last one, which is about an update on the initiation of the GNSO Section 16 process for amending approve a GNSO policy recommendation relating to certain Red Cross (and other) things.

So the GNSO Council I think they approved the process by electronic vote a few weeks ago. This is about some of thinking about adding the list of the Red Cross - not sure that's the (slate) name and so on (and also variant).

And here is amending and approve a GNSO policy recommendation. And so resuming the activities of the working group but also having public comment on the proposal here.

So I think the working group already started their discussion like maybe one or two weeks ago. I'm not sure here from - who from the NCSG was following kind of closely this topic. I mean the Red Cross thing has been discussed for years - few years ago but now still kind of coming out every

time because the added pressure from the GAC. David, you were involved in the working group? Yes.

David Cake: Okay. So this was - this working group goes back a long way. I think - I mean this was already looming when I got involved in ICANN. And the - and what is - what essentially happened here is there are a number - there are a number of things (alluding) to this; in particular the IGOs and IGOs in general, the International Olympic Committee and the Red Cross.

And the GAC did not particularly like this process and lobbied quite heavily on it and it went to the Board. After a lot of GAC advice about it and looking into it, they concluded that essentially the working group may have made some - the process here is one that I don't recall ever being in place before and that everyone is a little bit unfamiliar.

But after a lot of time with these competing proposals basically sitting at the Board level with the Board neither accepting nor rejecting the policy from the GNSO, not sort of implementing parts of it.

And what they have done is we've come into the process where the Board can say parts of the - parts of the policy need to be changed. They need to identify either sort of factual issues or things that have changed with the - what affects that policy in the meantime.

And essentially I think that said parts of the - what the working group came up with regard to the Red Cross probably were not correct. And so they (reeled in) the working group not to do the whole of the work of the working group. There isn't - the GNSO would have to - would have to do that in their other processes to reopen a working group entirely.

But to reconsider particular questions where they think the outcome was an issue. So in particular they are reopening it to address the Red Cross is my

understanding. I mean people would have been following this on the Council.
Tell me if I'm wrong.

But they're opening it specifically to address the Red Cross. And part of this
is to say that the legal basis for the Red Cross claim is very different. The
Red Cross essentially on dealing with specific rights under the Geneva
Convention and (as they're) going and look specifically at these and see what
we come up with.

There's no guarantee that the Red Cross will still get the answer they like.
The working group gets to reconsider those questions. It doesn't just do what
they - you know, they consider the question, not an answer.

And this was a long time ago. I think this working group finished up around
2011, 2013 I think. So gathering together the people who were in that
working group actively is, you know, restarting the working group is not an
easy process.

So I think - I haven't been involved in that working group. I think - well, I was
involved in that working group the first time around. I haven't been involved
the second.

I think (Robin) and Avri were both active in that working group when it was in
place. I don't remember. It's that long ago. So it's basics and it kicks out the
working group just to consider very specific questions to do with the Red
Cross.

I suspect it probably - I mean my memory is that people were quite anti the
Red Cross claims at that time. And maybe if we look at it a bit closer, we
may find their claims have some validity. But it's really a sort of - that's - I
mean it's going to be a question of the - somewhat of the legal rights. So
there's a lot of questions about what are the legal rights the Red Cross have.

And I - and (going to assess) the legal rights of the Red Cross unique and very - and really quite strong in that they are supported by national legislation in most, you know, almost every country. But they may not trend like into the domain system in the way the Red Cross thinks they do.

And that's always been one of the issues of contention. Particular, you know, it may give them only quite limited rights over the specific long form name of the Red Cross and the phrase Red Cross, Red Crescent and other associated marks. So we'll see.

Rafik Dammak: Okay. Thanks David. But given the context we - I think in ICANN we like opening all the issues again - over again. So trying to see if we can really move to the other agenda item of the meeting because we covered most of the items for tomorrow meeting. And what we got to any other business there is just an update from review team.

So I don't think anything controversial (at all). But just will get I think updates from the RDS Review Team and also from the Security, Stability and Resiliency Review Team. Okay.

(Maryam), can you change to the - so in our agenda we are trying to cover several policy topic discussion. I tried to make change. So I put a second - yes.

Ed Morris: I'm sorry Rafik. There are going to be - there's going to be a few other any other business items on the Council meeting I just want to make folks aware of.

Rafik Dammak: Okay.

Ed Morris: One is we've run into a scheduling problem in that we have certain dates we have as a Council to need to respond to matters before the Empowered

Community. I believe there are two items we have to respond before our next Council meeting.

So I know as of yesterday there was a proposal or consideration to change the date of the next Council meeting to avoid the case of having to do a lot of ballot electronically.

The second point is there'll be a proposal at least to try to establish some sort of Council standing committee on the budget at the request of finance. I've talked to James about this.

So there at least will be an attempt to start taking a look at how we deal with the budget given our new power to reject the budget because we really don't do much except of a small statement. So those items will be thrown in any other business as well; at least I understand that to be the case.

Rafik Dammak: Thanks Ed. But now I don't see any updates in the current agenda. But thanks for this kind of heads up. Okay. So I tried to change (unintelligible) kind of digest (unintelligible) and start with the auction proceeds discussion.

