ICANN Prague Meeting

ICANN BD / GAC prep - TRANSCRIPTION

Saturday 23rd June 2012 at 15:00 local time

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Coordinator: The recordings have started.

Stephane Van Gelder: Thank you very much. GNSO counselors please come to the table and we will begin discussion of forthcoming meetings with the GAC that is happening immediately after this session and then our meeting with the Board tomorrow.

So on to the screen thanks to Marika who's just disconnected everything. I was just about to say something nice about you but; no, thanks to the ever proficient Marika Konings. We have the GAC top topics - suggested topics up on the screen.

Expected impact of new gTLD program on GNSO constituency, that should take about two minutes -- it shouldn't be too long at all; update on GNSO councils consumer trust, choice and competition working group and IRC Red Cross, next steps after full rejection of recommendations; letter sent from GNSO Chair to GAC Chair providing an update on the Council's evaluation of the issue which was -- you have a link there.

You will remember we - the council instructed me to send a letter to Heather on that issue which I did a few weeks ago. And then the issue report itself and there's a link provided for that too, so those are the suggested topics.

We will go in to the meeting with the GAC at 4:30 this afternoon and that will happen until 6:30, 6:00 sorry not 6:30. And it will happen in their room which is the Hilton Grand Ballroom.

So as usual what I'm looking for in this session is perhaps some leaders for each topic if anyone is willing to volunteer to lead each topic into the discussion. And general idea of what we want to address in these topics.

So first of all can I start by asking if anyone wants to lead the Impact of the new gTLD program on GNSO Constituencies? I'm actually happy to talk about that if no one else wants to.

But if I - if I'm doing it, I will do it very quickly and open it up for discussion very quickly and just mention the fact that as we all know there are 1,930 applications for new gTLD's that will obviously have an impact on the current makeup with the contracted parties house which is made up of registries and registrars of the existing 22 gTLD's.

So a very different world that we're about to get into and what impact can we expect from that on GNSO Constituencies. I will not attempt, I am introducing this topic to provide an answer to that question. I will leave that up to anyone on the council that wishes to discuss. So does anyone else want to lead this topic first of all? (Unintelligible).

Man: It's okay that you already - I will just add the vertical as another part of it, you know. Not only new registries but it is prevalent that - that was going to change the market.

Stephane Van Gelder: Thanks (unintelligible). So you're relatively new to the council, so perhaps I should explain the unspoken role. But when I ask a question about who wants to volunteer the next person who asks a question is deemed the volunteer. Well, thanks very much for doing that.

And just make sure that you remember to get the EI point in there. Anyone else want to comment on this? Jeff, sorry?

Jeff Neuman: I think we also need to be a little careful here in what we say. We obviously know that the numbers are going to have an impact on, you know, the members of the registry, stakeholder group.

And the registries have actually done a lot of work to prepare for that and have done a lot of work on their charter. I want to make it - I want to make a couple of points or we should make a couple of points.

One is that it's something we've all been thinking about; two, work is already under way, so I don't want them left with the impression that we're not prepared; and three, I don't want them left with the impression that the impact will be on -- or that we know the impact on anything other than new numbers.

And what I mean by that is I don't want them left with the impression that the current structure as we know it can't survive because it's going to have such a huge impact.

You know, that may or may not be the case we'll find out in a couple of years. But I don't want them left with the impression that we're going to topple over because we have new members or that the GNSO should fundamentally change the way it works because we're going to have new members.

Stephane Van Gelder: Thanks that's useful. (Thomas)?

(Thomas):   In terms of the - the impact of the new registries my personal impression for brand owners that I - that I consult in my legal practice is that they want to stay away from it.

So I think that the question might be the opposite, how do we get them engaged? So I would fully subscribe to what you were saying Jeff that we don't expect substantial changes to take place.

But I would -- and if I may so unless the group decides otherwise -- rather sit back the fact, how do we reach out to those new entities in order to get them involved in order to make them heard. But that's rather an outreach than a structural issue.

