

Transcription ICANN Durban Meeting

GNSO Council Meeting

Wednesday 17 July 2013 at 15:00 local time

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Jonathan Robinson: All right, we are good to go. Hello, everyone. Welcome to the GNSO public meeting - our Council meeting held in public for the benefits of those that are in attendance at the meeting.

Welcome to our meeting in Durban. We're going to kick things off with the reports from the stakeholder group and constituency leaders. Our agenda this afternoon we're going to try and stick to a total of three hours, which means we'll complete all of our proceedings by 6:00 approximately the first 45 minutes will be covered by Item 1, which is this - well it's the initial item, the presentation by the stakeholder group and constituency leaders.

So I think without further ado I will ask Elisa Cooper from the Business Constituency to come and present to us. Just making sure I pronounce your name correctly, Elisa.

Elisa Cooper: Yeah, how do you say it? I said the other day - I was talking to someone, even I don't pronounce it the same way every time so I think I'll say Elisa this time. So my name is Elisa Cooper. I am the Chair of the Business

Constituency. And I'd like to tell you a little bit about the meetings we've had this week.

We did something new this time. We met with our Commercial Stakeholder Group partners, the Intellectual Property Constituency and the ISPs, on Sunday, which was new for us. And it was actually great to have that time to talk with them and work with them in advance of our normal meetings, which we have on Tuesday, which is our Constituency Day.

In terms of the meetings we had on Tuesday we covered a number of different topics including the motions that are before the Council. We spent some time talking about those. We also discussed at length some issues around security and stability which are of great concern to a number of members.

In addition we also talked about whether or not we would be submitting a comment at the public forum around our desire to have GAC advice, all of it, put out for public comment in particular going back to some things like the singular versus plural issue and some issues that some members had around the geographical strings.

So we talked about how we would perhaps ask at the forum for the Board to put that back out for comment. In addition we also spent some time talking about recent outreach activities that some of our members have conducted.

Then we spent just a little bit of time talking about the need to - to continue to improve our own outreach efforts, which is not something that we've done in the North American region very much but something which I especially want to continue to pursue.

And then finally we spent quite a bit of time talking about our own charter. So there are a number of amendments which we've been discussing at different levels and at different times, which we need to finally take (unintelligible) and

actually incorporate and get the members to take a look at that and make those changes.

So we've been very busy but I think we've had an excellent, excellent meeting. And I'd be happy to answer any questions you might have.

Jonathan Robinson: Are there any questions for Elisa and the Business Constituency report?
Thank you very much.

Elisa Cooper: Well thank you.

Jonathan Robinson: So I should have said - and I didn't need to say with our previous speaker that we need to keep things to five minutes per entry. I have no doubt that our next presenter, Keith Drasek, of the Registry Stakeholder Group will have no problems doing so. Over to you, Keith.

Keith Drasek: Thank you very much, Jonathan. Just wanted to note the Registry Stakeholder Group had a productive day of meetings yesterday. And most importantly, and there is something we have to celebrate, was the welcome and invitation for three new Registry Stakeholder Group members.

The three registries that signed contracts this week became eligible to transition from the NTAG, the New TLD Applicant Group, to full membership in the Registry Stakeholder Group so CORE, Donuts and International Domain Registry are the three newest members of the Registry Stakeholder Group with full voting rights. And we're thrilled that we're able to get to this next stage. And so welcome to all three of them.

We had productive meetings with the ICANN Board. We specifically discussed GAC advice, the PICDRP, which is the Public Interest Commitment Dispute Resolution Procedure, and budget planning for FY'14.

We had a productive meeting with the Registrars, a joint session where we discussed trademark clearinghouse with IBM and Deloitte and the registrar on-boarding process. So those were the highlights of our session.

Thanks, Jonathan.

Jonathan Robinson: Thank you, Keith. Any questions or comments on Keith's report? Thank you very much, Keith. Over to you, Michele Neylon from the Registrars Stakeholder Group - Chair of the Registrars Stakeholder Group.

Michele Neylon: Good afternoon, ladies, gentlemen. Michele Neylon speaking as Chair of the Registrar Stakeholder Group. First time doing one of these so bear with me. If I leave out any important metrics, do ask questions.

As usual the Registrars are having a very, very busy week here at ICANN but hopefully a productive one. So far this week we look like we've picked up several new members and - from the region which is encouraging. Hopefully we'll be able to pick up more in the future.

Yesterday we had a very full day. We got updates from the Compliance Team; we got updates from the Expert Working Group and from SSAC, the Policy Team and of course we had our usual joint meeting with the Registries and discussed the topics that Keith covered.

In our meeting with the Board and in other sessions that we had throughout the day there was a couple of issues that we did raise with ICANN staff. I mean, on the first - the first thing is that we are delighted to have concluded negotiations of the RAA.

However, we do want to make sure that certain issues are addressed in a timely fashion and such as dealing with topics like local law exemption. We've also expressed our concerns to both the Board and to staff with respect to

outreach globally and multilingually to help registrars and the rest of the entire chain come to grips with the new contract and its obligations.

I think that pretty much covers it.

Jonathan Robinson: Thank you, Michele. And I'll take the opportunity to remind everyone that questions can come not only from the Council - or comments - but from - the whole point of having a public forum is to have others in the audience potentially participating.

I should also remark that this was the first time I've ever traveled to an ICANN meeting with a tie. And having seen the Chair of the Registrars Group in a suit and tie yesterday I felt that that set a precedent that I could easily follow so thank you, Michele.

Michele Neylon: You're welcome. I try to help you wherever I can.

Jonathan Robinson: Thank you for your sartorial lead and your helpful report from the Registrar Stakeholder Group.

Next up we have Tony Holmes, Chair of the Internet Service and Connectivity Providers Constituency. Tony Holmes, over to you.

Tony Holmes: Thank you, Jonathan and good afternoon, Council. I'd like to begin by echoing a remark that was made previously by Elisa. The timing made available to us on the Sunday for our Commercial Stakeholder Group meeting was really, really useful. It really helped us get through the rest of the week in a much better way. And I'd like to ask that that arrangement could be maintained in future, that we actually have some time made available.

In terms of the report from our constituency meeting, we spent a long time discussing IDNs and IDN variants with the people who have the expertise

here in ICANN. We have realized that that's going to impact the ISPs quite a lot. And we needed to basically get up to speed.

We identified that there's quite a bit of work to do in that area (unintelligible) to take out aspects of that work forward and we discussed how we could work between now and the next meeting in Buenos Aires to take that forward. So it was a substantial amount of our time but incredibly useful.

We were also joined by Chris Mondini who replaced Sally - so attended our meeting to look at global stakeholder engagement and how we fitted within that, again, a substantial amount of time.

Other items that we considered was how we're going to engage now, once again, with the ATRT2 team and respond on that. And of course we looked ahead to your meeting this afternoon and the proposed motions that we discussed as well. So that really covers the items that we discussed.

I'd like to raise one other item for your attention. And I would ask that maybe when you have your wrap-up meeting you can take this into consideration. But on the day when I'm pretty sure even with your great chairing, Jonathan and your reduced time for discussion that was scheduled, very likely, because of other events, turned out with a pretty lightly attended meeting by the audience.

And I actually question the value of having this session eating into our time. I think a much better way to achieve this - and bearing in mind we work to maintain total transparency, give everyone an awareness of what's happening in the constituencies, I wonder if it would be better to ask the constituencies, maybe the chairs, to submit a report perhaps to Glen where we can summarize what we're standing here speaking and that could be posted on the GNSO Website.

And if you then have questions we would certainly be in the audience to answer them. But it would be a way of gaining more time for the really substantial discussions that I know you're going to have later today.

Jonathan Robinson: Thank you, Tony. Any comments or questions for Tony? John Berard.

John Berard: Tony, this is John Berard. That's an interesting suggestion. I don't recall - how long have we been doing these reports, four or five meetings? But these reports were created to provide a bit more of the sort of animation that you're talking about that would lead to a fuller room. So moving them off the stage at this point is probably - I think they probably deserve a little bit more air time before we decide to put them there.

Tony Holmes: My response back to you, John, is that it doesn't seem to be working that well. So - but I'll leave you to discuss further.

Jonathan Robinson: Any other comments or questions for Tony? Jeff.

Jeff Neuman: Yeah, thanks, Tony. This is Jeff Neuman. I think I was one of the ones who suggested doing this in the first place. And the one thing I wanted - I thought we could achieve, which we're not achieving so I take that comment, was really what I wanted was a constituency read-out of the issues that the Council is going to address that maybe it could help influence the outcome of the actions that we were going to take.

It hasn't turned into that. I don't know if we can ever turn it into that. I would love to see a way - and maybe it's a completely different session at some point. We have Constituency Day where we're all in our silos. I mean, there's a couple cross-constituency groups like the CSG meets and the Registries and Registrars meet together and sometimes there's other overlaps.

I'd be interested to see if there's a way where instead of having a Council sit up here, the community has a way after Constituency Day to exchange the

ideas before we get up here and vote on resolutions. I, especially this week, have found too much discussion in back rooms and, you know, it'd be great to just meet face to face and have open discussions before, you know, we actually get up here and decide these motions.

That was the intention. It's not working that way now and I look for ideas if we can have something like that.

Tony Holmes: I certainly never understood it in that way. And maybe that's why it hasn't worked along with others. But it's an interesting suggestion. And I do share your concerns, Jeff, that we can do something to address those issues in a better way then we should look at it for sure. So I think the (unintelligible) wrap up meeting.

Jonathan Robinson: Thanks. Thanks, Jeff, for that contribution. And, Tony, thank you for raising that. I mean, I think that's an interesting point. I mean, personally I am - think we need - the issues - we need to separate out the issues, the effective engagement and the extent of the audience and I think that's partly down to scheduling - or it's significantly down to scheduling and both at the timing and the parallel schedules. But I think the suggestion of, you know, more comprehensive interaction is certainly interesting.

To your initial point on the scheduling over the weekend and the capacity to provide for, in this instance, the - to accommodate the CSG's request to meet, I mean, I'm really pleased that that worked for you guys. Certainly from a Council point of view it felt that we were - we had squeezed more into the time slot available so that's something we should discuss as to how we schedule the weekend and whether that's - that is possible on an ongoing basis.

But at least it's encouraging to know that those that requested it benefitted from it and found it useful so that's great to hear. Zahid.

Zahid Jamil: I think, you know, I agree with Jeff that it would have been helpful. Even in this time, and there have been other instances, where the community would have - or at least the GNSO community would have actually benefitted from maybe some discussion to try and air out issues and come to, you know, come to some agreement on some aspects before we got to, say, the Council meeting.

And I think that would have been - that's what I think Jeff means by back discussions, you know, backdoor discussions and that. And I think maybe either on the Sunday, we have some time for that, or on the Monday, if we can take out some time for that, that is what, I think, would help us by the time we get to Constituency Day and then get to the Council meeting to have that time to sort of sort these matters out. Thanks.

Jonathan Robinson: So that's not the first suggestion that I've heard in the last day or two about how we might rethink the effectiveness of our weekend sessions and really getting the important issues out. And so I'm certainly going to give it some thought. I'll talk with other councilors.

And I just remind everyone of the role and position of the Council. You know, the Council is comprised of Council reps primarily from the different stakeholder groups and constituencies. But the GNSO goes much deeper than that and this is part of the reason for, you know, engaging directly with the stakeholder group and constituency leadership.

So maybe this isn't the perfect way to do it but nevertheless we, you know, the points well taken and I think we can all put our thinking hats on as how we move that forward so thanks for bringing those useful points up, Tony.

Tony Holmes: Thank you.