And I think our representative there is Stephanie. Stephanie, so can you give kind of quick update what's going on in that working group and anything that we have to kind of monitor or close and what's happening exactly there.

Stephanie Perrin: Great. Thanks very much Rafik. Stephanie Perrin for the record. Can you all hear me because I'm having trouble hearing? Anyway, yes, I'm you're rep on that auction proceeds group. And do feel free to join as an observer if you feel like it.

There are quite a few misconceptions about what that group is doing. And I guess over the first few meetings we've been working to clarify what the role is and what ICANN is doing.

So basically there is a pool of something like $250 million -- I'm not up to date with the latest sale -- sitting in the auction proceeds. So this is the money that has been obtained through applying for new top-level domains.

The agreement ICANN had always said that it would use this money for charitable purposes for - basically to give away to worthy projects. So the Auction Proceeds Working Group is figuring out how we would go about doing that.

And there are fundamental questions. Do you set up an independent foundation that does this? Do you use fundraising folks? Hire someone to do it? Does ICANN decide that it's going to have its own little foundation? Then so those are all questions.

We have had briefings over the first few meetings from legal about what the fiduciary requirements are for a non-profit such as ICANN; what its responsibilities are in terms of, you know, legal obligations, duty of care, audit requirements, all those sorts of things; conflict of interest.

Everybody that's on the group has done a slightly better conflict of interest. I still don't think it meets the standard but I'm a bit of a nut on this. So - and I've kept quiet you'll be relieved to know.

So then - and we are nowhere near solving that particular issue. Then there's another question of course. Do you want to keep this money and invest it and slowly spend the money or do you want to do a quick spend and get rid of all the money as quickly as you can?

Now obviously $250 million is a lot of money. If you're going to give a group say 250,000 to do something, hopefully that's going to be spent over a couple of years, not six months.

In any case, your audit requirements for financial responsibility reason remain high obviously for like $10,000 or lower. But the - legal has been quite thorough in briefing us on what our responsibilities are.

So that's kind of basically what's happening. We haven't actually got to the real work and discussion about how we want to see this happening. I suspect that in our particular group, and I declared this on my conflicts, while I'm totally unaware of anybody that wants to apply for that money, I am sure that among our various communities as the end users representatives there's going to be people who want to spend the money.

And indeed there are very conflicting goals around ICANN. You'll hear people say they need it for support for some of the stakeholder groups. Sorry. I'm sure I'm going to find this an amusing if long process.

So that's kind of a quick update. And I'd be happy to answer any questions. And if anybody would like to, as I say, join I think as an observer would be the best suggestion, please do. But you can also join as members. We had to choose someone and we chose me. But I believe there are other members. Who's also a member here? Nobody? Ah, very good.

Man: (Unintelligible).

Stephanie Perrin: And James. Good for you. Did I leave anything out you two? No? Okay. Any questions?

Rafik Dammak: Okay. Thanks Stephanie. I think - thanks Stephanie. I think everyone would like to spend the money in particular which is not ours. But…

Stephanie Perrin: Yes.

Rafik Dammak: …so anyway. So the recent meeting for the working group in…

((Crosstalk))

Stephanie Perrin: …right now, yes. And…

Rafik Dammak: …report it but there was no way to find…

Stephanie Perrin: I'm triple booked right now. Well we all are having trouble with this format I think. You know. It seems you have long stretches of nothing and then you're triple booked, so.

Rafik Dammak: Yes. Yes Anriette

Anriette Esterhuysen: Thanks. So Anriette in APC. I'd like to join the working group as I've told you Stephanie. And I know you have to rush off. So if someone else can answer. What is the timeline that the working group has to come up with recommendations? And what is the next step? Who would receive those recommendations and who decides?

Stephanie Perrin: There are - I should have mentioned this perhaps. There are two fairly active Board members on the working group. And the recommendation is to the Board on what we come up with.

Timeline to be honest I'm - I can't remember. I'm doubtless if I skip down to the meeting, I would find out because they're probably going to make that clear in the open meeting. But I'll report back on that to the list. How about that? Sorry about that.

Rafik Dammak: Thanks Stephanie. Anriette, do you want to comment or - no.

Woman: (Unintelligible).

Rafik Dammak: Okay. Welcome. Matt.

Matthew Shears: Yes. Matthew Shears. Stephanie, what - at what point in time will you need us to start considering what these various options look like? I think that's going to be - I mean obviously as many people as should join as possible. But when will you need the community to look at these?

Stephanie Perrin: Well that's an excellent question. I think it's now because we are debating right now questions. And this is why I'm kind of semi-disengaged. There is a lot of discussion about well is 10% a reasonable administration - I'm trying to find a better word for (rake off). But you know what I mean. That's a lot on $250 million even allowing for auditing.

Metrics. I'm a firm believer that part of the application process that we have should be that you should state in your application how you will be measured. And that will be one of the things evaluated.

I'm not sure everybody that's on the group has ever done that. But I think it's a very, very important kind of - and my experience basically I have to say comes mostly from government although I have been engaged in some projects in civil society.