Stephane Van Gelder: Thanks, just to pick up on one point that you made which I think is important while I'm doing that I'll write down people's name. But I don't see -- you said I will make that point if - if the council let out need to make that point or something like that which this is very much an open discussion that we're having with the GAC.

But I would like individual counselors who are obviously welcome to speak just make, you know, we'll try and find seats for everyone at the table. If that's not possible, just put your hand up and I'll guide Heather towards you so that you can - you can speak.

But what I would like you all to remember is - is to be constructive as far as the GNSO Council goes, that is my only mission is to make sure that as we have done on a few occasions with the GAC. We don't look like we're all fighting each other which is not only not true but also not constructive in front of governments.

And I'm sure that will illicit some comments from some people, but that's the only recommendation I would have. The comments you've just made I think

are fine and, you know, as long as - as we are all mindful that we're all trying to serve a greater cause, then I'm sure that will - that will be fine.

(Thomas): Just to be sure so we can verify why my statement simulated your response.

Stephane Van Gelder: Because it made me think about other cases where you - you politely asked if you would able to make that comment. And at times we've had these -- I'm going to be very candid. At times we've had these discussions and everyone seemed to be in agreement in the room.

And then we walk in there and something different happens and it's unexpected. And it was at times not very pleasant. So the only thing that I'm saying is we take the time to prepare these meetings.

Let's do so collegiately and if what, you know, we can say whatever we like. We can defend whatever position we like, but let's not take each other by surprise. And that's why I thought of that when I was listening to you.

Jonathan, Jeff, Marilyn, Marilyn I supposed you're not just standing there for decoration purposes.

Marilyn Cade: Actually for that and to make a comment.

Stephane Van Gelder: Okay. Steve sorry, I had you before so you'll be first and who - who (Wolf), sorry. Steve.

Steve DelBianco: Thank you, Steve DelBianco, business constituency. For you to discuss this in Costa Rica that with respect to this changing that we're facing there's another event I think we should mention to GAC.

And that is that the by-laws require another review of GNSO -- Jeff's smiling. And that would actually - is required to begin next year. So it'll be happening roughly the same - the same time the constituencies have begun to alter their

charters with respect to membership will be doing a review not just of who belongs where and how people vote, but how effective our processes are, right. So an ICANN required review of the GNSO will happen next year.

Stephane Van Gelder: And perhaps you weren't in the room here Steve when we did actually talk about that. Jeff suggested that we hold off on that review because of those changes.

And I was making the point that the review was coming up and Jeff made that suggestion. Just to -- I don't know if you were there; don't know if you were there or not. (Jonathan) was next.

(Jonathan): You know, Steve picks up on comments that's been made by probably Jeff and (Thomas) earlier I think we need to indicate that we have thought about this. We've thought about it as a counsel and we thought about it in stakeholder groups.

So to the extent that we can anticipate what's going on we've done some preparatory work. And I think it will be useful as Jeff highlighted to explain particularly in the registry stakeholder groups some of the preparatory work we've done that perhaps others could do that if they have and then in fact links into the theme of the direction we've picked up from the Board in our interaction with the Board last time.

They were asking, you know, that we were -- had this on our agenda. And so from my point of view I think if we can answer it with that kind of theme or discuss it wit that kind of theme, it indicates both an awareness that we can't fully predict the impact and outcome but we have a coherence of thinking which I think is useful to demonstrate.

Stephane Van Gelder: Thanks. Jeff?

Jeff Neuman: Yes, I was just going to add just some stats for you the registry stakeholder group has 14 active members and right now as of - well as of a couple days ago, I think, I know there's been more, well we have at least 25 new observer members.

So that's already - we're already getting to double the size of our stakeholder group if not more. And I've had a couple of people approach me at this meeting saying that they were going to join. But I anticipate that at the end of the meeting we'll have well over 30.

So we've built in those processes for a couple of years now and are certainly prepared for what's -- at least what we believe is going to happen. And then again I really want that to be the key message for the GAC is that we're preparing as best we can.

This is not all come as a shock to us and we're doing everything we can to make everything smooth and have an ease of transition.

Stephane Van Gelder: Thanks. Can I just ask you then or one of the registry reps to make a point similar to that once I've done the introduction? I was joking earlier, I will introduce this but you make sure that you get in with those points whoever wants to make them. Marilyn?