Jonathan Robinson: Next we'll hear from Intellectual Property Constituency chair, Kristina Rosette.

Kristina Rosette: Thanks. I just want to echo the thanks given by my fellow CSG Constituency leaders for having the time available on Sunday, it was extraordinarily useful to us. I think it ended up with the CSG as a whole and I know the IPC (unintelligible) were having a much more productive use of Constituency Day.

We have had really two meetings. Because we do not have a very large member of IPC members here we did actually have a very substantive two-hour phone meeting before we all arrived where we discussed the Policy and Implementation Working Group Drafting Team, which included active participation by a number of IPC members.

The ATRT2, the budget and in particular the concerns that both the IPC and the CSG had about this year's budget as well as issues relating to membership voting and participation that, to some extent, we anticipated in light of the large number of DotBrand applicants and talking about what those implications will be for participation and membership and voting in our constituency.

We also spent some time talking about potential outreach strategies and the extent to which, if at all, that we can benefit can try and leverage some of the outreach and engagement strategies that we've seen launched this week.

While we've been here, in terms of yesterday, our meeting we had a very productive question and answer session with the EWG. We received a preview of the presentation on the URS.

We had a discussion with the folks from Deloitte about the TMCH as well as a agreement to provide some input to ICANN on the sunrise dispute resolution procedure/policy that seems to have some mention in the Guidebook but no real implementation and maybe some kind of issues of concern to both members and nonmembers of the IPC alike.

We received what I think may be our last briefing from Compliance and had a demo (unintelligible) which was very useful. We discussed the motions. And we also then had an extended discussion of the implications for the multistakeholder model of some of the GAC advice that we're expecting to see in the GAC communiqué tomorrow and what the IPC position was on that.

In terms of the comment that Tony made, I would actually attribute the lack of attendance to a different issue and one that I think is particularly acute today and that is multiple scheduling. You know, whereas in some cases it's possible to be in one session and watch the scribe feed of the GAC, for all of the other sessions that don't have scribe feeds you really have to pick and choose as to where you're going to be.

And I think that is in part because in the past committees in particular it's taken a significant amount of time, upwards of four weeks in some cases, to actually see transcripts from those sessions.

So I would actually request that in your wrap-up session that you talk about what the GNSO - what the Council view is and how it would be possible to provide input into better scheduling so that you don't have very important sessions that are of interest to multiple stakeholders occurring simultaneously. Thank you.

Jonathan Robinson: Thank you, Kristina and thank you for that last point. I mean, I'm personally in agreement with you on that. I have the same concern both in terms of the timing and the parallel schedule. Are there any questions or comments for Kristina? Yes, Jeff.

Jeff Neuman: Thanks, Kristina. You said you have a - you were working - or the IPC is working on a sunrise dispute resolution policy, I think...

((Crosstalk))

Kristina Rosette: No, I misspoke. We pointed out that there is a reference in the Guidebook to grounds on which someone can bring a sunrise dispute but that's all there is. And some of the requirements may no longer make the same sense that they did when we all thought that we were going to have 500 applications that were going to be fully evaluated within six months.

Jeff Neuman: So are you setting up some sort of group to work with them or...

Kristina Rosette: Well we just told ICANN that we would be happy to offer our comments. And I anticipate that they would welcome receiving comments and views from all the other stakeholders too.

Jeff Neuman: Yeah, or better yet maybe it's something we consider forming a small group on of applicants since I think they're the ones that have to enforce it or the Registries and maybe we can do the work for them; maybe we can come up with something jointly.

Kristina Rosette: Right, right. The IPC thought it would happen with the (IOT) too so we're a little gun shy on that idea.

Jonathan Robinson: Thanks. Jeff, did you have something more to add then?

Jeff Neuman: I'm not...

Kristina Rosette: So I guess - my formal answer is I will take the suggestion back to the constituency and if there's interest I will (unintelligible).

Jeff Neuman: Okay great. Thanks.

Jonathan Robinson: Thank you, Kristina. Any other comments or questions for Kristina and the IPC? Thank you, again. Next up we have Marie Laure from the Not for Profit Operational Concerns Constituency, NPOC.

Marie Laure-Lemineur: Thank you. Good afternoon. Yesterday we (unintelligible) we had a meeting with the ATRT2 team then we had the - almost a four-hour long meeting - internal meeting since it was the first meeting of the newly Executive - newly elected, sorry, Executive Committee.

We pretty much discussed in house matters. On the agenda we had topics such as a review of our charter, upcoming review, a progress report about ongoing projects, the seats of NPOC on NomComm, and lots of other issues.

Then we met with the Expert Working Group and shared concerns about privacy and asked questions about aspects that were not that clear to us. Then we went on and joined the NCSG Policy Committee meeting. Had a good session there. And then altogether with the NCSG (unintelligible) and had a meeting with the Board.

And I'm not mentioning the cocktails and the gala because (unintelligible) so I guess it's not supposed to be included in the report.

Jonathan Robinson: Thank you, Marie Laure. Any comments or questions for Marie Laure or the NPOC? Thank you, again, for your report.

Next up we've got Bill Drake, Chair of the Non Commercial Users Constituency. Over to you, Bill.

Bill Drake: Hi. I have to agree with Jeff, I think that you could do - you can make better use of this event. I was on Council when we talked about doing it and I was an advocate for doing it. But it doesn't seem to be terribly relevant to me for you guys to sit there and let us - have us report about what we did for the past few days. And I think (spinning) it more toward something with the Council was actually taking up - probably much more useful.

Now of course in that case but because the NCUC and NPOC we actually do all of our Council and policy work through NCSG, who also you hear from. So if we're going to do something like that (unintelligible) consolidate and you wouldn't need to hear from all three of us.

But if we were to have something like having the stakeholder group get up and say here's the policy (unintelligible) of the work we've done since the last meeting together (unintelligible) priorities, here's the debate we've been having about some of the things that are going on in Council that might feed directly into your discussion that might be more useful to you, I don't know.

That said, since that's not what we're doing I'll do it the way it we normally do. So we've been having a nice time in Durban. I just came from chairing a very robust workshop today on generic gTLDs. Had a big crowd. A lot of people very animated, very vigorous discussion which would suggest actually some (unintelligible) sunrise in the public forum, I can't imagine how you would do that but it was very useful.

And the kind of the thing that actually - when we had discussions on Saturday - or on Thursday's closing discussions previously when I was on Council and we talked about how (unintelligible) some opportunity to think out of the box and talk more openly about IDNs and issues is the kind of dialogue that I wish we would have been having in Council around some of these points.

So it's unfortunate that you couldn't have all been there. But anyway we did that. We also - had an otherwise very active and robust time here in Durban. We had the African School for Internet Governance going on for three days prior to the convening of the ICANN which we had about 40 African people together to learn about IG (unintelligible) involved in that.

We had about eight of us - we gave lectures and did a outreach event and then many of those people came to our Constituency Day meeting so that very good. We had a nice African turnout at our Constituency Day event

where we also debated some things pertaining to African perspectives on Internet governance issues.

And we also had visits from the two vice chairs of the GAC and (unintelligible). So it's been a really good time like everybody else.

Otherwise I would just tell you that NCUC has been doing over the past quarter since Beijing a lot of work on sort of trying to enhance itself organizationally to give itself more set up to do the work more efficiently and effectively. We've launched new Websites, changed all of our (unintelligible) on infrastructure, created teams to deal with the different management problems, improve our transparency, on and on and on.

And our membership continues to grow. We're now well over 300 members and 75 countries with I think about 2/3 of our members being outside North America.

So that's where (unintelligible) from the NCUC standpoint.

Jonathan Robinson: Thank you, Bill. Any comments, questions or other input for Bill and the NCUC? Bill, I liked your comment about the issues-based work and the robust discussion around that and how that might influence, you know, the work that the Council may initiate on policy. I think it's a very good point.

And I think the to extent that that sort of discussion is taking place it'd be nice to bring that in - it'd be good to bring that in to the Council discussions and make sure that that forms part of our weekend sessions as well so I appreciate your suggestion, thank you.

Bill Drake: (Unintelligible) Kristina's point having the Sunday time for the stakeholder group to do its policy work prior to the Constituency Day was really good so I hope that we can keep that without taking away too much from Council's weekend.

Jonathan Robinson: Thank you very much, Bill. And for the transcript it's Bill Drake, not Bill Graham. And finally we're going to hear from the Non Commercial Stakeholder Group via David Cake. So, David Cake, welcome to you to provide that report.

David Cake: Yeah, of course I'm filling in for Robin Gross who is, of course, the Chair of the Non Commercial Stakeholder Group and wasn't able to make it to this meeting. We're all quite unused to having a meeting without Robin so if we seem more organized, or for that matter, less organized now you know why.

We have been - it has been a relatively busy time for the Non Commercial Stakeholder Group. We have a couple of things we've been doing. We - for one thing, we are trying to address what we feel is a inequity in the Nominating Committee where the NPOC currently don't have a representative.

And while that constituency has been active for two years they still don't have a seat on NomComm. So we are trying to address that. We've sent a letter to the Board addressing that.

We have - and - as the Board - as the Council, of course, knows, there was a reconsideration request on the trademark plus 50 issue and the reconsideration request itself raised a number of issues about how the reconsideration process works and how the rationale was arrived at and so on.

So we are continuing to move on with that process, the next sort of step after the reconsideration request is a engagement process, the CP. So we have - we will be filing a CP request and hopefully will have some constructive discussions with the Board about how the request for reconsideration process goes and when - and how we feel that went.

We are also - we have been following very keenly the issue of the - the letter from the Article 29 Working Group about the RA and we're quite concerned to note that we don't feel that that was taken - the ICANN response has been appropriate to the Article 29 Working Party letter and we're preparing a response to that. That has been - that discussion around that has occupied the group somewhat.

And yet we've had a reasonably productive time, I think. I think we also would agree that we welcomed the time on - we welcomed the extra time on Sunday to get our policy committee work done. Normally we normally have to have that scheduled against the opening ceremony for the last couple of meetings. I think we were quite happy to have that done so we welcome, again, that little bit of extra space in Sunday afternoon.

That's about it, I think, for the NCSG report.

Jonathan Robinson: Thank you, David, and thanks for your contribution to keeping us right on time. Does anyone have any question or comment for David and the NCSG and the report he's just delivered?

Thanks, David. And noted also your comment as well as the others on the weekend sessions. As I say, the thing we've got to grapple with is the fact that it did seem that the Council time was a little compressed over the weekend so that's something we've got to give some thought to in the interim to see how we can marry those two requirements. But thank you very much for your report. Phil. John, apologies.

John Berard: Maybe the tie is too tight. This is John Berard. David, are you - I make the assumption that you're - concerning the Article 29 Working Group letter and Michele's report on seeking the local law exemption are - they dovetail?

David Cake: Yes. Yes. It's the local law exemption. But generally - I'd actually want to say that this one issue, the Article 29 Working letter, I think generally it has been

a feeling of NCSG as a data protection authority should be integrated into the work of ICANN and that ICANN - it seems to be an area that is lacking. We're talking to data privacy authorities. It's not working as well as it should at ICANN and we would like to see them more involved in the process somehow.

As a - back in Prague, of course we sent a letter to the Article 29 Working Group and other national data protection authorities about the issue. So we were very happy that they really engaged with it and now we think maybe it's sort of - now that they're definitely engaged with these issues perhaps we need to work about how we can better integrate them into our work at ICANN.

John Berard: That leads to a question and a suggestion. The question is: Are you collaborating with the Registrars then to help solve this problem? And the suggestion is should - because the GAC has, in the past, expressed its responsibility for interacting with the data protection authorities in their countries, Jonathan, should you reach out to Heather and see if there's - because of an increased need on the part of the GNSO that perhaps encourage her to be a bit more active in getting the data protection authorities to the table?