But trust me. Government can spend money without accountability and without going back with proper metrics because we're usually saving money on that end of things.

And so I wouldn't save the money on the front end of that mythical 10% if it meant dropping metrics because we're not going to have projects that can be evaluated appropriately.

And they - all of these things should involve well-staged payments so that if you - you're not delivering in the first batch, you sure as heck don't get the next batch.

Again, in government, politically often you - so you pay the next two checks regardless. But we don't have to do that here. And I think we would be held more accountable under our rules than you would politically.

So I think it's really important that we figure this out and get it straight. And they are engaging someone who is an expert in charitable foundations to come in and speak on some of these administrative costs, so.

But the question is we haven't turned our heads to it. At the last meeting that I participated in, which was very recent, either last week or the week before, the debate was centering on should it be to areas in need. Should these be, you know, how do you evaluate what's a worthy project? Is it just a cool idea? Is it a security issue that needs to be resolved?

The one thing the Board's adamant about is that it has to be within the narrow remit of ICANN, which is stability and security and the Internet. So a lot of people are thinking oh boy, bandwidth.

And I don't see how bandwidth because we all - every continent in the world could use broadband rollout. But while I could, (you know), maybe you don't need it in Amsterdam but I sure as heck need it where I am.

But that's not in my view an appropriate use of the money, you know. So I really don't have in my mind a list of okay, these are all the projects that we could think of. But we should start brainstorming on that so that we come up with some kind of a common view. And thank you for the question Matt because I should have mentioned that.

Rafik Dammak: Okay. Thanks Stephanie. We have a queue now. Start with Anriette and Renata, then Matt and Michael. Yes.

Anriette Esterhuysen: Well, in that case I think what we need is a process for developing that position with NCSG. I think that it seems to be what's at play is the structure

of how this - the process will be managed, the percentage that will go for overhead and then also what the policy will be.

And I think that don't need to all be addressed at the same time but they do need to be addressed separately. And I think what we need is a working group to come up with position possibly - I mean if they're getting an expert, that's really good.

But they are also in the sector both, you know, the numbering organizations have foundations, they've got experience with funding. AFRINIC does. APNIC has - they all have foundations and funding programs. So one could also look at the mechanisms they've used.

Anyways, I think Rafik the best thing now would be to maybe we can identify people that can work with Stephanie on developing a set of proposals from within this community.

Stephanie Perrin: That would be most welcome.

Rafik Dammak: Thanks. I think we can make a list of volunteers. Yes Renata.

Renata Aquino Ribeiro: Yes. Just a quick request for information. So I had the impression that the group was discussing outsourcing like trying to hire consultants to identify such foundations that Anriette mentioned. I just want to know if there is such discussion going on is standard for hiring outsourced consultants or groups to handle this process. Thanks.

Rafik Dammak: Okay. I got reminded please state your name while before speaking, so. Yes Stephanie, want to comment?

Stephanie Perrin: I'm not sure how to respond to your question. Basically they have already brought someone in. How they're - I don't think - I think if this - if the model would be to have - to outsource the distribution of funds, it would have to be I

would think more like a committee than one particular firm. That would be my view.

But I don't really think that's a good model myself. See these are things - these are things that a working group we could thrash about and figure out our common position.

Rafik Dammak: Thanks Stephanie. Matt, you're the next in the queue.

Matthew Shears: Yes. Matthew Shears. It's a little bit worrying to me that we're talking about what percentage we can, as you say Stephanie, rake off the top and we don't even have a clear idea of what we want to do with the funds nor the structure that would do that.

I mean this seems to me really to be just a little bit backwards. So yes, I would fully support the notion of us pulling together a group to work on this because we might, you know, actually be able to input some useful ideas into that process because that doesn't - right now it doesn't seem to be going - we're going in the right direction. Thanks.

Stephanie Perrin: That is very much why I've been -- Stephanie Perrin for the record -- a little bit disengaged. I'm going how on earth could we talk about whether 10% is a good number if we don't know whether we're spending it all the first year or whether it's a permanent, you know, foundation. I mean these are rather basic questions.

Or the size of the grants. If they're all 10,000, then you audit requirements are way down. And cutting a check is much cheaper. I mean I administered a small research program at the Office of the Privacy Commissioner in Canada. And we kept the size of the grants down to 50,000.

You have very little in the way of requirements there. They meet the, you know, they meet the basic proposal and check, you're done. Whereas a, you

know, a half a million you're in a whole other ballgame in terms of financial responsibility.

So, you know, these are fundamental. So this is kind of my frustration. I'm waiting until (Eddie)'s stops swirling. But if we had a working group going, that would help us out a lot.

Elliot Noss is coming to speak to NCUC. I'm not precisely sure when; sometime this week on that. And Elliot is on the - Elliot is with Tucows. And he has some pretty firm views and some very sensible ideas in my view.

So I tend to listen to what Elliot has to say. So if anybody would like to join us at that NCUC meeting, you might get a more color commentary from Elliot on what's going on.