Marilyn Cade: Thanks, Marilyn Cade. I wanted to associate myself with the comments that I heard (Jonathan) making and others have made about indicating that both within the council focusing on gTLD policy and within the constituencies and stakeholders that discussions about the changing face of ICANN which is what I call it is actually going on.

You will see and I think the way you're setting it up sounds really good. But I wanted to raise an aspect of the question that I wasn't sure I heard had been identified that I think the GAC is interested in.

So there is the question of a lot of new people are coming to ICANN. Where will they sit and what will they - how will they participate? And gTLD policy is one of the questions, but I think there may also be a question of whether the divide approach that we have structured in the past will still continue to hold in the future.

I would just say within the business constituency we're beginning to talk about that. But I didn't quite hear that recognition in the rest of the discussion that we've had so far.

Stephane Van Gelder: Thank you. (Wolf)'s next.

(Wolf): Thank you and thank you to Marilyn. If you look to what (unintelligible) it says expected impact on new gTLD policy concepts on GNSO constituencies or stakeholder groups so that's the question from the GAC to us.

And we should really point out for example from my constituency I cannot give an official statement tomorrow on that because we started that discussion will consume time in face-to-face meetings to talk about that thing.

So that's - that's not what we can say, on the other hand what the message from my point of view should be -- and I follow (Jonathan) in this way -- on the council really is that we will do it.

And this is also from (unintelligible) all what we can do that this model is going to survive - the ICANN model is this message must be very clear because, you know, all these programs and discussions going on from coming signals from the GAC. (Unintelligible). So this should be delicate and that's the statement we could give at the time being. Thank you.

Stephane Van Gelder: Thank you. (Thomas), sorry.

(Thomas): Thanks, Stephane. Two additional points that I anticipate the GAC might ask us on and we should at least have an answer and simply discuss what such answer should be is dealing with, you know, new types of organizations that enter the scene.

Those who run registries and also who run registrars, would they rather go to the registries or to the registrars if there were recommendations where they should find their home. You know, so we would have to species of hybrid organizations if you wish or hybrid companies.

And at the same time I think that looking at what is being commented after review date the GAC might be interested in finding out how we're dealing with extensive use in these and what their role is.

And I'm not sure whether the - the common answer of this group or whether there's any answer at all but I think that if the question has been asked, should at least be prepared to answer to it.

You know, particular the generic terms that have been applied for by a single registry.

Stephane Van Gelder: Thanks. Wendy?

Wendy Seltzer: Thanks, I just want to up one level in the framing of this question. I think what the GAC is looking to hear from us and what I think we can honestly tell the GAC is that we are prepared to take in the - the new participants.

We're prepared to integrate even people who don't yet realize that they should be part of this strange body. And that we are actively working to take the steps to make the GNSO council a useful place for them to interact than to make the conversations with the GAC productive.

So comments like Jeff's about the - the new participants as observers in the registrars, registries, stakeholder group, the outreach, the noncommercial and the NPOC are doing I think helps us to make that point.

Stephane Van Gelder: Me too. I think all those points are useful. Actually I've written down the fact that as you've just mentioned Wendy and bouncing off Jeff's point earlier on there is no expectation of substantial change, not saying that there won't be just saying that at the present time or we have a set of numbers.

We do feel we are able to take in newcomers as they come in some constituency or stakeholder groups are looking at that - looking at my fellow registrar reps.

I know we've also had begun to have discussions on that -- they're not looking at me so it's a bit one-sided conversation. But I know we've - we've begun in our group to have discussions as well.

And we do want to carry the message that the council is able to function in this new environment from what we can see right now. We're not expecting the council to self destruct as soon as the new gTLD's come online.

So that's the kind of message that I just take and pick up from this discussion. And once again all the points that were made please do not hesitate to, you know, I'll make a very great general introduction as just described. But don't hesitate to pick up those points during the discussion yourselves. (Alan)?