Jonathan Robinson: Are you suggesting that we, as the Council, or myself in my capacity as Council Chair do this?

John Berard: No, I would certainly encourage us as a Council to have your signature under a letter expressing our interest in seeing that the data protection authorities be more tightly integrated into our thinking.

Jonathan Robinson: Two quick things. One is this maybe something we take up better in our wrap-up session or as a discussion point and so I think we should mark the card of those setting that agenda. It may not be that we want to do it.

I know - I'm a little - just to remind councilors we have an Adobe room and I've seen that - so if we could work with perhaps hands up - I've got a hand up there so I'm just struggling with the two queues. I know I've got Wolfgang's hand up, I know I've had Brian up for a while. I think Brian - and, Jeff, your hand is up in the room. So, okay, I've got Brian and then Wolfgang.

Brian Winterfeldt: A quick question from the IPC. We are interested to see that you do feel like it's important for the NPOC to have a voice in the Nominating Committee. We're wondering if you also feel that about their participation and having a seat at the Council as well.

Jonathan Robinson: Brian, who's that to?

David Cake: Actually I've got - well first I'll answer John's question which is, no we're not - there's no formal collaboration with the Registries - Registrars on that one.

To answer your question about do we have a NPOC participation at the Council, first, I'd like to note that we - one of our - Council (unintelligible) this week is - has been Marie Laure from NPOC. And all of us think of ourselves as - most of us, councilors, we're primarily affiliated with the NCUC. We all think of ourselves as NCSG councilors.

And I would note that all of the nominees for NCSG Council positions received endorsement from NPOC leadership at the time as well. So I - or most of us certainly. We definitely...

((Crosstalk))

David Cake: Yes. And it was a vote within our constituency. We didn't run against NPOC. We ran a unified ticket that everyone seemed happy with.

Jonathan Robinson: Thanks, David. I think it is helpful to have this queue in the Adobe so if we could stick with that. I - who did I have next? I had Wolfgang.

Wolfgang Kleinwachter: Basically I think John's proposal is a good idea to write a letter. But I would propose also to take (unintelligible) session tomorrow because it needs more detailed discussion. But in terms of the Council as a whole should become active in this. Thank you.

Jonathan Robinson: Thank you, Wolfgang. I think with that comment I would like to suggest we do that and so we close the discussion for now. That brings us neatly almost exactly on schedule to the end of this initial session with the presentations by stakeholder groups.

I have a question for the audience. I think I know the answer but just to double check. The audio is a bit echo-y for us up on the table but it suspect it's coming out to you guys clearly. If I could just have a show of hands if it's good? Yeah. Yeah, great, so that's good to hear. You're hearing us nice and clear.

So if I look a little confused it's because I'm hearing things with a slight echo up here if I don't have the headphones on but it's slightly awkward to have the headphones on.

Right so we'll draw a close to that first session and move straight on without the customary break at this stage for - into our main Council agenda. So I think if we could move more or less straight into that.

A couple of remarks. I've spoken about the - does - everyone should have the link to the Adobe Connect. Hopefully you can all get that. Glen sent that around earlier. Remember also everyone in the audience please or in the room please that you are welcome to contribute and that is the purpose of this public meeting.

I understand we are a little thin but to the extent that there are points or comments you'd like to raise there is a microphone here and this is the

purpose of the public session. So that - just to encourage that. And we do have an open mic at the very end of the meeting.

So I think without further ado we can go into the main Council session. And instead of taking the roll call in the customary way what I would suggest we do is just simply walk around the table and allow everyone to introduce themselves and the group that they represent.

So if I could ask you to start on my left and we'll just do a walk around the table and we'll use that as the roll call for the commencement of the formal Council meeting.

Han Chuan Lee: Thank you, Jonathan. My name is Han Chuan Lee. I am from the ccNSO Council, the liaison to the GNSO Council.

Wolf-Ulrich Knoben: I'm Wolf-Ulrich Knoben from the ISPCP Constituency and Vice Chair of the Non Contracted Parties House.

Oswaldo Novoa: I'm Oswaldo Novoa from the ISPCP Constituency.

John Berard: John Berard from the Commercial and Business Users Constituency.

Marie Laure-Lemineur: Marie Laure-Lemineur filling in for Wendy Seltzer, Non Commercial Stakeholder Group.

Wolfgang Kleinwachter: I'm Wolfgang Kleinwachter from the Non Commercial Stakeholder Group.

Joy Liddicoat: Joy Liddicoat from the Non Commercial Stakeholder Group.

David Cake: David Cake, Non Commercial Stakeholder Group.

Man: (Unintelligible) from the Non Commercial Stakeholder Group, temporary alternate for Maria Farrell.

Magaly Pazello: Magaly Pazello from Non Commercial Stakeholder Group.

Mason Cole: Mason Cole from the Registrar Stakeholder Group and Vice Chair of the Council.

Jonathan Robinson: Jonathan Robinson from the Registry Stakeholder Group and Chair of the Council.

Glen de Saint Géry: Glen de Saint Géry, GNSO Secretariat.

Jeff Neuman: Jeff Neuman, Registry Stakeholder Group.

Zahid Jamil: Zahid Jamil, Business Constituency councilor.

Volker Greimann: Volker Greimann, Registrar Stakeholder Group.

Yoav Keren: Yoav Keren from the Registrar Stakeholder Group.

Alan Greenberg: Alan Greenberg, liaison from the At Large Advisory Committee.

Lanre Ajayi: Lanre Ajayi, NomComm appointee.

Jennifer Wolfe: Jennifer Wolfe, NomComm appointee.

Brian Winterfeldt: Brian Winterfeldt, Intellectual Property Constituency.

Petter Rindforth: Petter Rindforth, Intellectual Property Constituency.

Jonathan Robinson: Thank you, all. Thank you, councilors, and thank you to those of you who have taken the time to come and attend and/or participate in our public meeting here in Durban.

So the next item is - that we give the opportunity for the Councilors to provide an update for statement of interest. All councilors are required to have a statement of interest on record and for that to be maintained current and contemporary. So if there are any updates to statements of interests could we please hear them now?

Brian.

Brian Winterfeldt: Brian Winterfeldt. I updated my statement of interest to indicate my new law firm, Katten, which I moved recently to.

Jonathan Robinson: Congratulations on your move, Brian, and thanks for the timely update. We now have an opportunity under Item 3 to review or amend the agenda. Are there any comments or items for review?

I'll just make a very brief comment. The agenda was updated very slightly shortly before the meeting to put the motions in the order in which they were submitted so it now reflects the motions in the time order in which they were submitted. It involved exchanging the position of two motions so I would say that's a nonmaterial update.

We have minutes from the previous Council meeting and we have the opportunity to note them and put them to the record. Any comments or questions on the minutes from the previous meeting? Hearing none we'll commit those to the record, Glen.

Jeff Neuman: Can I just - Jonathan? Jonathan, I was just going to note that Ching Chiao is on the phone but I think it's muted.

Jonathan Robinson: I apologize. So for the record Ching Chiao is a Registry Stakeholder Group councilor from the - I'm not sure how we categorized the ICANN regions exactly. We would - in Asia Pacific I suspect but it may be slightly different. Anyway Ching is on line as our representative from the Registry Stakeholder Group and should be recorded as present at the meeting.

Thank you, Jeff.

Under Item 2 we have an opportunity for a couple of opening remarks from me. I'm not going to say very much at all, you'll be pleased to know, Jeff especially.

I really wanted to just say that we've got a pretty full agenda. We're going to work to not the previously suggested time of 7:00 but keep us to two hours so we should be complete by 6:00. That'll require some disciplined chairing on my behalf and some disciplined participation on behalf of all the councilors.

So we should ensure that councilors and participants from within the room have the opportunity to speak but if you could keep your contributions succinct and ideally not repeat those that have already been made unless you feel it's absolutely necessary to reinforce a previous point.

We would customarily review the projects list and the actions list. These are recorded. They're up - they've been up for some time. I don't propose to go through them in any detail. I suspect - I think we'll update substantially the actions list over the course of - from the activities coming out of our weekend session from this and from our wrap up session.

So right now I think there's an opportunity to simply provide for any comments or questions on those should any councilors or contributors wish to make them.

Thank you. We'll proceed to Item 3 which is actually an empty item, it's the consent agenda. We have - we typically have a consent agenda item in place to permit for any items that are - do not require particular attention, can be taken as read.

Seeing that there remain no items on the consent agenda we'll move immediately on to our first motion under Item 4. This is a motion on a recommendation to change the ICANN bylaws. The motion was made by Registry Stakeholder Group councilor, Jeff Neuman. And, Jeff, I'll give you the opportunity to read and present the motion.

Jeff Neuman: Thanks, Jonathan. Actually I'd like to withdraw the motion. But if - with the Council's indulgence I'd like to make a statement if that's okay?

Jonathan Robinson: Jeff, I've got no objection to it being withdrawn. But I think if you are to make a statement we should also allow any discussion to follow on your statement as well. So fire away and then we should take any questions or comments.

Jeff Neuman: Sure, thank you. First, I would like to state that the motion on the table has achieved everything it was intended to achieve. And I want to personally thank the Council, the Board and the community for a productive, fruitful discussion and session over the weekend.

The reason I initially brought the motion in the first place was to encourage dialogue amongst the community, the ICANN Board and the GNSO Council. And that's precisely what happened.

And during that discussion Fadi confirmed his view that it was perfectly reasonable to ask that the ICANN Board explain the rationale for its decisions to the GNSO community if the ICANN staff or Board's proposed actions are inconsistent with the GNSO community's advice.

He also confirmed that it was reasonable for the ICANN Board to engage with the GNSO community to work in good faith to resolve any differences. Finally, it was recognized by the Board that whether something is considered policy or implementation it should always involve a multistakeholder process.

I personally am satisfied with the responses from the ICANN staff and the Board over this past week and view that a change to the bylaws at this time is unnecessary.

If, in the future, we feel like this verbal commitment to the GNSO is not being adhered to we can raise this issue again. Thank you.

Jonathan Robinson: Thank you, Jeff. Sounds like you've got a couple of people pleased to have heard what you said in the room here. Can I hear if there are any comments or questions from Jeff in the light of his motion, the withdrawal of the motion and his subsequent statement on the reason for the withdrawal? I've got a queue forming commencing with Zahid.

If I could ask you, councilors, to please put your hands up in the Adobe room, it makes my life a lot easier in managing the queue. So there's a queue forming, let's hear it from you.

Zahid Jamil: Thank you, Jonathan. First of all understanding that the resolution has been withdrawn I wanted to say, Jeff, thank you for your withdrawal. I think it shows leadership and an effort to keep the interests of the GNSO and its relationship with the Board in mind.

At the same time it served the objective of raising an issue and have it discussed that some might have seen as important to the role of the GNSO as a policy body.

Though many might have agreed to some modified form of that you raised in principle, I think you're having raised the issue helped get it on the agenda of

our meeting with the Board where the discussion was fruitful and helped to air out concerns and in principle achieved the core objectives of your resolution - or the proposed resolution.

It was also useful to note the openness of the Board in discussing the issue and it may be useful to remember to address the Board in future communication where we expect a response directly from the Board.

I hope that, possibly, the Policy and Implementation Working Group, may look into the issue as well. I want to note your willingness to maintain harmony between the Council and the Board and thank you for raising the issues for discussion and now with your withdrawal. Thank you.

Jonathan Robinson: Thank you, Zahid. David.

David Cake: I'd say - I'd like to, again, thank you, Jeff, for raising this issue and I think it has been a very, you know, just having the issue raised was very fruitful and you got a lot of good responses.