And in terms of drafting people for that committee, if you're interested, let's get it going. Anriette's interested. I've been trying to draft Marita Moll who's an NCUC member who has been - is on the Board of CIRA and helps administer the CIRA community development fund, which is rather similar I think and does good projects. CIRA being the Canadian Internet Registration Authority, .ca.

Rafik Dammak: Thanks Stephanie. I guess we can follow up on that proposal and see how we can get people to work on - and discuss the topic, maybe having an ad hoc meeting (really soon). So we can follow up on that on the mailing list. Yes Michael.

Michael Karanicolas: Hi. Michael Karanicolas for the record. Yes. I'll start by saying I'm definitely interested in working on that. Can I ask where the conversation is at the moment? You said - I think you answered this a little bit in your previous comments.

In terms of ICANN developing its own infrastructure for doing this as opposed to sort of subcontracting that out or putting support out to other grant making organizations that already have that kind of infrastructure in place.

Stephanie Perrin: We're still debating that. You know, it's preliminary days yet in terms of focusing, you know. We haven't made any decisions.

Rafik Dammak: Thanks Stephanie. James.

James Gannon: Thanks. James Gannon for the record. I just wanted to build on something that Stephanie said and maybe add some clarification for some people that are not intimately familiar with the world of ICANN. Is that the decision to not look at things outside of ICANN scope as possible recipients is not necessarily a decision. It's a fact of law.

So ICANN is bound by U.S. non-profit law to not disburse this money outside. So for example, looking at connectivity project, it wouldn't be on the table because it would…

Woman: Yes.

James Gannon: …put ICANN's non-profit status at risk. And that is why the Board would come along and give those boundaries because that's one of the financial controls that is around disbursing the money of a 501(c)(3), which is the type of non-profit that ICANN is.

So while the working group, you know, at the moment should only be looking at the mechanisms and the potential structure that the disbursements of these funds will take place under, obviously there is conversation going around on - while it could eventually become a source of funding for X, Y and Z, it's important to remember that the bounding of ICANN's mission applies to these funds as well. Otherwise, ICANN's non-profit status will be at risk, which is obviously something we can't even consider.

Niels ten Oever: As someone who (is in part) working for a 501(c)(3), I can confirm that you can grant through - (no. She answered). Yes. Can you speak to that because that was my other point (unintelligible)?

Stephanie Perrin: Finish your point.

Niels ten Oever: Oh. Okay. So there is indirect - a reaction to James. A 501(c)(3) is by the definition of a 502(c)(3) is - can still have its position and fund to other organizations both in the U.S. and outside. So if it's limited, it not because of 501(c)(3).

Secondly, what we have been working on in the IETF is that a group of donors has come in there who are interested in that work. And they are advising and talking together with the community what is best. So perhaps we could also interest the group of donors to come in here and share their expertise before we start reinventing the wheel.

And so the (cut of) the different things we're thinking of because the cake is huge. It's both an enormous amount of money and there are enormous amount of projects that we could look at. So we could look how can we improve the different parts of ICANN internally. But then there are also external projects and then parts are more technical and parts are more public interest.

So you can easily think of for instance the network time protocol, which pretty much all encryption is dependent, is maintained by one guy who has been paid like a 0.3 FTE. So that seems like a super useful project, right, or work (on TLS) or something like.

So but equally - so we need to divide it up and see what we find important and then create criteria for the different things. But I think we should start to

split it up and build on the experience of people - of donors who have been doing this for a long time.

James Gannon: Thanks. James Gannon. I don't want to get (minita) of IRS accounting procedures but basically yes, in concept you are correct. However, the IRS limits a percentage of your operational budget to what you can disburse outside. And because this is a multiplication of ICANN's operational budget, it would be near impossible to try and slot it in under those definitions.

So basically in practice if you actually look at the IRS guidelines and I believe ICANN has legal advice on this already, because of the volume of raw cash that this is and it's set aside in a reserve fund, to disburse that reserve fund because it's a multiplier of the operation budget with regard to scale, it would not come under the ability.

You can do I think two or twelve or some number with two in it of your budget to something that is technically on the (adjacent). It might be 200 but I don't think it is. And…

Stephanie Perrin: You're way ahead of me James.

James Gannon: …(unintelligible) that are adjacent to your core mission and values but it is (minita) of IRS accounting procedures.

Rafik Dammak: Thanks. So like to see if there is - Anriette, do you want to comment or see if there is any further comment on question on this topic. Yes please.

Anriette Esterhuysen: Sorry. Just I know we shouldn't be spending so much time on this but it would be useful for those of us that are volunteering. I mean this is a huge amount of money to be managed by ICANN itself.

Is there - is it excluded that another entity with its own governance and accountability structures be set up and that ICANN then enters into and MOU or contractual arrangement with that other entity?

It seems to me this is far too much money to just be managed as another part by current ICANN mechanisms and structures. So my question is that not an option creating this other entity that would be in a formal relationship with ICANN or is it an option?

James Gannon: Sorry. It's James again. I'm running around the table. Legally governance wise, yes, as long as the disbursement is of funds by the organization still stayed within the bounds that can be done.