(Alan):   You know, I think - I think when you take all of what we said together there is a cohesive picture. We are planning. We do know what the initial effects are going to be. We believe we'll be able to handle things. We believe the current structure will be viable certainly for a while.

On the other hand we have no ability to within any certainty predict the outcome. And that's why we are starting to talk about deferring the review for a year because it doesn't make much sense to have an external review group come in and review the structure just before it changes that critique that.

It will make a lot more sense to review structure once it's under the stress and they'll be able to make fair recommendations if indeed, changes is necessary. So it all does hold together at this point.

Stephane Van Gelder: Thank you. Let's move on to the second point which is an update on the - the consumer trust. Or was it? Okay, good. You discussed it this morning what we would say with the GAC?

Jeff Neuman: We started it, yes.

Stephane Van Gelder: So who's leading that?

Jeff Neuman: So - so we had -- since Steve was the one - Steve DelBianco was the one that presented to the council we thought that it made sense for him to do a brief update.

Steve has actually had some dialogue with GAC representatives at least on - on some of the topics that they may want to have addressed. And so we thought that Steve would make sense to do a shorter version of what he did today, but getting our involvement in.

Stephane Van Gelder: And that's okay with you Steve?

Steve DelBianco: Sure.

Stephane Van Gelder: Great, thanks for volunteering to do that. Don't forget to tow the company line.

Steve DelBianco: (Unintelligible).

Stephane Van Gelder: Great. Okay, in that case let's move on to IOC and Red Cross. Did you also discuss this?

Jeff Neuman: We discussed the status of this but we did not get into what we would - how we would approach this with the Board. So not really, no sorry for the GAC, sorry we did not get into this.

Stephane Van Gelder: Okay. So can I once again ask is there anyone first of all wanted to volunteer on leading this topic with the GAC? Okay, Jeff, thank you. Do we need to discuss what we will say? So how are we - how are you going to introduce this?

Jeff Neuman: Well, I think what we can -- I think the bullet points there are a good way to - to -- well, we'll start first with the - what's been done since Costa Rica with the team, but then also go into the - the IGO issue, the letter that remind them of the letter that you had sent because I don't think there's been a response from the GAC on that letter.

                  And then also to -- or sorry on the updates -- and then go into a little bit of the preliminary issue report. But mostly as to the distinction between what will with the drafting team versus what the preliminary issue report is?

                  And that the council is at this point considering whether the issues of the Olympic Committee and the Red Cross should be folded into that PDP or not and that's for an ongoing discussion.

                  So its just a fairly short, John?

Stephane Van Gelder: John?

John Berard: So how will we -- this is John Berard -- how will we incorporate the April 12 letter that the GAC sent, you know, that Heather sent to Steve.

Man: The GAC sent to the Board.

John Berard: That Heather sent to - to Steve in which she laid out quite clearly that they were offering advice to the Board to protect the IOC and Red Cross second levels based upon international treaties and through national laws and jurisdictions.

And that any IGO found to meet those criteria should also be protected. So how do -- I mean...

Stephane Van Gelder: Can I ask a follow-up question to your question?

John Berard: Whose meeting is this?

Stephane Van Gelder: Mine, so actually you're right. I don't need to ask. If I can ask, I can just ask. So I will do that. No, I was just wondering is there consensus on some council what the Board has done in deciding not to pick up on the advice that it was given. Is there consensus that that's a bad thing?

John Berard: Right, for those of us who were here this morning we discussed the fact that we have no idea on what basis the Board made its decision. And so, no, there is no consensus because I don't know what the GAC could rally around.

But, you know, meeting with the GAC Heather's going to be thinking, "Hey, you know, I sent this letter off to Steve. I'm sure Steve ran into Stephane somewhere. Shouldn't the GNSO council be aware the, you know."

Stephane Van Gelder: So based on what you just said as instructions as it were to Jeff would be to say there's no consensus but we actually -- the question we're asking ourselves is how did this decision get taken in the first place?

John Berard: Right, so how do we throw the Board under the - under a Fiat 500, under a Mercedes or under a bus? I mean I think we point the finger and say, "Hey we each need to know a little bit more about what the Board intended and intends." I think.

Stephane Van Gelder: Me too. (Alan)?