(Unintelligible) concerned that the issue does come up again of course we - you know, and we feel, perhaps the problem - it might be better to, you know, having identified that there's an issue we - perhaps we should consider very slowly moving - at a more leisurely pace moving towards seeing if there is some bylaw change or other, you know, appropriate way to ensure that the problem does not recur, so to speak.

Do you think we should - well, not just Jeff but to the Council think that the general feeling is this is still a - it's not an urgent issue, one we should still be considering moving towards in some concrete way rather than just, for example, this would be something we would welcome seeing coming up through the Policy and Implementation Working Group with a recommendation.

Jonathan Robinson: David, thanks for that input and that question. I think it's an interesting point and I think if I could add one more framing point to your question it's really, one, should we be doing what you ask? And, two, maybe Council might like to think if whether that is going to be covered adequately or otherwise by the work of the Policy and Implementation Working Group and that's something we may want to think about waiting to see how that happens .

I've lost the Adobe room. I know prior to the - or post what I had in the room I had a couple of people. I've then go Wolfgang, Wolf-Ulrich, Yoav and Lanre. But I did have a couple in the room and that is David, followed by Yoav. So, Yoav, you're actually in the head of them. Please, if you could go ahead, Yoav and Lanre, Brian and Chuck.

Yoav Keren: And I'm sorry not to be so happy like the others for this being withdrawn. I think this was an important motion. I mean, of course I am happy for the fact that there was a very good discussion but from my experience both in this community and in other places I would say verbal obligations tend to be forgotten very quickly.

And I would be much more happy if this was something more concrete and if everyone think it's good so why not do it? And I have a feeling that there is probably some people, maybe a part of the GNSO, that believe that that would probably be one of support this specific motion.

I think if it's wrong I think we've seen in the past year the GNSO be circumvented several times. It may have benefitted specific stakeholder groups in - that are part of the GNSO. But if this continues to happen that means the whole process will be broken. And when they might work for us certain stakeholder group and then will not work for that one and will work for another one.

So strengthening the GNSO is very important. And I would - I think that we have to continue the discussion and have to find a way or something that maybe - an amendment to this motion, some way that we can all agree and push this forward. Thank you.

Jonathan Robinson: Thank you, Yoav. I've got a queue with Wolfgang, Wolf-Ulrich, Lanre, Brian and Chuck. I'm just wondering if we should - do we conventionally defer to the person on the floor and - but let's go in order. Let's hear from you, Wolfgang.

Wolfgang Kleinwachter: Thank you. I think Jeff made a very balanced statement in particular the last sentence is the key sentence. And just as well with the condition under which I would agree to withdraw the motion. But we have to have a process, you know, for - in case the verbal commitment from Fadi is not implemented.

So that means I would not propose to withdraw the whole motion forever but, you know, to put it on hold and to review the situation within one of the next meetings to come back with this motion if we feel (unintelligible).

Because I fully agree with Yoav, you know, verbal commitments are forgotten and, you know, we see that (unintelligible) in the issues we discussed in the past, we see it now in the issues which are coming up whether new things can be decided without proper consultation so that the multistakeholder process is bypassed, tunneled, bridged or whatever by other activities and in this way we have to be very clear that the GNSO has to play a role in the whole context and cannot be bypassed by other organizations.

It's not only the (unintelligible) committees or whatever. And so far the proposal is not to withdraw it forever but to, you know, review the situation in the next - the other ICANN meetings in 2014.

Jonathan Robinson: Thank you. I've got a queue that we will close after Volker on this item.

Thank you, Wolfgang. I've got Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks. I'll be, Jonathan, very brief. I also would like to thank you, Jeff, to withdraw the motion right now. As you know - and thank you for the rationale and your comment on that.

As you know, the discussion of this motion has been created a lot of concern within our part of the - of the house and a lot of confusion as well with regards to the understanding, to some extent.

That means that this discussion is necessary and it should really continue to do so. So I really appreciate your words. Thank you very much.

Jonathan Robinson: Thank you, Wolf-Ulrich. Lanre.

Lanre Ajayi: I believe the issue (unintelligible) very valid one. It was (unintelligible). And I guess we have an opportunity to further discuss these issues. We need a working group for the Policy and Implementation Working Group is formed. (Unintelligible) that working group is an agreement of the bylaws (unintelligible) opportunity to discuss and now we should. Thank you.

Jonathan Robinson: Thank you, Lanre. I've got Brian, Chuck and then Volker.

Brian Winterfeldt: The Intellectual Property Constituency would also like to thank Jeff for withdrawing the motion and then for his statement. We do believe that his motion raised some issues that were important to discuss and that ultimately we feel - it will hopefully appropriately be worked out in the working group that we'll talk about it in the next motion.

Jonathan Robinson: Chuck.

Chuck Gomes: Chuck Gomes from the Registry Stakeholder Group. After listening to the good discussion that happened on the weekend I do believe that we didn't need a motion to change the bylaws.

But one of the things that disturbed me in some of the side discussions that happened on this was comments like, "This looks like a Council power grab." And I find it really difficult to understand how a request for communication for interaction could be perceived to be a power grab. So offline sometime if somebody really believes that I'd appreciate you explaining that to me.

I think it would have been nice to do a modification to the motion expressing the intent that we need to have ongoing interaction and dialogue with the Board on issues like this. And that's what I saw as the intent. So if anybody does think that it's a power grab, offline, please explain that to me.

Jonathan Robinson: Thank you, Chuck. Volker.

Volker Greimann: Hello. I think this was a very important motion. It still is an important motion because of the discussion that it was raised after the motion was brought. I certainly do not think it was a power grab, it was more of a clarification of the role of the Council and the role - with regard of the role of the Board.

I think this is a - even though the motion has been withdrawn the matter at hand should be observed very closely in the future. And even though the motion was withdrawn for now I do not consider it dead; it should be revisited and reworked.

And if the problem persists the letter in the motion - the motion should reappear in some form or another.

Jonathan Robinson: Thank you, Volker. I'm going to take my opportunity as Chair to thank all of the councilors for - and including the thanks that have been expressed to Jeff for the mature way in which the discussion has been handled. This was

seen as important by many, contentious by others, and I think we've ultimately handled it in a satisfactory way and that's good for us, good for the Council and good for the GNSO.

I would like to remind you all of my passionate drive to try and develop the effectiveness of the Council and understanding our role within the GNSO as a whole. I certainly will not be party to any perceived or actual power grabs by the Council.

I believe I have a very fortunate role to be an ambassador for the GNSO and for the work of the GNSO Council within that. By virtue of being Chair I do end up with some access to Board members and senior executives that I might not otherwise have.

And I will use that access and that opportunity to reiterate to the best of my ability the balanced viewpoints that I've heard and the substance of the issues and the understanding that I've got of them. So thanks to all of you for both raising, discussing this issue. I think we could still do better and we should aim to do better in the way in which we manage these. But we've done very well this time and it's great to see so thank you all.

The next item is another motion. And this motion, in many ways, links on to this or at least is connected to some of the major themes that we're grappling with at the moment. And this is a motion to adopt the work of the drafting team that's prepared the charter for the Policy and Implementation Working Group.

So the motion has been brought to us by Wolf-Ulrich. So, Wolf-Ulrich, if you could present the motion, please?

Wolf-Ulrich Knoben: Yes. Thank you, Jonathan. Well, I'm going to read the motion and maybe add some few words on it.

Well, the motion is, "Whereas the GNSO Council decided at its wrap-up session at the ICANN meeting in Beijing to form a drafting team to develop a charter for a Working Group to address the issues that have been raised in the context of the recent discussions on policy & implementation that affect the GNSO."

Second, "The drafting team was formed and has now submitted a proposed charter for the Policy & Implementation Working Group to the GNSO Council."

And, third, "The GNSO Council has reviewed the proposed charter." And the charter is published on the link which is provided here.

"Resolved, first, The GSNO Council approves the charter and appoints Jeff Neuman as the GNSO Council Liaison to the Policy and Implementation Working Group."

And second, "The GNSO Council further directs that the call for volunteers to form the Policy & Implementation Working Group be initiated no later than 7 days after the approval of this motion. Until such time as the WG can select a chair and that chair can be confirmed by the GNSO Council, the GNSO Council Liaison, Jeff Neuman, shall act as interim chair."

So that's the motion as it is. I, myself, (unintelligible) of this drafting team and I would like to say that the drafting team had a very fruitful discussion in between Beijing and right now to come up with this charter. And that we (unintelligible) professional guidance, I would like to say of (Holly Reggie).

And the charter, which is put forth, is very comprehensive with regards to, I would say really, all aspects related to the borderline between policy and implementation, any questions related to that.

So I propose that the charter has been provided and has been also written in detail. And I leave it to you then for discussion.

Jonathan Robinson: Thank you, Wolf-Ulrich. Are there any comments or questions relating to or connected with the motion as it now stands? But I think I'm we're in - I'm sorry, did I miss something?

Wolf-Ulrich Knoblen: I think there are two hands in the Adobe room, still...

((Crosstalk))

Jonathan Robinson: They may be old hands. I think it's - I've got Brian, is it, and - I think they are from a previous issue. Would anyone like to speak to, comment on or question anything with regard to the motion? Great. Thank you.

I suggest we could do a voice vote. My only slight concern is whether we will be able to hear Ching.

Glen de Saint Géry: Ching is unmuted.

Jonathan Robinson: Ching - good. So...

Glen de Saint Géry: Ching should be unmuted. Perhaps we can just check before the vote, Jonathan?

Jonathan Robinson: Ching, can you...

((Crosstalk))

Jonathan Robinson: Great. So could all those - in fact, since we're in the room I think all those in favor could raise their hands. So we have...

((Crosstalk))

Jonathan Robinson: For the record we have everyone in the room with their hands raised including Jen, who is carrying a proxy for Thomas.

Glen de Saint G ry: For Thomas.

Jonathan Robinson: For Thomas, I'm sorry, for Thomas. Ching, can we have your vote please?

Ching Chiao: Yeah, I vote in favor, thank you.

Jonathan Robinson: Thank you, Ching. So the motion is - Alan is nonvoting. Thank you all. So the motion is carried unanimously.

Our next item is the third motion on the agenda. And this is the Locking of a Domain Name Subject to UDRP Proceedings.

You'll recall that this motion was submitted effectively on the weekend by - it was included in the - as a draft motion in the - in the report. Who is presenting the motion? Jeff, you are presenting the motion.

Jeff Neuman: Okay. Thanks. This one I'm not going to withdraw so. Okay, do you want me to read the entire thing? It's kind of long or - Jonathan?

Jonathan Robinson: Jeff, before you read the motion I think there's a point from the IPC that they would like to make so first, Brian, to make the point.

Brian Winterfeldt: After the discussion that we had over the weekend regarding this motion we went back to the Intellectual Property Constituency yesterday during our meeting. We had a discussion about this motion. The IPC is actually in support of the motion and very much wants the work to move forward.

However, we are concerned about the process point which is that the motion was not given timely. We feel like there's been of emphasis on process at the Council level and a lot of concerns that have been raised and we spend a lot of time talking about that during the last several meetings.

Our concern is to set a precedent in this case to put that process to the side when people have been very focused on maintaining process and making sure we follow our own rules very carefully. So for that reason the IPC feels that this motion should not be put forward today since it did not meet the appropriate timeline.

However, again, we do very much support the motion. We do want to see the work to move forward. And we would suggest that a special meeting be held - we think it could probably very brief - in August so that we could vote on this and the motion could be timely at that time.