Rafik Dammak: Thanks James. Kathy, you want to - okay. And…

Kathy Kleiman: Just that there are a few other things we should talk about. So I'm glad there's so much interest in this.

Rafik Dammak: Yes. Thanks Kathy. I'm trying to (roll it up) here but (at list) we got (I think a) question. Need more participation. And this is from Sam Lafranco. He say I would like to ask them -- (who are them, yes) -- them to review the term of reference in this working group.

This is already addressed there. So I'm not sure them who. You mean the folks here. Okay. So he's asking you guys to review the term of reference of this working group. Okay.

Stephanie Perrin: Sorry. I didn't hear that Rafik. Can you pull your mic a wee bit closer? Some of us are gong deaf in our old age.

Rafik Dammak: So Sam is saying that I would like to ask them to review the term of reference of this working group. This is already addressed in there.

Stephanie Perrin: Stephanie Perrin for the record. Well, I mean the terms of reference - the charter is up there on the Web site in the Wiki. So, you know, this is a Board initiated PDP as - not PDP but Cross Community Working Group. So I'm not sure what we're supposed to do. We've got a very narrow remit to figure out a recommendation for the Board of how to do this. That's it.

Rafik Dammak: Okay. Thanks Stephanie. I guess maybe we can move to the next agenda item. We have less than 30 minute to cover more. Just trying to go quickly through the public comments what we have for a kind of deadline coming soon.

The first one the advice that ICANN proceeded for handling Whois conflict to the privacy law and I think we have a draft already. And just maybe question to Ayden. When we can get the final version that we can review and just to submit because I think the deadline is the 7th of July. (Just like another week).

Ayden Ferdeline: (Aden Vadling) for the record. Yes. So the comment is due in ten days. There is a updated draft that was sent to the Policy Committee mailing list about a week and a half ago. Still waiting for some feedback and would really welcome that.

So in the development of this comment, a first draft was submitted to our mailing list roughly eight weeks ago. Since then we have held a Webinar to introduce everyone to the idea, you know, what is the comment about and to do some informal consultation with our membership to understand perspectives on the issue.

And having taken that into account, having taken into account other comments that either have been submitted or that we know are going to be submitted, we have submitted a revised draft comment to the mailing list. So it would be really great if everyone could review that please. And any changes or suggested edits I would really like to read them. Thanks.

Rafik Dammak: Okay. Thanks Ayden for the work done in the drafting. Can you send again maybe to the mailing list to remind (and) I guess also to put it on the plate for the Policy Committee to review? Okay.

So the next public comment is about proposed documentation of GNSO concerns this policy recommendation for the protection of IGO INGO identifier and all gTLD.

Important thing we don't have - we didn't have any volunteer to work on this and the deadline is just the 10th of July. While it's about implementation, I think it still matter maybe to have a comment or say on this topic. So just check if anyone want to jump in here and try maybe (draft) something and - (yeah), so. No. Hard I guess but okay.

So maybe trying to just really go through - public (comment) maybe matters to us more and just see that (other) that maybe if we want or not to cover them.

So I think the other one that kind of may be important to cover is the GNSO operating procedure and ICANN bylaws. So there are several changes in the operating procedure for the GNSO and this in the relation with the new bylaws and I see that Ed want to say something here.

Ed Morris: Yes Rafik. I actually have an idea. And Matt's walked in the room. This is the output of the drafting team that over the course of time I've been on, Matt's been on, (Fazi), (Stephania); Amr in the back of the room when he was part of our group was part of the drafting team.

I'm currently Council liaison. Matt, (Stephania) and (Fazi) I believe are still representatives. And what I'd suggest is -- I'm looking at Matt for permission to volunteer him -- is just - is to let those of us who have been working on this. We could take - we could be in charge of public comment.

I think we've worked well together. I think we've been able to consciously produce work. It might be the best idea at least for a rough draft. How's that sound?

Rafik Dammak: Thanks Ed and congratulations Matthew. You were volunteered. Okay. So I mean the deadline is by 10th of August but I guess it's better to get some draft as soon as possible. Okay. I think those are like the main three important I think - let's say the top three public comment.

There are some other like the issue report and ccNSO PDP (requirement) and the review mechanism. I don't think we usually kind of comment anything related to ccNSO staff or policy. But if someone want to I mean to review and just if there is anything of matter to us maybe we can do.

The other one is the label generation rules for the Root Zone Version 2. Okay. I guess this is maybe for - not sure. Maybe it's kind of maybe little bit technical. Yes Kathy.

Kathy Kleiman: Rafik, while it's still up - actually, sorry; if you could go back up. I just wanted to point out because nobody volunteered for it -- Kathy Kleiman -- that on a post-implementation of the GNSO consensus policy recommendations for the protection of IGO and INGO, intergovernmental organizations and international government organization identifiers, and all gTLDs that's a really good comment for somebody who wants to do the first comment.

And I'd be happy to help somebody. I just - I can't write it. But that's one where our views are pretty well defined. Our views are actually fairly consistent with the Commercial Stakeholder Group on this.

Good comments have already been written. And we can do kind of a big plus one on that. So anybody who wants to do the first comment, this is a really good one to do.