(Alan):   Yes, I thought I was going to be raising an issue which hadn't been discussed but you guys have done a good job to start with. But I'll give a different position. I think we should really minimize any focus on the interim report and the Board rejection.

The GAC did not really ask to review the first level -- or the first level protections. The working group chose to try to make coherent where the staff location wasn't.

The Board ended up saying we don't think it's relevant at this time, history has proven them correct because no other applications would be caught by it. There's been an awful lot of angst in the community over that.

I just don't think it's worthy of a lot of things and I don't think the Board sends a specific message by rejecting it. I think they made a business decision the change the process a few days before the end where in their estimate it wasn't a particularly onerous issue may well have been the right decision.

The working group perhaps should have made the right decision for us not to have worked on it but we did, so be it. I think we need to focus on the second level of protections which are the issues they actually - the GAC actually raised and talk about going forward on that and how it interacts with the PDP and such and not focus on the past. Thank you.

Stephane Van Gelder: Thank you (Alan). I've got Zahid and (Thomas). I'm going to cut it off there especially as I forgot the first item on this list which we'll need to go back to. So Zahid?

Zahid Jamil: That's all right.

Stephane Van Gelder: Okay, (Thomas).

(Thomas):   I'd just like to say that I think it's not a good idea to point the fact that we didn't get information on resolution onto the GAC because I think that would sort of clearly demonstrate or give the - give them reason to believe that the relationship between the council and the Board isn't good that it's none effective if we didn't manage to find out so far.

I'd rather like to focus on the progress that we've made that we got information, you know, domain lists that we've analyzed with set scenarios that are out there.

And we did a lot of work in the catching up of what is going on Jeff and I think there are positive aspects on the part of the progress that we've made that you can highlight. And I would stick to those.

Stephane Van Gelder: Thanks (Thomas). Just on the first point on this list update on GNSO new PDP which I conveniently overlooked until Marika reminded me. I did have a discussion with Heather on this and I wasn't clear on what they wanted if memory serves gave an update in Costa Rica wasn't it?

(Background talking)

Stephane Van Gelder: (Catarina). Okay, so we - we recently updated the (unintelligible) and - and I believe - I mean I'm going to look through my notes just to make sure that I got the discussion right, but I don't think there was much of an expectation.

Heather's response was, "Oh, if nothing's changed, then we'll probably not talk about it." And I would suggest to Heather that we don't talk about it. I don't personally want to get into a debate on the PDP process which would probably take up the whole discussion when we have all these other items on the list which I feel are probably of more interest for both our groups. Marika.

Marika Konings: Any suggestion that you want to make to them of course let's just have it available if they want to have a more in-depth discussion on the PDP could suggest, you know, we have the new graphics and, you know, we have the timetable we did that we're more than willing to either come to them, you know, at one of their meetings here to - to go over that or, you know, as a separate occasion to talk them through it - through that if there's a real interest in, you know, getting a better understanding of what has changed and, you know, whether the timing is of, you know, the new revised PDP.

Stephane Van Gelder: Okay, I - I'll see how it goes with Heather. I'm worried that if I make that suggestion, it sounds like I'm fogging them off; you know, go to staff and get your update which might not be very diplomatic.

But I appreciate the suggestion that you make and I'll keep that in mind if - if I see I can work it in - into the discussion, thanks. So we've got little under a quarter of an hour to do - deal with the Board.

(Thomas): There was some points that we had collected in preparation of the GAC meeting update going to go somewhere...

Stephane Van Gelder: Are those the - are those points only the GAC's points? In that case I've certainly got less in my...

(Thomas): You know, I had proposed on the GNSO council list to discuss the - the expectation management for both GAC and the GNSO for industry and law enforcement in particular.

Because I - I think that there is room for such discussion, you know, since the GAC may well talk to law enforcement authorities in terms of what the implications of some of their requests are.

So I think it would be healthy to have a discussion on that, you know, not an in-depth discussion. But it is with great concern that I see and I'm getting back to the point that I made earlier that registrars are in the process of being forced to implement regulations that would com- that would contradict laws applicable to registrars in Europe. And I think that is something that government should know.