Jonathan Robinson: Thanks, Brian. In my capacity as Chair I think it's my job to respond to that. But if there are any comments prior to that response I'll take them. So, Jeff, it seems that you have one as the maker of the motion.

Jeff Neuman: Actually, I'd like to see if you're going to accept that withdrawal and then I'll make a comment.

Jonathan Robinson: My position on this, Jeff, is that process is very important. I've been reminded of that by a number of you on many occasions. And I feel duty-bound to respect this request; disappointed as I am not to make progress. And I think we should do whatever we can to make progress.

But we did very recently have a discussion and make concrete our position on the timely submission of motions. So I'm minded to accept it but I think I would like to hear if there are any comments in that respect prior to finalizing that position but that's my view.

Jeff Neuman: Yeah, I'm - this is Jeff Neuman. I'm a little disappointed that there's a lack of flexibility. Too often we're criticized for not being able to act or react incredibly slowly and the community has asked for us to find ways to actually act, and in this case the report, the final report, had an incredible participation from the Intellectual Property Constituency, the Registrars and a number of others. It makes a lot of sense. There were very few comments after the interim report.

I understand the process issue. I'm just a little disappointed that there's no flexibility. But that being the case I would ask that if we are going to take this off the table that we, you know, 10 days from the date that it was made, which was the 13th, and ask for a call on the 23rd. I see no reason why to wait to August.

Jonathan Robinson: Thanks, Jeff. I mean, let me hear from Chuck first, who I believe was in the queue and then I've got Zahid.

Chuck Gomes: Chuck Gomes. I'm a believer in process; it's very important. But when we adhere to in a legalistic rigid way, when there are no valid reasons why - no indication that it's being misused, somebody taken advantage of process or there's not enough time to consider the motion - and in this particular case even though the motion was late we've all been involved and been aware of the recommendations - I just think it makes us look bad.

Jonathan Robinson: I've got a queue with Zahid, Joy, Alan and then Marika and Volker.

Zahid Jamil: Thank you, Jonathan. I seconded this motion. In fact I think there are two seconds; this is interesting. So that's how much support this motion actually has.

I would just say that, you know, we're disappointed. In the BC we support this motion strongly. We will be hopefully voting in favor of it. I understand the issue that was raised with regard to process and I think we have been concentrating and focused on it for important reasons.

But I would echo what Chuck has said, which is that we need to also have flexibility and Boards and other fora when they move forward in this respect they do sometimes have the ability, and in fact they do, to suspend if there's unanimity.

And so we need to find a way - I think maybe - I understand why this has happened, because of the rules, maybe we could think about how we make sure that there are exceptions when there's unanimity and it's clear as Chuck rightly put there's no effort by anybody to try and game the system. So I would echo that comment. Thank you.

Oh just one other thing. I would also support Jeff's suggestion that we have a call as soon as possible.

Jonathan Robinson: Thanks. I've got a queue with Joy, Alan, Marika, Volker and Greg.

Joy Liddicoat: Thanks. Just - I heard the procedure question and perhaps it might be (unintelligible) should the IP Constituency feel that they can't vote for the motion today whether that (unintelligible) they could abstain from voting, they could vote anyway. I mean, this is something that (unintelligible) without undue prejudice to the motion itself. So that's just a procedural question (unintelligible).

The second one really relates to the point, I think, that Chuck and others have made is that while, you know, the point is well made about the procedural issue I think that we don't do the community any service when we don't abide by the spirit of what those rules are for.

And I think there's no objections, as I understand it, to the substance of the motion. There's been a huge amount of work that's been done by the community to reach consensus. There seems to be a clear consensus and I

think it would - I think it doesn't need the (unintelligible) to say this kind of request.

And that's not in any way to disrespect the place from which it comes (unintelligible), you know, pay dear close attention to those procedural discussions of late. But I think the point's been made and I know I feel very strongly that it would be in the spirit in keeping the community not to put us to the expense and staff to the expense and additional work of a special meeting to discuss this. I think that's not really fair (unintelligible).

And, you know, if we're able to do this now there could be (unintelligible) objection. I really think this is the kind of thing that would help us regain some bearing and status in the community as some of (unintelligible).

Jonathan Robinson: Thanks, Joy. Just on a point of - I mean, I think the objection is to the untimely making of the motion, not the unwillingness to vote on it but that's just to be clear on what the position is. Thanks, Joy. I've got Alan followed by Marika, Volker, Greg, Wolf-Ulrich and John Berard. So Alan, please.

Alan Greenberg: Thank you very much. I'm speaking on my own capacity but noting that I was also vice chair of the working group. This was a rather remarkable PDP in terms of the disparate views that went into it and the amount of real negotiation and discussion and plot. And I think it's a shame that we can't use the same amount of professionalism as we go forward at this level.

I must admit, I was somewhat appalled by the action that the Council took a few months ago in changing the rules for advance submission of resolutions not only in the number of days but down to the second.

And there were people at that point who spoke about how important it was to be exceedingly precise and that something submitted a minute late could not possibly be accepted. And appalled is the only word I can use.

I support what Chuck said that I think that was an incorrect motion - action for Council to take. It took it, so be it. I would presume that Council could waive its own rules by a significant vote of this Council right now if it chose. Thank you.

Jonathan Robinson: Well that's an interesting point, Alan. And that is the - that's what I would seek for some clarification on. And if - I've got Marika next in the queue.

Marika Konings: (Unintelligible) discussions here. I just want to note that I think we do have a precedent in how we handled these cases in the past where we also had (unintelligible) GNSO Operating Procedures. And then we've always worked on the basis of non objection. So (unintelligible) but there's no objection from any of the Council members to consider the motion it was considered.

I think here we have a similar case that if there is no objection it can be considered. But (unintelligible) objection. I think there's no other choice than indeed to defer it to the next point in time.

Jonathan Robinson: Thank you, Marika. And that is the basis on which this motion appeared on the agenda and that was my understanding of the weekend session. However, we did reassure the IPC - the IP Constituency members at the time that should they have any further reservation they always had the tool of deferral in their toolkit should they wish to defer.

So in any event that was my understanding as Chair on the weekend, which is how this motion ended up on our agenda at this point.

Next in the queue I've got Volker, Greg, Wolf-Ulrich, John and Brian and I'm going to cut it at that point.

Volker Greimann: Personally I think procedure is very important. Procedure is intended to protect all the stakeholder groups, all the constituencies, to ensure that their

voices can be heard and that they can go back to their communities and discuss a motion.

In this case, however, we have heard that procedure is the only reason to withhold - to object to the making of this motion at this time. I think that is concerning; that is not the reason why we had decided on the deadlines and how to interpret them.

They were designed as a - at least in my view, as a protection of the community, of the stakeholder groups and the constituencies, not as a means to block voting of a motion that everybody agrees should be passed.

I was a member of the working group and I can just echo what Alan said, it was a very interesting how the community came together very quickly. I think if we pass this today we would have one of the faster PDPs in the GNSO history. And this opportunity being missed just because of procedure that was intended to protect its constituency is a missed chance.

I would suggest that any procedure that the GNSO has set for itself could be waived with the unanimous decision of the GNSO - should be waived with a unanimous decision of the GNSO Council. And I would just ask the IPC to reconsider their position.

Jonathan Robinson: Thank you, Volker. I've got Greg from the IPC. Greg.

Greg Shatan: Thank you. Greg Shatan from the IPC. I would say two things. First, I was a member - am a member of the Policy and Implementation charter drafting team. And we were very aware of the timing for timely submission of the motion.

We worked very hard in a very accelerated fashion to make that deadline having calls sometimes twice per week, having our calls start so - at a time that our chair would have been asleep under any other circumstances. And I

think, you know, we were very aware of it I think that's, to some extent, playing around with these rules disrespects our work in making it to the deadline in a timely fashion.

That said, if the existing rules of the Council allow for a waiver as was suggested or a unanimous objection, but if those rules already exist before now those rules should be invoked. And I think that the outcome would be different.

But if the rule is that a motion has to be in 10 days in advance or else it can't be made and if that is the rule and there is no existing policy for a - overcoming that rule the rule should be honored. And I think that that is professional and appropriate. Thank you.

Jonathan Robinson: Thank you, Greg. I've got Wolf-Ulrich next.

I was going to close the queue at Brian but given the circumstances and the positions I think we will add Kristina, Chair of the IPC, at the end of the queue. So let's go with Wolf-Ulrich, for now.

Wolf-Ulrich Knoben: Yes, thank you, Jonathan. I come from an early - from an age where we also stick to the rules. But we also see some flexibility in rules (unintelligible) rules. So saying this, you know, I would like to join other concerns having raised here. If I only turn to the rules and not to the content I have (unintelligible) the issues of the content I may be in the position, well, to think about how to handle rules in flexible way.

And that brings me to the point to say, not as a (unintelligible) but as a consideration, but if we go that way just to turn it down because of the other rule then it may come back one day to us from other sides in a similar way which you wouldn't like to have. That's my point.

So if we are not able to do it right now I would like to be in favor to do it as soon as possible and not at the 10th of the August because I don't have a possibility to attend those meetings. Thank you.

Jonathan Robinson: Thank you. I've got John next.

John Berard: John Berard from the Business Constituency. I am feeling a little uncomfortable about the pressure that we're applying to the IPC right now because I worry that at a meeting somewhere down the road it might be the BC that makes such an objection and winds up being pressed by our colleagues to forgo a decision that we had made thoughtfully under the pressure of an immediate decision.

I reject the notion that we're not flexible because we're willing to have a call as quickly as possible to move on the motion. But I do think that we - I'll let you guys finish.

I do think we owe it to our colleagues in the broader GNSO, seeing as how we are just a creature of that broader group of constituencies, to abide by the policies and the processes that we put in place so that even the wackiest of our members have the opportunity to offer insight and participate along with the most sober.

So I would be in favor of accepting the IPC's request. I'd be in favor of exhibiting flexibility by calling a meeting as quickly as possible to vote on the matter. And I think in the grand scheme of ICANN activities the 10, 12, 15-day delay is really the beating of a hummingbird's wing.

Jonathan Robinson: Thanks, John. I've got Brian and then Kristina and then we're closing the discussion. You think the IPC is under pressure? What about the poor Chair?

John Berard: Yes, the poor chair.

Brian Winterfeldt: Brian Winterfeldt, IPC. Jonathan, I feel bad about the pressure that you're under right now. I'd like to acknowledge that. I would like to just say that I don't think that the intention is to focus on process for process-sake. I think looking, again, historically at what we've been focused on, we've had a lot of discussions where people have been extremely precise and very particular about process.

It's something, again, that we recently did and as Alan noted clarify what the timeline was going to be for accepting a timely motion. Again, nobody sees any problem with it here unfortunately, you know, we've seen issues in prior meetings where people did, frankly, in my opinion, have what I would describe as inappropriate motion practice.

And it concerns me that we're maybe opening a door for people to have additional ways to potentially game the system or spend time at the Council table that I don't think is productive. So, again, everything looks very innocuous here, it seems like everything's fine, there's no problem, the rules don't matter except they don't matter until they do.

So that's our point is definitely not to slow down the work of the community or to slow down the good work that's been done here on this motion.

Jonathan Robinson: We're going to hear from Kristina Rosette, Chair of the IPC, next. Kristina, I would like you to, if you don't already intend to do so, to reiterate your objection to the timely motion on behalf of the IPC if you would be do so.

Kristina Rosette: Sure.

Jonathan Robinson: If not I'll confirm it with Brian.

Kristina Rosette: No, absolutely. It is in fact a unanimous position of the IPC. And every single member who wrote in (unintelligible) and in person during live discussions

yesterday were unanimous that in the interest of consistency, in the interest of predictability and certainty.