Rafik Dammak: Thank you. Thanks Kathy. I think we asked for volunteers her but okay. I mean okay. Who?

Woman: (Unintelligible).

Rafik Dammak: Yes. Yes Anriette. You are.

Anriette Esterhuysen: If I'm crazy then I don't think I should do it.

Rafik Dammak: No. No.

Anriette Esterhuysen: But…

Man: (Unintelligible).

Anriette Esterhuysen: …too late. And I love drafting.

Rafik Dammak: So I mean we tried to cover it. It's good to get volunteer at the end. So back to the other one about the rules for the - I think it's related to IDN. They may be opportunity for those like with maybe (they can bat) around and interested on the IDN staff if they want to go through the report and see if there is anything important that we should comment. Okay.

Then the last one is the draft (unintelligible) operator to respond to security threats. I'm tempted to volunteer someone here. Yes, you (James). I think as someone - expert in security maybe have some thoughts (here). I'm not hearing you so I assume that you consented.

James Gannon: (Unintelligible) repeating it.

Rafik Dammak: Yes. I mean at least it's just maybe to kind of indicate it's what it's about if it matters. Maybe not necessarily have a comment but is something that we

should follow up or not. Okay. That's it for the public comments and getting volunteers. It's always happy that someone - yes. Yes Niels.

Niels ten Oever: I would be interested in maybe shortly discussing the draft framework for the registry operators to respond to security threats because I think it resonates with a trend we see increasingly and that is moving ICANN and affiliated parties to move into anti-abuse.

And this is quite an elaborate framework, which is voluntary but does definitely bring with it perhaps some responsibility and guidance. And even though well intentioned because security is important, I do think there is also a chance for overreach here.

And I think this is also a trend that we see in line with the new safeguard - consumer safeguard director in ICANN where I also see the potential for overreach in ICANN as of working as a liaison between users, law enforcement, NGOs and also the work that's going on in the Public Safety Working Group.

So James, I'd be very curious to hear what your initial thoughts and responses are, whether you have looked at this. So just as a bit of in - initial gathering of opinions of the minds.

James Gannon: Thanks. James Gannon for the record. So broadly in agreement with Niels and the results of some background to the drafting of this framework, which is important for people to understand is that this was developed in a (closed house).

And this was developed by the registries, the registrars, the PSWG, the Public Safety Working Group and the GAC and there was no external influence into that process.

And I fully agree with Niels that this is potentially pushing ICANN and thus through contract the registries and the registrars into a very, very dodgy area. And the principle is good but we need to be very careful how we operationalize those principles.

You know, yes, DNS abuse is bad. Yes, there are bad actors on the Internet. But it is not always ICANN's role, remit or job to fix those things. And like if you want me to start a discussion around the public comment for this, yes and - but it should be collaborative.

It shouldn't just be my opinion on this. I'd like other people to weigh in because I have very strong feelings on this. And for the record is now I tried to join that drafting team and was rejected by ICANN staff.

Rafik Dammak: Thanks James. So also I guess maybe Niels want to volunteer but - yes. Okay. So we are getting volunteers. Yes Kathy.

Kathy Kleiman: And to what Niels said - Kathy Kleiman. In a few minutes we're going to talk hopefully about the consumer trust. And it's a slippery slope from security threats to anti-abuse to content regulation. We're on this big slippery slope and ICANN's being pushed farther and farther to take steps into contract.

And so we really have to watch every step. So I'm just letting you know the words security, abuse are all touch phrases to watch for. And our group is particularly concerned about this because what may be a security or an abuse threat to some is free expression to others.

So we have to be careful what one government may view as really, really truth in this speech we call, you know, pro-democracy speech in the United States. And we've got a lot of experience with this over the last 18 years in ICANN. And so it's really kind of scary that something's being drafted behind closed doors that could impact this. So I think our voice is very important on this and soon on consumer trust, which I'll be talking about.

Rafik Dammak: Thanks Kathy. Yes Stephanie.

Stephanie Perrin: Stephanie Perrin for the record. I totally agree with everyone who's spoken so far and I just want to point out that this is really a horizontal issue. It's happening across all the working groups. Anybody who's been listening to the RDS groups knows that we've been having like a steady stream of anti-abuse. We're saving the world from our basements.

And any thought of putting any kind of regulatory framework on these guys - I nearly got tarred and feathered the other day. So I think it's really important. It's all part of shadow regulation as far as I'm concerned.

And it also moves us over that bright line into content. And even the auction proceeds one of the things I'm concerned about is that we - we're all over that bright line into content. And although ICANN has been pretty good lately about saying we don't do content, but then in these other activities we're getting kind of over the line. So it does require close attention and a horizontal look across all these various programs. Thanks.

Rafik Dammak: Yes. Thanks Stephanie. Okay. We got volunteers for this public comment. And we have like 12 minutes left in the meeting. So we should try to cover the other agenda topics.

So we may get maybe some briefing about what's going on in several working group. But I would like to kind of switch and maybe talk about the consumer trust, consumer competition. I always kind of mistake for the name of that review team. But it was proposed that maybe we try to discuss about the report. We had NCSG comment on it, so. Yes Kathy. Yes.