Stephane Van Gelder: Zahid, Wendy.

Zahid Jamil: I think it will be difficult in the - in the 12 minutes we have to get consensus to some of the people in the room on that because some of them have a view which may be sort of actually yes law enforcement should get the data.

So I -- if something that maybe will necessarily get us into position to check on your point.

Stephane Van Gelder: Okay, that's a fair point. Wendy?

Wendy Seltzer: I just wanted to - to follow-up on (Thomas)'s point. I think we can ask the GAC for help in answering some of those questions that were posed particularly on the privacy implications since the GAC has connections to its privacy and data protection, commissioners, we could ask for their help in raising the concerns that might or might not exist with regard to data verification or retention.

Stephane Van Gelder: We're clearly venturing in an area here where there is no consensus, not that I have an opinion on the matter which I do. But I'm not

going to say but I can see over there, there's some strong support for one position. I can see over here there's some worry from that position.

(Thomas):   This is not to preclude the outcome of the discussion.

Stephane Van Gelder: No but it's - to initiate this discussion with the GAC then you're on - already on harking up dangerous...

(Thomas):   I think the GAC is as diverse as the GNSO council is and I think it would be at least worthwhile highlighting to them there are certain difficulties I mean we have European representatives into the GAC.

Stephane Van Gelder: It may be worthwhile, sorry to cut you short but time's running out. But if there's no violent consensus for it, then we don't do it and that's the way it works. You know, if there was violent opposition to - to doing something, then we try not to ignore that violent opposition even if we don't agree with it. Jeff?

Jeff Neuman: Yes, I also want to point out that we should really only be addressing topics that are currently in the council's purview. And right now we don't have an active PDP, we're on a suspended PDP on those types of issues.

But at this point there's nothing before the council which would make that discussion -- meaning in addition to what Stephane said -- but I don't think it's anything -- it's almost like a fishing expedition.

We can't go in there just with an open-ended question because even if the GAC is as diverse as we believe when they present to us it's a unified voice. You're not going to get individual GAC members disagreeing so I mean unless -- and we don't have this on the agenda but the RAA is not on our particular agenda.

So I don't - I don't think it's wise to even bring it up at this point. I mean people may disagree but we don't have the consensus here and it's not on the agenda. I think we should stay away from it with the GAC.

Stephane Van Gelder: Okay, Marika Konings forwarded the list of topics that we had from our side, let me just read them out. At this stage with time running out I don't know that we can get through them.

But let's just see what reactions they - they solicit. In what areas might the GAC wish to cooperate with the GNSO so we can prepare or plan resources? How can we council the GAC; help expectations of both the public of both the bodies? That's the point that you were making just now (Thomas)

I don't want to get back into it. Discuss the GAC feelings on the GNSO issues especially the IOC who submitted a request for reconsideration of the most recent decision not to change the GAGP? That's linked to the point earlier on I believe we have already discussed what they asked for.

How can the GAC and the GNSO improve their joint working relationship or our processes for joint engagement on areas of needed adequate, can they be improved?

Particular focus on efficiency and speed would be useful, for example would an informal joint standing committee of some kind be helpful? I suggest that we've asked that - a similar kind of question to the GAC on several occasions.

And they've always said they can't participate in anything because of the way that they are structured. So I -- at this stage I would suggest that both because time in this meeting is running out and because we haven't had time to adequately prepare these remaining topics.

We probably hold off these topics if we find that the discussion -- I think the topics that we have especially the one on the impact of the new gTLD program, the one on the IOC they are long topics.

I know Steve has promised to do a short update on consumer trust but there is the need to go into that topic as well adequately. So we may have enough material there to last us the - the hour and a half.

If not, then, you know, some of these topics which one's would we want to address. I suppose I would have to read the list out again because no one really remembers what they are. Can you do it?

I guess the idea really would be to identify which topics we definitely want to discuss; while that's happening let's just for five seconds go to the Board topics. You have the Board topics in a printed sheet in front of you.

The first one is the GNSO Council would like to discuss the role and responsibilities of the council with the Board. There have been several occasions on which the GNSO Council has been left out of the process.