And also as Greg Shatan noted, you know, in light of heroic efforts made recently by another group to ensure that their motion was timely presented we are not in a position to agree to waive that rule.

Unfortunately I don't have the authority or the discretion, under the IPC bylaws, to overrule the views of our members. We recognize that this not an ideal situation which is why we wanted Brian (unintelligible) to make very clear and repeat that again that we are absolutely willing to have a meeting earlier than September.

And if it's, you know, the 23rd, is the first day after the 10-day period then absolutely. But at this point, I mean, (unintelligible) to have kind of another time set for inter-constituency, inter-stakeholder bylaws in between Constituency Day and this meeting.

The - I just don't have the discretion or the flexibility. I regret it, it's not the ideal outcome particularly that, you know, because on the substance and the content this is something ordinarily we would be happy to vote for (unintelligible) time to do so.

Jonathan Robinson: Yeah, that's fine. Thank you very much, Kristina. Thank you all for your contributions. I think I understand them. I think I understand the various positions.

I would just say one small comment that this wasn't a tardy late submission of a motion, as I understand it, it was rather an opportunistic bringing forward of the submission of a motion in order to speed up our processes. So I think that's something we should all be committed to and recognize.

And if we need some modifications to our rules or operating procedures to accommodate that sort of thing in future that is entirely proper that we should be focused on that since speed and effectiveness and efficiency of throughput is certainly something we should, as we've discussed, many times recently, be focused on.

That said, I don't think there's any option, under the circumstances - Marika?

Marika Konings: I just want to make one note. The rules and procedures do say that if you want to have a meeting (unintelligible) policy issues it needs to be a minimum of 14 days in advance. So just to take that into...

((Crosstalk))

Jonathan Robinson: Fourteen or ten?

Marika Konings: Fourteen.

Jonathan Robinson: Understood. So I'm not going to try and quickly pull together that notice now. We'll work on it as fast as possible and reconvene to consider this motion at the earliest possible opportunity.

And I will remind councilors that it will be their duty to organize proxies or alternates or whatever the appropriate mechanism is so that we can ensure that this isn't in some way handicapped by lack of attendance (unintelligible). So as far as I'm concerned we have to take this motion off the agenda now and we'll reconsider it at the earliest possible opportunity. Thanks very much for your contributions.

Next item is a proposed letter on behalf of the GNSO Council covering IDN variants. I wonder if it wouldn't be appropriate to - since we've been going on can I just get a show of hands whether we shouldn't take a very brief break at this stage or whether we should continue?

Anyone in favor of taking a quick break? Yeah, let's take a - literally five minutes please. It's 1640 local time so at 1645 please can you promptly be back at the Council table to continue the meeting? Thanks very much.

((Crosstalk))

Jonathan Robinson: Thank you very much.

((Crosstalk))

Jonathan Robinson: ...whether or not I agree with it or not...

((Crosstalk))

Jonathan Robinson: Right, if I could call councilors back to the table? We've taken a brief five-minute break for those of you that have joined us recently. If everyone could rejoin us at the table as soon as possible please so we can continue with the meeting.

All the councilors in the room please return to the table as soon as possible so we can continue with the meeting.

Hello, everyone. Welcome back to the Council meeting. We've taken a brief break. This is the GNSO Council meeting in Durban. We're about to commence with Item 7, the update and discussion of a Council letter on IDN variants.

This work is connected to and response to a Board request to interested SOs and ACs to provide staff with input and guidance. And some work has been undertaken within the JIG to prepare some draft letters, some proposed letters from the GNSO Council as well as the ccNSO Council. So we've all seen that for some time now.

So really what I'm seeking, I think, from you is your - is really there's a question of two possible outcomes here. This can either come back to the Council as a formal motion to send the letter or I can get your support to send this letter right away.

And the - but before doing that it may be that there's any discussion or comments on the substance or comments on this letter. I'm not sure - is Edmon here in the room? Who is? Oh, Ching, you have your hand up so let's hear from you.

Ching Chiao: Thank you, Jonathan. Yeah, so the chair of the Jig, Edmon Chung couldn't be in the room but I guess he has another working group on IDN to chair. So actually, Jonathan, pretty much cover what I wish to say as an intro.

The JIG has the (unintelligible) this IDN variant issue for a number of years. And I feel it's appropriate within this group to have a response for the Board and to provide them a guidance (unintelligible) to the implementation of the IDN variant.

I actually wish to - to read the two summaries that have the (unintelligible) I feel it's useful. And (unintelligible) so everybody can hear this and it's good for the (record) that we have the opportunity to emphasize this to (unintelligible).

So first of all it's the variant TLD report has made very clear and we approve - the committee review that IDN variant TLD adaption and delegation is not a purely (public) undertaking but (unintelligible) policy position and intervention.

And as such rules (unintelligible) IDN variant TLDs (unintelligible) search TLD strings can be allocated to and how they could be delegated are matters of policy oversight (unintelligible) review of the ccNSO and GNSO.

The second point here is the variant TLD reports have also made clear, and we approve, the community view that IDN variant and IDN variant TLD requirements and experience from different IDN variant communities be heard. And that relevant expertise and knowledge from the local communities are important in the development of the overall policy at ICANN.

So as a result ICANN should resist overreaching its scope beyond the technical coordination and administration of the root DNS (unintelligible) appropriate implementation by local communities especially to avoid delaying deployment of IDN variant TLDs.

So (unintelligible) two points here is that first of all (unintelligible) of the community here this is a new issues but many of us in the room knows that this is not (unintelligible) still feel that IDN is somehow a technical issue involves a more (unintelligible) security and stability of the Internet.

But for many of us have seen, witnessed and actually operated IDN TLD at the top level, the ccTLD Fast Track, and also the gTLD at the second level, have already implemented the very secure (unintelligible).

(Unintelligible) right now is to really to encourage the Board just to implement the IDN TLD report as well as the user experience report so that we shouldn't delay, shouldn't add any additional (unintelligible).

I would like to conclude my statement by having a comment that it's this week that we have witnessed four IDN TLDs signing the contract and (unintelligible) one of the TLD will be (unintelligible) at the IDN variants.

It's just (unintelligible) that we're still discussing implementation plan for a soon to be very operational IDN TLD so I really urge everyone to take this back to the stakeholder group and, you know, constituency to really discuss, as you said, Jonathan, I would hope that this letter can - to be sent to the Board ASAP so (unintelligible) a motion it's - a motion is really required.

I really urge everyone on the Council to look into this and potentially we have that approved ASAP. So thanks.

Jonathan Robinson: Thank you, Ching. Thanks for that comprehensive input on this. I would like councilors to concentrate on two things, please? One, any questions or comments on the content and substance of the letter should you have them.

And, two, an indication of support to send this letter or whether there is a - now or whether there is a requirement to formulate it in the form of a motion because it's - frankly, it's something we could pick up at this forthcoming meeting. Any thoughts or input on that? I've got Volker, I think, Zahid and Yoav. Volker and Yoav.

Volker Greimann: I have no comments on the content of the letter. I think it's fine as it is. I do not - I would suggest that we do not put it into a motion otherwise it will take another half a month to send it so just voting on sending the motion would be a good thing to do.

Jonathan Robinson: Thank you. Yoav and then Wolf.

Yoav Keren: I don't support (delaying) of this letter. I think it's very important. Being part of - I think all - or almost all the IDN working groups, advisory committees or whatever since 2005 I have always stressed that IDNs are not a technical issue but a policy issue.

And many people don't believe that during the time or were not listening and we're getting, again, to the point where policy needs to be decided and not only technical issue needs to be decided.

This is a very important issue. And I'm actually very worried that we are only dealing with variants on the TLD level and are leaving registries to resolve the

issues of variants in the second level which might create a huge, huge problem if procedures are not implemented right.

On the other hand I hope that registries will use the work or the decision that was - will be done on the top level and just do the same thing at the second level. So that's what I have to say. And, again, I really support this. Thank you.

Jonathan Robinson: Thanks. Wolf-Ulrich.

Wolf-Ulrich Knoben: Yeah, thank you. Speaking for the ISP Constituency as the - as Tony, at the beginning pointed out, we had a very comprehensive session yesterday with regard to the IDN variants. (Unintelligible) as well. And so we are - we have all this - these items and we already behind that.

And we would like to report to send out this letter as soon as possible. Thank you.

Jonathan Robinson: Thank you, Wolf-Ulrich. I've got three indications of support. I don't need more. I just need to know if there are any - anyone who is not in favor of sending this letter as soon as possible. Indeed if that is the case that there is full Council to support this letter I will make non material amendments to it and prepare it for dispatch in short order.

So can I have an indication if anyone is not in favor of sending this letter as soon as possible? Just for the record it would be useful if everyone who is in favor would perhaps raise their hands?

For the record I'm looking around the table and seeing no one without a raised hand? Yes. So we have a unanimous support to send this letter as soon as possible. I'll get on with that. I'll do nonmaterial edits and send it off as soon as possible. Thank you for your support. Thank you, Ching, for your input. That item dealt with.

Our next item is...

((Crosstalk))

Jonathan Robinson: ...Item 8, an update and discussion - yeah - is an update and discussion on the proposed forthcoming GNSO review. Now those of you who have been paying attention to the mailing lists and the updates, which is not always easy at an ICANN meeting when everything else is happening, will have noted that there is a recent posting to the ICANN Website indicating an opportunity for public comment on the intent of the Structural Improvements Committee of the Board to delay the forthcoming GNSO review.

We've got Rob Hogarth from ICANN staff here to present us with an update on those. And then once Rob has given his brief presentation we will go on to some discussion points that both Rob has raised and perhaps I'll formulate those in my own way as well. Thanks, Rob.

Rob Hogarth: Thank you, Jonathan. I have a 10-page slide deck that I'm going to abandon and just focus on the last page. We can perhaps get the presentation posted on the session page but we'll just stick with this page to give you more opportunity to talk.

And my apologies if I lose my voice or start coughing in the middle of it.

I think there are four main points to really consider on the subject of the GNSO review over the next several weeks and in your discussion today. Those points generally are reflected in what the Board still has to do with respect to the GNSO review efforts and the review of other independent organizations within the ICANN structures. And then there's a component where this community needs to be involved specifically.

In general, as many of you know, in past presentations that I've made in previous discussions that we've had with individual Board members and the members of the Structural Improvements Committee is that the Board is looking at potentially retooling the independent review processes within ICANN as a whole.

And because the GNSO review happens to be the next major review in the cycle of ICANN supporting organizations and advisory committees this reexamination impacts you more quickly and more directly than some of the other communities in ICANN.

So the fundamental thing is that the Board is looking at the entire review structure trying to determine whether there are more appropriate mechanisms for conducting the review, for example, utilizing the affirmation of commitments process used in the review teams or considering other aspects from a strategic and operational review perspective. So there's a bigger piece of the review effort under way.

The second piece is once the Board makes the determination of what that retooled review framework will look like then they really have to focus on what are their specific standards and requirements by which that review will take place?

Some of you recall a previous presentation that I made to the Council about what we called, at that time, criteria for the review process. And the proposed criteria for that process has been posted on the wiki. I've shared that link with all of you. (Unintelligible) and provided me with comments. That's still an effort that is underway.

The third component of the Board's review is the timing. Now considering the fact that there's going to be a larger look at the framework for reviews, considering that there have been individual considerations of standards, recognizing that there's just a general angst within the community about what

the GNSO is going to look like in the future, the Structural Improvements Committee has proposed delaying the GNSO review for as yet an undetermined period of time pending comments from the community.

There is a current public comment forum that was just opened. I believe the comment period (unintelligible) or comments and replies ends around the end of August. And if that proposal is ultimately accepted six months from some time in September the Board will come out with a new timeframe for the GNSO review.