Kathy Kleiman: So I forget the acronym too so I just looked it up. It's Competition and Consumer Trust Review Team. So this isn't a working group. This is a review team that kind of takes a look at the big picture.

And Jonathan Zuck will be joining us tomorrow to talk and he's the Chairman. And he's probably not very happy with our comment because (Milton) and I worked on it. Other people edited it. And it really has a lot of concerns.

There were 50 recommendations and a lot of them - if you want to look at recommendations in the 20s, a lot of them talked about things ICANN has to do in anti-abuse and doesn't define what abuse is.

And so we wrote back and said to the extent this has anything to do with content, you're completely outside ICANN's mission. And I just wanted to read to you from the new bylaws.

It says - this is now the new bylaws of ICANN. ICANN shall not accept outside its mission and ICANN shall not regulate services that use the Internet's unique identifiers or the content that such services carry or provide.

So we're talking about the content on domain names. And yet dozens of the recommendations of the Consumer Competition and Trust Team appear to require ICANN to take very direct steps into content to regulate things people complain about.

And a lot of what people complain about is what the organizations and the NCSG do, which is publish information people don't like about governments, about companies, about things that are happening in the world to try to change it and improve it.

So just wanted to flag that we have this special moment with Jonathan Zuck. Anyone who wants it, I'd be happy to send you links to the full report, which is very long or just to the 50 recommendations or just to the NCUC comment that talks about, you know, our deep concern.

Now anything involving abuse or legal behavior hey, you know, that's again, content. So it could be a very interesting discussion with Jonathan Zuck. On the good side I've heard internally that our comments have actually been take and weighed very heavily by the review team already and that they're probably coming back to clarify things and try to keep this all within ICANN's mission. But I think it's our job to keep them on the straight and narrow.

So congratulations just for probably a successful comment. But I just wanted to give you the heads up this will be really interesting. And he comes in I think towards the end of our meeting tomorrow.

Rafik Dammak: Okay. Thanks Kathy. Maybe just to clarify that it's the NCUC meeting that they are coming to. Just to - okay. Any comment or question on this? Yes.

Kathy Kleiman: It would be great if people wanted to take a look at some of this beforehand so that we could have more people involved in the discussion.

Rafik Dammak: Kathy, can you send our NCSG comment and also link to the - at least maybe the recommendations to the mailing list.

Kathy Kleiman: To NCUC or NCSG or…

Rafik Dammak: NCSG, yes. Okay. Thanks. Okay. So we can come back to the other - just asking here if anyone want to give really quick update about, I don't know, any working group like the New gTLD Subsequent Procedure or RPM or - yes Kathy.

Kathy Kleiman: Sorry to hog the mic. This is Kathy. I was telling co-Chair of the Rights Protection Mechanism Working Group we're meeting Thursday morning from 9:00 till 12:00. And it's a really good time to come in because sometimes you catch a working group in the middle of kind of very complex discussion. But we're not. We're wrapping up.

We've wrapped up something and we're going to start Sunrise period and trademark claims. And Sunrise period is where trademark owners have a right of first registration, new top-level domains. Do we want to expand it, narrow it? We'll be talking about kind of the big questions that we're looking at.

And trademark claims is a notice that potential registrants receive that there's a trademark owner who's kind of in the same string. And it turns out that trademark claims notice is scaring away almost 94% of the people who see it. And so we'll be talking about that.

And so people - what was - it's kind of a problem. It means when you see the claims notice, you're not - people aren't going - it's much higher than we thought.

And so we could really use some more thoughts, some more people helping us with some of these issues. And again, it's kind of a really good point to come in and listen to this - one of these three big working groups. So Rights Protection Mechanism Working Group, 9:00 to 12:00. New issues starting. Thanks.

Renata Aquino Ribeiro: Not really a working group update but an update related to all working groups. NCUC had today a outreach event and many of the folks you see here on the chairs around here in the (mac) were there and are joining the working groups. So we would like to thank you all for your interest, for your time. And definitely we will see more (input) from the (ICANN fellows) who are also talking to NCSG members about policy development process. Thanks.

Rafik Dammak: Okay. Thanks Renata. Any other update of the working groups and/or their meetings and coming meetings (as well)? Okay. Okay. That's it maybe. We have five minutes. Who? James. Anriette, yes. Go ahead.

Anriette Esterhuysen: Okay. I just wanted to ask - I'm not sure. I think - geographic names, are they being worked on? Is anyone working on them? Kathy, that's actually what I was interested in working on. But because I mean I got the impression - Stephanie, you said you're not touching that yet. Am I right? But if it's something that others are interested in working on, I would be interested in that topic as well. It's being discussed right now by the GAC.

Rafik Dammak: Okay. Thanks Anriette. It's my understanding that they are starting the discussion or kind of continuing the discussion and maybe with - that's why the New gTLD Subsequent Procedure Working Group it's organizing that the two cross community sessions, so. So it's really good opportunity to participate and follow it. Okay. Yes Tapani.