Examples that would serve as the data for discussion on these issues RSC for URS Friday in tasks. On these topics, on this first topic certainly I think we can -- I'm certainly comfortable with making it an open discussion, you know, whoever has a few raises their hand with the Board.

We've done that much more freely than with the GAC in the past and I don't think there's ever been a problem with doing that. So you can -- let's just read those topics out and if everyone's comfortable doing that, we'll proceed with that because time is so short.

The second topic is specific discussions with the Board regarding the newly established new gTLD committee. How does it function? How can the GNSO help on with this committee?

Third point are concerns on transparency as well as effective communication. What else -- do we want to ask them what else are they considering in relation to changing URS, the task, the duration of ICANN meetings, points have already been mentioned, how can the GNSO help?

Anyone have any comments on those topics? Okay, good so we're comfortable with those. We have four minutes left, Marika were you able to...

Okay, let me just try and read these - these topics out again. Yes, John.

John Berard: The items that you list for discussion with the Board, wouldn't it not be easy for a member of the Board to say that they're all operational issues and therefore outside the scope of policy consideration and then move on to the next subject?

Stephane Van Gelder: I don't believe that discussing the role and responsibilities of a council of the Board is anything but appropriate for example.

John Berard: You know, but then the examples that you use they seem to fall more into how do we operate the program now the policy has been established that we should have them.

Stephane Van Gelder: Not - not on the first point but on my last point I see where you're going. I could -- and the last point is written down as a question. These are listed from a discussion that we had on the list, so some of these are not pretty full method interaction.

If there's a better - if there's a better way to format them, then perhaps we can - you can help us to find that. We have until tomorrow to do that so there's a little bit more time and flexibility which we don't have with the GAC unfortunately. Is that okay John?

John Berard: Yes.

Stephane Van Gelder: Thanks. So back to the GAC, so while we're still trying to get these things up, sorry, marked up from your...

Marika Konings: I think everyone should have received an email, at least the one that I got.

Stephane Van Gelder: So one - one topic that - that seems pretty harmless is that - is the first one. In what areas might the GAC wish to cooperate with the GNSO so we can prepare and plan resources? Everyone agree that's harmless? Chuck doesn't.

Chuck Gomes: Chuck Gomes here. No I don't disagree with that Stephane. It probably is harmless but if you do have time, it'd be good to mention to the GAC that you look - we look forward to their cooperation with this regarding the IGO - a possibility in the IGO PDP.

Jeff Neuman: Yes, and I think that's going to be part of the -- excuse me -- the IOC Red Cross...

Chuck Gomes: Okay, thanks.

Jeff Neuman: ...discussion. I was going to give an update on that including what we talked about his morning.

Stephane Van Gelder: (Alan)?

(Alan):   You know, I think it's - it would be useful if we can phrase it in a way that says we really need input and cooperation from some GAC members, not the GAC.

Because, you know, them speaking as a whole is a different issue but participation with a GAC members or selected GAC members in the work groups that are doing this work would be really useful.

It will give us a heads up and not allow us to get into a position where - where we do stupid things from their perspective and when we find out after the fact.

Stephane Van Gelder: Chuck?

Chuck Gomes: Yes, Chuck Gomes again. (Alan), I'm going to disagree with you on that. Individual participation from GAC members really has not added any value at all. I think what you're going to need in that is input from the GAC.

Now that doesn't mean participation in a working group by the GAC, but we need to ask them questions and say, "Do you agree with this? Can you clarify this? Can you help us here?" And then ask for feedback.

The few times we've had individual members participate it was good but the bottom line is, it doesn't mean anything with regard to the GAC. And we're going to need GAC input in that and it'll really facilitate it at the end what they will already have buy-in.

Stephane Van Gelder: Thank you. So going down the list we then have the LEA which is worded - which was worded by (Thomas) this way, how can the GAC and how can the council and the GAC help manager expectations of both public bodies especially LEA, an industry when it comes to fighting abuse?

So I think we agree to disagree. We agree that there's no consensus on going forward with that question, is that correct or not? Please.