And that (unintelligible) is undetermined and probably can - depends on what the new framework looks like and what some of those criteria will be.

So that brings me to the fourth point which is simply sort of what are the next steps for you as the GNSO Council and for members of the community and individual stakeholder group and constituencies in terms of what you want to do next.

Two primary (unintelligible) identified. The first is a determination of whether you're going to comment collectively, individually, as communities with respect to this proposal to delay or postpone the GNSO review.

And then secondly regardless of what that timeframe is to follow up on some of your discussion in Beijing and that you've had since then as to whether you should begin to consider or just look at the potential for a self-review, you know, some type of audit discussion that maybe something is of value regardless of the timing of the GNSO review.

So, Mr. Chairman, that sort of sets out the broad concept of issues and I'm happy to take any questions or expand upon that.

Jonathan Robinson: Thank you, Rob. I think this is very new news. I mean, it's clear that the posting was just a day or two ago. So I think we can reasonably - we cannot reasonably expect that we'll take immediate action on this.

But I had a similar three - three ways in which I thought we could maybe look at this, is, A, how do we feel about this change in - this proposed timing? And do we think we, as a Council, are in a position to and would like to make input into this request for more input? And, thirdly, which relates to your point on the GNSO preparation, what else do we think we should do in the interim?

Now I had a hand up over here, I think it was Zahid followed by Wolf-Ulrich and John.

Zahid Jamil: Rob, if I could ask you to just give us a further explanation of what exactly is the logic, I'm so sorry, I apologize, for the Board considering delaying the GNSO review? I mean, I've read what's on the Website, which says, number one, because there's an ATRT2 going on and then there's these other panels. And I'm just wondering could you give us a little more information if you have it as to what the logic was?

Rob Hogarth: I can't speak for the Board or the Structural Improvements Committee beyond what they've said in their - in the public comments forum. But I think - or my sense - and this is a personal view - is that there are a number of different factors going on here as members of the community have approached different Board members with different ideas.

And I think there's a sincere effort on the part of the Board to say, gee, there are all these moving pieces, it may be - it may - and again this is a proposal for a postponement - it may be beneficial for the community to understand what these other pieces are going to look like before making a decision.

And another piece of it is that there's still a lot of work and discussion that's going into what does the new framework look like? What are the standards and requirements that might be a part of a review?

There's two pieces of a potential review. There's - using terminology I've shared with you before - there's a macro component, which talks about where does the GNSO Council and its other organizations in the GNSO fit into the broader structure of the organization?

Then there's a more micro piece which talks about the processes and the operations of the GNSO Council and of the various stakeholder groups and constituencies.

And to a certain extent until that's resolved it's difficult to begin a review and explain to an independent reviewer what they should be looking at and how they should make those considerations. So I think those are some of the factors.

Zahid Jamil: So if I could just quickly say that we had some opportunity to discuss this within the constituency - the BC - and one of the views was it takes such a long time to get a review like this done we should really consider - before we say no let's no do this and postpone it, really think about it because it'll take a long time before we even get through it.

And how long did the previous one? Jeff, maybe you remember; you've been there for a while. So how many years did it take us to do the last one?

Jeff Neuman: From beginning to end it was at least five years.

Zahid Jamil: Right. Thanks.

Jonathan Robinson: Rob.

Rob Hogarth: I don't want to mess up the time. Lars, if you can go back one slide. The concept of the existing reviews and I think that's being looked at and the future still this five-year cycle so as you look at that timeframe it's a general cycle that a review component of which is about 16 months but there are other aspects that include preparing for it, implementing it and then conducting operations. Thanks, Lars, you can put the - the other one.

Jonathan Robinson: So I have no doubt that this will be a topic of discussion - an ongoing discussion. It is interesting to hear how both individual councilors and/or to the extent that they know what their stakeholder groups feel about it and also whether or not, you know, what we should be doing about this in future.

My queue has - did we hear from Wolf-Ulrich? I don't think we did. So it's John and then Wolf-Ulrich - John and then Chuck. Yes, Wolf-Ulrich. Yes, Wolf-Ulrich, John, Chuck.

Wolf-Ulrich Knoben: Thank you. Thank you, Rob. I also have a question to understand maybe the impact of a potential delay on other work to be done. For example, we have charters - for the constituency we have charters. So and they are - they may be affected in the development of the constituency itself. So because we are just (unintelligible) the constituency and so on.

So then we have to modify the charter and we have to go through those processes as well. So I wouldn't - not just (unintelligible) where it comes out that this work is going to be delayed as well because of the delay of the GNSO review and there may be others - other factors as well in all these regards to budgeting and these questions as well.

So this is my concern I have and I would like really to stress this point and ask you how you see that.

Rob Hogarth: I think there's a challenge that individual constituencies and stakeholder groups have to look at during any part of the cycle. It's, you know, what future changes might the Board or the community see moving forward.

Even if you look at the most realistic timeframe right now for a GNSO review you're looking at if it were to happen today, even three or four months to hire an independent reviewer, a 16-month or so review process, then, you know, three or four months of Board review. Do the math, that's already almost 18 months to two years before something new gets implemented.

So any group who's considering amending charters or changing them I wouldn't wait because there's time coming along.

The second component, I think, of that is what is the ultimate goal of a review? If you look at some of the considerations that the SIC has publicly shared the ultimate conclusion of the review is at its farthest point, potentially changing how the GNSO is structured, but at its closer point it's providing recommendations to help a constituency, a stakeholder group or this council operate in a more effective manner, you know, potentially changing some of those that it operates.

So given that, that give and take structure, you might have to consider charter changes as part of that as well. So either way I think one has to begin moving toward business as usual in terms of making fixes or improvements that you're already contemplating.

Jonathan Robinson: Thanks. I've got a queue which I'm going to insert Jen in since she was waiting patiently and then I've got John, Chuck, Wolfgang and we'll close with Jeff. So, Jennifer Wolfe.

Jennifer Wolfe: I understand completely what you've just described in terms of the macro level issues that may impact the scope of the review and that may cause a delay. That makes complete sense to me.

You also have on here the opportunity to start a self review or an audit that might then later expedite the review. Could you provide a little more information about how we would go about doing that?

Rob Hogarth: Well just to clarify I don't think it would necessarily expedite a review but it would certainly help inform and provide information. In terms - when I think expedite I think timing might not - but, you're right, it might make it more efficient and naturally more effective because the feedback you'd be getting through an independent reviewer would be more informed and useful.

In terms of how it would be done I think that's really for you as Council members to discuss in terms of the Council and it's for individual stakeholder group and constituencies to think about if they're interested in the self review.

The wiki site that I've shared really outlines the different types of criteria that I think provide the universe of what you might consider. The Council has already discussed one or two times potentially setting up a working group or some sort of non-PDP work team to consider those options and that might be the way to go.

It would make things more effective and would help you all focus on the areas where we think improvements are necessary and avoid those areas that you think are going fine.

Jonathan Robinson: Thanks, Rob. And, Jennifer, to that point as well, I will share with the Council and I would appreciate being reminded if I fail to do so, the work that Bruce Tonkin shared with me of the sort of self review work that was done in the previous round that the Council undertook. And Bruce has given me some links and reference to that.

I've got John Berard followed by Chuck, Wolfgang and Zahid has been substituted for Jeff in the queue and then we're closing it.

John Berard: Thank you, Jonathan. John Berard from the Business Constituency. Rob, you and I talked about the review process probably four months before it surfaced publicly because of the hopes and dreams that many of us have embedded in the outcome.

But I do worry that this is another example - this delay is another example of the perfect stamping out the good. The delay is more than a delay, it is - it creates a vacuum that allows internal and external actions, whether organized or not, to essentially change the - to do the review of the GNSO.

I know in the BC we've already begun a substantive review of the charter including everything from membership requirements through voting procedures, the kinds of things that would be influenced by a review.

And so I suspect that what will happen, because of the urgencies within the GNSO generally, that rather than the constituencies being informed by the actions of an official review it will be the actions of the constituencies which will inform ultimately the review. So perhaps they can put it off now maybe they'll be able to put it off for a lot longer because it's going to be more effectively done.

For the chair, I would hope that this will not influence your decision to engage in the persist improvements that you had talked about wanting to implement at the GNSO Council as well, eh?

Jonathan Robinson: To the extent that that warrants a response, John, yes, I'm absolutely committed and I hope we all are to continuous ongoing improvement in everything we do. Chuck.

Chuck Gomes: Chuck Gomes. A quick question for Rob. I don't know if he can answer it or not but I'll give him his shot. Is it fair to assume that this new review audit

process would be subject to a public comment period or is this going to be a unilateral Board action?

Rob Hogarth: From everything that I've seen in the SIC discussions there would be community input into what that process would look like and various standards and requirements that would be proposed.

Jonathan Robinson: Thanks, Chuck. Wolfgang.

Wolfgang Kleinwachter: Another question to Rob. What is OAP? And would it be a good idea if ICANN could get each acronym a number?

Rob Hogarth: Thank you, excellent comment. We've been constantly schooled at reducing the number of letters on our slides. So OAP is a concept called the Organizational Audit Process. And one of the concepts here is - and it may be no more than wording - to shift the review to more a sense of it being an audit.

And that function would continue in terms of processes and criteria. And then the issues of structures, the issues of continuing purpose for the organization would move into that Affirmation of Commitments space and the discussions of strategy on an overall structure.

Thanks for the question.

Jonathan Robinson: I've got Zahid next and then we'll close the topic.

Zahid Jamil: Rob, thank you for that OAP, that was interesting. Thank you so much. I just wanted to say, you know, you're informing us, I think it's less about you and our discussion, more about the Council having to sort of decide what to do about it. So it's not about us messaging out to you so thank you for the update.

Two points come to mind. One, it's important that we realize that the delay is to a date that is unspecified. So it's open-ended. That is what concerns many people. At least if we knew that there was a delay by one or two or some number of years we could think about it.

And in that context, I hadn't thought about this but Jen, you reminded us about the review - the self review. And I think we had discussed this if not in Beijing I think maybe at an earlier meeting. And so if you could send that around, Jonathan, that will be helpful because I think that would be one of the solutions in the meant time that we could do. So just wanted to support that idea. Thank you, Jen, for bringing it up.

Jonathan Robinson: Okay, so thanks to everyone for their input. Just to - I think what I said at the outset still holds and I hope it doesn't override any of the discussion points that have been raised. Essentially, to my mind, there are three points; it's how do we feel about this delay, this change to the review process? Do we or do we not, as a Council, provide input into that - into the request for a comment on that? And, finally, what do we do or not do in terms of our own, if you like, self review work?

So those are the three open items. And I think we'll capture those within an action item on our action items list as sort of A, B and C under that list. And we'll continue to take those up.

So thanks for constructive input. And we can hopefully capture all of that and move that forward going into our next meetings.

The next item picks up on the work on cross-community working groups which has been on our table for some time. We did some work and prepared a GNSO set of principles on cross-community working groups, circulated these and ultimately got comment and feedback from the ccNSO.

Now I don't believe - I don't recall this was something we discussed on the weekend sessions, was it? So it's something which I don't know how fresh or current in everyone's minds this is. We really need to review the input of the ccNSO and decide what action we take next.

It's really - I'm really open to hearing from anyone - any comments or input or questions on this. And I think given the pace at which we've all been working and what's been going on it is understandable if you haven't had anything.

Alan, you have a comment? Let's hear from you then, please. Jeff, as well after Alan.

Alan Greenberg: I just - a question.

((Crosstalk))

Jonathan Robinson: Sorry, Jeff.

Jeff Neuman: Oh after Alan. Sorry.