Tapani Tarvainen: Thank you Rafik. Tapani speaking. Just in the other business item. Had a brief discussion yesterday with Theresa Swinehart. Stephanie, I'm going to speak to you in a moment - wake up.

They're starting a new Whois RDS group. I'm not exactly sure what it's about but I suggest that Stephanie would be the right person for it. And I understand Becky Burr has spoken to you about it.

Stephanie Perrin: Yes. Stephanie Perrin for the record. Thanks Tapani. There are so many things going on right now with respect to the global data protection regulation because ICANN has finally woken up to the reality of 4% fines coming their way.

And ICANN has always I think felt that it was not the data controller in European terms. That's the one who sets the policy. I've been saying since I showed up here that ICANN was the data controller and I've had many arguments. And I, you know, I'll try not to say I told you so but just on the record, I told you so.

So anyway, they're setting up a working group because this kicks in in May of 2018. The registrars are concerned because even though they are not the data controller, they are the easiest targets for a 4% fine, which will put them out of business.

So and Göran mentioned in our meeting the other day at the GNSO that ICANN had dropped the ball on this. I think that was his precise expression. Ayden's nodding. So yes, I got that right.

So what they're doing is striking a sort of a drafting team that will look at things. And it's all very kind of - they don't want to repeat the RDS. Everybody knows the RDS will not have a policy in five years unless something happens.

They want to get ICANN and the registrars ready for May, which means they have to have an implementable plan by September. So I was approached to be on this because of course I've been the very active participant on RDS. So have several others here been but - so I'd certainly like to do that job even though I've got plenty on but this is really important.

Tapani Tarvainen: Yes. Just pointing and I just suggest that let's appoint Stephanie to that without further ado even though it's not formally open yet.

Rafik Dammak: Okay. Yes. I think we can make quick decision at the policy committee. Yes James, please speak concise and (unintelligible).

James Gannon: I will. James Gannon. Just to note that the CSG has three appointees to that team. So we should be looking for three also.

Rafik Dammak: Yes. I guess so. Yes. Okay. So I hope that we covered all the topics in the agenda Item Number 3 and we…

Tapani Tarvainen: I just agree with James. I'll try to talk to them and get more of us in.

Rafik Dammak: Okay. So I think we move direct to any other business. And Ed proposed this one yesterday. And maybe I think it's about (unintelligible). Ed, if you can give quick…

Ed Morris: I'll be as concise as I can Rafik. In the (APC) call I mentioned that I was touring with (Nadia). We're speaking of the members of the community about doing an inspection of ICANN's documents about some recent procurement of external legal services. Bottom line is this. I'll try to make it quickly.

                  For newcomers to the community and to these issues, we did put on the Board the section of the new ICANN bylaws, which gives the community (decisional participants), which in our case is the GNSO the right to look at ICANN's books and records.

                  This is something that the community members have fought for over a decade. There have been lawsuits involved. I consider it to be one of the major victories for us and for a sector of the NCSG in the reforms.

                  In any event, one of our former chairs of the NCSG used to joke that ICANN was actually a subsidiary of Jones Day because of the influence this law firm has had traditionally on the company.

                  We have information that may or may not be true. We do think it's true that recently there were several contracts issued to Jones Day without any external bid far above market rate. Our goal would be to open up legal contracts to bidding through the normal request for proposals that we use for other items.

                  So the proposal would be to use the inspect right, and this would likely be the first inspection request, in order to take a look at these contracts, take a look at the dollar amounts and try to shed some publicity on how we procure legal fees - outside legal expertise with the objective being to hopefully open up the

process to other firms and for competition so Jones Day no longer has a monopoly.

I can report that I've spoken to other constituencies and the Business Constituency will be discussing this in general terms like today and perhaps we could do a joint inspection request.

And the reason that would be somewhat important is (as though) on the drafting team who had made a very low threshold for inspection requests. The way - and (Mac) can correct me if I'm wrong but the way we've done this is we've tried to make it as low as possible so even the NCSG alone could ask for documents.

We currently don't have these rules in place, won't for some time. So we'll need to go through Council to a majority of each house. So that's why it's important to have a partner to do this request.

So I'm not asking for permission to approve something that we haven't done yet but I wanted to give an update on the status that we are working on this and hopefully for the next BC call we may have an inspection request to ask for your consent and consideration. Thank you.

Rafik Dammak: Thanks Ed. Any comment on this or any question? Okay. Yes James.

James Gannon: James Gannon. Just my two cents is that if we're going to activate that inspection request, I think it would be subject to discussion of the NCSG membership, not just the Policy Committee. I think we'd almost - not necessarily an internal little public comment but I would like to make sure that we have consensus within the SG as an entirety before we direct the BC then to initiate whatever process through our Councilors.

Ed Morris: Sure.

Rafik Dammak: Okay. Thanks James. I think we didn't initiate anything yet. And yes, probably we have to consult the full membership about this topic. Okay. We're already past - three minutes past the time. And less than 50 minutes the cross community session will start. So I think it's time to kind of finish today meeting.

And I want to thank everyone for joining and staying till the end of this session. Thanks everyone. And see you soon. Okay.

END