Joy Liddicoat: I think Stephane -- Joy here for the record -- you said that it was volatile position and while I saw the heat injecting I didn't see Steve get violent.

Stephane Van Gelder: He can get violent if you want him to. Zahid, are you following or are you objecting?

Zahid Jamil: God, I feel like I'm in an awkward position now. I think that there are certain members of the GAC who at least support the process of the LEA's. And previous incidents that you mentioned in the GAC sort of represent that he has mentioned things as a BC.

And so that is a position and although it would be a challenge for us to not then speak if supposing this view was put forth, and then you would have a GNSO debate on not necessarily saying that we want to block anybody, but, you know, I'm happy for it to be in the discussions.

But then we have to - to give everybody an opportunity to respond as well as a common debate. If that happens, we need to just think about whether we want to do that.

There was one thought, there is the council of Europe represented. I'm not sure if they are there this time in this meeting, but they have a law enforcement stroke - side of law enforcement stroke privacy a responsibility in the same department.

So that may be helpful but I don't know how we communicate that. It's just that we start this debate I think it will become an issue. But maybe somebody wants to communicate that to the GAC in a different way, maybe not a debate at this time that could be a solution. They can draw that kind of informational systems from the council because they do both.

Stephane Van Gelder: Thanks Zahid. I think that's a clear answer and it goes along -- it's, you know, in the same vein as what I was saying earlier on that I think it's honest to say if this discussion starts, we will be in disagreement. And we will disagree in front of the GAC that's basically what Zahid's saying.

I think that's a fair point to take on board from both whether we then decide that we still want to have that disagreement in front of them or not. Well, you know my view on that but you're, you know, it's what the council wants to do. (Alan)?

(Alan): I don't have strong feelings on whether we should present it or not. But if we present it, I think we should present it as almost the statement that there are disagreements within the GNSO of some people valuing privacy over access and some people valuing law enforcement access over privacy.

They have some of those same con- same divisions and not raise it as a debate but simply as a fact that there are conflicts and any advice they can give or their members can give to help us resolve those would be welcomed.

Stephane Van Gelder: Thank you. I'm going to -- Jeff was in the queue and then I'm going to stop because it's past the hour, actually I've cut you off once before sorry, so can you promise me that you'll be very short?

Or in that case I'll cut you off, so Jeff?

Jeff Neuman: Yes, I just again I don't think there's anything to be gained by introducing even the way that (Alan) had said. Right now there's no current work of the council itself is doing on this subject.

And just to me - I mean the work that the registrars are doing they will eventually be a PDP. Once we actually have it as part of a concrete subject that we can talk about we can revisit it.

But I agree with Zahid that there's disagreement within the council. And I don't see what benefit it's going to be to raise it in front of the GAC right now.

Stephane Van Gelder: Thank you. (Thomas)? And then we'll cut this short.

(Thomas): I guess that's my idea is partly misunderstood. It's not to balance privacy versus the interest of law enforcement. It's just about compliance and I think that it may well be that even if we don't proactively bring up that topic, that the GAC is going to bring it up.

In which case, I would volunteer to - to respond that we have different views of regimes and that proposals as they stand don't match our jurisdiction that are in the ICANN ecosystems.

But that's just as a response I'm happy to not bring it up proactively in the light of the discussion we just had.

Stephane Van Gelder: Thank you very much. So let's stop there. We are expected in the GAC room which is the Grand Ballroom in 25 minutes. And hopefully we won't be outside of that room for 25 minutes.

And we are then all having dinner together well not all of us but the council members. And that has been very kindly organized by (Thomas) and (Glen). So I want to thank you both very much for looking after that - that dinner that and you need to make some points about the organization about dinner.

(Thomas): In fact, (Glen) just reminded me that when I said earlier that we're going to meet in the lobby, it's not the lobby with the reception in it. But we're going to meet here in the lobby at the door to the conference center. And the bus will leave at 6:45 so be there or be square. Thank you.

Stephane Van Gelder: Thank you very much. That's it for this evening in this room. We'll now meet in the GAC room. Operator, please stop the recording. See you in 20 minutes.

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