Alan Greenberg: I was just going to point out that I think it may make sense to pass this document by and ask for similar input from the ALAC before you try to integrate the ccNSO with yours. Otherwise we're going to take the combined results of your two deliberations and get a third in which - then I guess has to be passed by both groups.

So since the GNSO one was done as a first stab at issues the GNSO thinks important perhaps a similar exercise with the ALAC and then the GNSO take both of them back and perhaps try to massage them and find something that's common ground.

Jonathan Robinson: Thanks, Alan. My understanding was - is that we had already done so. But we - if not I'm slightly surprised then and we certainly should do so.

Alan Greenberg: Not in my recollection. But...

((Crosstalk))

Jonathan Robinson: In any event, Julie, you have a point on this?

Julie Hedlund: Yes, we did originally ask all of the groups. It was quite awhile ago. It was only (unintelligible) that came back with comments. And that's why we - well it came back with a (unintelligible) to, you know, continue the dialogue on this and so that was why we specifically asked them for their comments which is what this letter is. And - but they are being ones we heard from when we asked.

Jonathan Robinson: Thanks, Julie, that was my recollection but there's no reason why we shouldn't hear further from the ALAC if - and so by all means, Alan, in your capacity as liaison, pick this up and feedback to us whether that's likely to receive appropriate and timely attention. That would be great.

Alan Greenberg: Will do.

Jonathan Robinson: Thank you. Jeff, you had something to say?

Jeff Neuman: Yeah, I mean, I know that whenever we did this - and it seems like forever ago - we had a cross-community working group. And John Berard, were you the chair of that or were you on that or...

John Berard: I wasn't the chair.

Jeff Neuman: Okay I seem to - can we just - and maybe discuss tomorrow referring it back to that group, Jonathan? If we just refer it back to that group? If we could dig up the archives to see what group that was, just refer this response back to them for them to work up a proposed response and...

Jonathan Robinson: Yeah. I think that's reasonable. But that's also conditional on maybe some input from the ALAC would be great.

((Crosstalk))

Jeff Neuman: That group - was that group open to anyone?

Jonathan Robinson: Yes.

Jeff Neuman: Okay.

Jonathan Robinson: And I think we probably - so that may be the right way to do it. Thanks, Jeff. Thanks for that suggestion.

All right I think - that sounds like a sensible enough suggestion to let that group pick it up. We'll see who is still remaining in our community and alive and kicking and willing to do the work. So let's see what we can do in picking that up. Thanks, Jeff.

Any other comments or questions before we move on to the next item?

All right, the next item is Item Number 10. This is the request from the Expert Working Group. And we had interaction, as you know, with the Expert Working Group, on gTLD directory services. Another way of describing this might be next generation Whois services but I think they've avoided that term and focused on gTLD directory services.

So we've had the report. We've had some input over the weekend. And really I think the question for us as a Council is are we, as a Council, in any minded to provide input into the comment on the initial report? Or are we going to leave this up to our respective groups and constituencies?

So I think that is the question before us. I don't know if there's any other comments or suggestions? John.

John Berard: John Berard from the Business Constituency. This of course is one of the dead horses that I continue to beat which is that this is, first and foremost, the responsibility of the individual constituencies and that's where it should reside.

Jonathan Robinson: I don't think it's a dead horse. I think it's a perfectly alive horse to beat. Jeff and then - Jeff.

Jeff Neuman: Yeah, I agree with John. I think this is not a GNSO policy activity. This was not initiated by the GNSO. It will ultimately - anything that comes out of this group will ultimately come to the GNSO if there is any policy or implementation it will come back to the GNSO.

And so I think the only thing I would like to see the GNSO say at some point is that we look forward to receiving the report and initiating the appropriate policy processes.

Jonathan Robinson: Jeff, a question for you and then Lanre, I'll take your input. Was that not sufficiently covered by my previous letter? I just don't want to keep writing letters. If you think - I mean, I wrote to the Chair of the Expert Working Group reaffirming or seeking his affirmation really that the work would - any resulting work would go through the policy development process and so on.

So before we move to Lanre can I just check if you want something other than that letter?

Jeff Neuman: No, that's all right.

Jonathan Robinson: Great, thank you. Lanre.

Lanre Ajayi: Yeah, I'm not sure this is the right thing to (unintelligible). The group is (unintelligible). I want to focus on giving input to the group (unintelligible), but maybe the Council can encourage the constituencies to give the necessary input.

(Unintelligible) with the communities, constituencies and (unintelligible) presentations. We seem to forget that positive (unintelligible) expressed particularly in the area of (unintelligible).

So I would encourage all to (unintelligible) to that. We understand (unintelligible) the goal of the (unintelligible), to improve our policy, to improve (unintelligible) and all that stuff. So (unintelligible) which an aspect of it (unintelligible) about that. So it needs input to that (unintelligible) encourage people to give input (unintelligible). So I guess we can discuss on that.

Jonathan Robinson: Thank you, Lanre. I think that's a very good point and it's perfectly appropriate use of councilors and Council resources to go back to their groups and to remind them that their input is critical along the lines of what Jeff and John have both suggested. So point taken. I think that's incumbent on all the councilors to recognize the importance and potentially substantial nature of these suggestions and to go back and provide appropriate input.

We are equipped to do so based on the fact that we were properly briefed by the Expert Working Group so we should be in a good position to (unintelligible) along our respective groups to provide that input which is what I'm hearing from you.

So are there any other comments or inputs on this Item 10 at this stage?

Thank you. Volker.

Volker Greimann: Yes, I would like to say that I'm very pleasantly surprised by the results of the Expert Working Group. There has been a tremendous amount of work that has been done on a topic that has been very controversial.

And there are a couple of problems with that. I'm not going to go into them but I'm sure that each and every constituencies will find it within themselves to respond to the - provide comments to the report and bring up the problems because at this stage if the interim report becomes the final report in the way that it's phrased now the hard part of the policy work still lies ahead of us.

There's still a lot of work - a tremendous amount of work ahead of the GNSO. Once this has passed along and (unintelligible) that it currently has and the easy part has been done and now comes the hard part.

Jonathan Robinson: Thank you. Right. I think we'll close off that item. And we really move on to the last couple of items on our agenda. The first is if there was any other business that councilors would like to raise specifically for - on the agenda that hasn't been covered elsewhere? Any other comments or input that hasn't been covered?

Han Chuan Lee: Hi. Just as a - so this is going to be my last meeting as the ccNSO liaison and I'll be stepping down (unintelligible). And I'd just like to thank the councilors for having me for the past four years (unintelligible) and it's been a wonderful journey with you guys and it's been a, you know, (unintelligible) you guys as well.

And I'd like to thank Glen for (unintelligible) good care of the councilors but I know she take very, very good care of the liaisons and thank you again for such wonderful (unintelligible). And thank you for the past year, Jonathan for being patient with me. So I'd like to say thank you to the GNSO Council.

Jonathan Robinson: Thank you, Han Chuan. I think if you hadn't have brought it up I certainly would have. And we'd like to thank you for your involvement and participation

and so in my capacity as Chair on behalf of the Council I'd like to thank you for your involvement and it's been great working with you. And we'll look forward to meeting your replacement in due course. Thank you very much.

I think I would like to thank the councilors for a productive and interesting meeting. We're still going to hear if there's any other input from the open - on the open mic. But thank you all for your constructive positive input and the tone and quality in which it was delivered and received.

Clearly we would not be able to meet as a Council over the weekend and in this session and in all of the interim meetings without substantial support of the ICANN policy staff. And so I would very much like to thank all of them.

I don't think I'm going to single out anyone's names. I mean, we get some very high quality support and just generally I think we should thank them for that. It's great to get your support, ICANN staff. We have a tough job to do. It's difficult - you seem to have a tough job to do at times as well and we appreciate the support that you give us in doing that job so thank you very much.

We have had an open microphone, in essence, throughout the session but I think we would very much - I'm sorry, Volker?

Volker Greimann: Just before we move to the open microphone I would just like to make a small point - small suggestion. Seeing that we have this tremendous attendance here and tremendous interest in our session I would just ask that in future sessions we rename the open microphone to the GNSO public forum and have a separate point on the agenda so that we can generate more interest that way perhaps.

Jonathan Robinson: You mean the way we simply classify the item on our agenda? Yes, by all means I think that's a good suggestion, thank you. So would anyone like to contribute to the GNSO public forum? I see someone from - welcome.

Greg Shatan: Greg Shatan from the IPC inaugurating the pre-first GNSO public forum. I just wanted to respond to the points made earlier in the discussion of the first motion about whether it looked like a land grab, the references were to remarks that I had made earlier. And I wanted to come back and just clarify why I had (unintelligible) that.

Basically the motion as drafted mirrored language in the existing bylaws that refers to the way the GAC interacts with the Board. And that by using that language as a basis for the motion and if that language had made its way into the bylaws any standard rules for document interpretation would have meant that those words needed to be interpreted the same way as were the (unintelligible) interaction between the GAC and the Board.

I think we're all seeing, between Beijing and now, what GAC advice looks like. If their words were about GNSO advice in the bylaws GNSO advice would need to look the same.

I don't think that was actually Jeff's intention. If it wasn't it would have been better to use different words to get to a different result. The result of putting the bylaws in that way would have been something like GAC advice.

If you think that GAC advice is what you want GNSO advice to look like the motion would have been appropriate. So that was why I felt it looked like a land grab because that really is a different relationship whatever you think of it.

And I think there was also some language in there that referred the roles of the GAC - of the GNSO rather - in being responsible for providing advice to the ICANN Board on the implementation of policies relating to generic top level domains.

And, again, that may be what people think the GNSO should be doing but it's not exactly what the bylaws currently say the GNSO is doing with relation to policy or rather to implementation.

So, again, without expressing an opinion on whether or not - or maybe I am expressing an opinion on whether or not that's exactly what the role of the GNSO should be, by having that statement in the bylaws that would be the formal role of the GNSO. And that, to me, seemed like a considered expansion of the role of the GNSO and therefore that's why I felt it looked like a land grab.

I actually spent quite a bit of time playing with the words of the motion to try to convey a different sense that was perhaps less prescriptive and that would make it look like more of a discussion and a conversation and would need for the implementation not to be solid, which I actually agree with for various reasons. That exercise was academic.

But I think the sense - that sense could have been in a different motion whether it should have been a bylaw motion or not is the question. We won't know perhaps ever know. But I think that that was where my - a lot of reservations came from. Thank you.

Jonathan Robinson: Thanks, Greg. I know I've got Jeff next in the queue. What it does make me think your response is that there's plenty of constructive work we could do amongst one another and I'm looking forward to picking that up. So, Jeff.

Jeff Neuman: Yeah, thank you, Greg, for saying that. And I did actually get a chance to see the work that you came up with and I actually would have accepted that as a friendly amendment wholeheartedly. But my understanding is that you were not able to get buy-in from either your constituency or the stakeholder group and that it didn't percolate its way up to the top.

But just for the record I absolutely liked the wording that you used. Your wording was actually my intent. So it's too bad that it didn't get in front of the Council. Thank you.

Jonathan Robinson: Thanks, Jeff. If you could make sure you go and give Greg a big hug after the meeting...

((Crosstalk))

Jonathan Robinson: Are there any other contributions from within the room or from the Council itself? Thank you all, again, for a quality discussion. I know the outcomes weren't what everyone might have wanted. I think we've run a good meeting and had a quality discussion so thank you. And thank you for those of you who attended the meeting as well and made your quality contributions at the open mic.

Look forward to seeing you all at the gala this evening. And you'll be pleased to know we finished in good time to go and get changed into our glad rags and enjoy the festivities. So thank you all. See you soon.

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