Note: The following is the output of transcribing from an audio recording of the GNSO Council teleconference on 9 March 2016 at 13:30 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:
https://meetings.icann.org/en/marrakech55/schedule/wed-gnso-council

List of attendees:
NCA – Non Voting – Carlos Raúl Gutierrez
Contracted Parties House
Registrar Stakeholder Group: James Bladel, Jennifer Standiford, Volker Greimann
gTLD Registries Stakeholder Group: Donna Austin, Keith Drazek, Rubens Kühl
Nominating Committee Appointee (NCA): Hsu Phen Valerie Tan - absent, apologies proxy to Rubens Kühl
Non-Contracted Parties House
Commercial Stakeholder Group (CSG);Philip Corwin, Susan Kawaguchi, Wolf-Ulrich Knoben, Tony Harris, Wolf-Ulrich Knoben, , Heather Forrest Paul McGrady – remote parcipitation
Non-Commercial Stakeholder Group (NCSG): Amr Elsadr, Stephanie Perrin, David Cake, Stefania Milan, Edward Morris, Marilia Maciel
Nominating Committee Appointee (NCA): Julf (Johan) Helsingius

GNSO Council Liaisons/Observers:
Olivier Crèpin LeBlond– ALAC Liaison
Patrick Myles - ccNSO Observer - absent apologies
Mason Cole – GNSO liaison to the GAC

JAMES BLADEL:	Good afternoon. We'll get started in a few minutes, so if I could ask councilors to come to the table and for guests to find their seats. Thank you.
	Okay, if we could have councilors taking their seats at the table, and for our guests, finding seats in the room. We'll get started here in just a few minutes. Glen, are we also -- I know that we have at least one, possibly two councilors that we're trying to reach.
GLEN de SAINT GÉRY:	James, we have Paul McGrady on the line, and Valerie Tan has given her proxy to Rubens Kuhl. So she will not be on the line.
JAMES BLADEL:	Okay. Thank you, Glen.

Okay. Thank you. Glen, if you don't mind, could you begin the recording and call the roll and we'll get started.

GLEN de SAINT GÉRY: Thank you, James. The recording is started, so I'll do a roll call. Keith Drazek.

KEITH DRAZEK: Here.

GLEN de SAINT GÉRY: Donna Austin.

DONNA AUSTIN: Here.

GLEN de SAINT GÉRY: Rubens Kuhl.

RUBENS KUHL: Here.

GLEN de SAINT GÉRY: James Bladel.

JAMES BLADEL: Here.

GLEN de SAINT GÉRY: Jennifer Standiford.

JENNIFER STANDIFORD: Here.

GLEN de SAINT GÉRY: Volker Greimann.

VOLKER GREIMANN: I'm here.

GLEN de SAINT GÉRY: Valerie Tan is absent, and she has given her proxy to Rubens Kuhl.

RUBENS KUHL: Here.

GLEN de SAINT GERY: Thank you, Rubens. Phil Corwin.

RUBENS KUHL: Present.

GLEN de SAINT GÉRY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Present.

GLEN de SAINT GÉRY: Paul McGrady is on the line. Paul, can you hear us?

PAUL McGRADY: Yes. Thank you.

GLEN de SAINT GÉRY: Thank you, Paul. Paul is present remotely. Heather Forrest.

HEATHER FORREST: Here, Glen. Thank you.

GLEN de SAINT GÉRY: Tony Harris.

TONY HARRIS: Here. Thank you.

GLEN de SAINT GÉRY: Wolf-Ulrich Knoben.

WOLF-ULRICH KNOBEN: Here.

GLEN de SAINT GÉRY: Marilia Maciel.

MARILIA MACIEL: Here.

GLEN de SAINT GÉRY: Amr Elsadr.

AMR ELSADR: I'm present.

GLEN de SAINT GÉRY: David Cake.

DAVID CAKE: Present.

GLEN de SAINT GÉRY: Edward Morris.

EDWARD MORRIS: Here, Glen.

GLEN de SAINT GÉRY: Stefania Milan.

STEFANIA MILAN: Here.

GLEN de SAINT GÉRY: Stephanie Perrin.

STEPHANIE PERRIN: Present.

GLEN de SAINT GÉRY: Julf Helsingius.

JULF HELSINGIUS: Present.

GLEN de SAINT GÉRY: Carlos Gutierrez.

CARLOS GUTIERREZ: Present.

GLEN de SAINT GÉRY: Patrick Myles, our ccNSO liaison, is present. Mason Cole.

MASON COLE: Here.

GLEN de SAINT GÉRY: And Olivier Crepin-Leblond, our ALAC liaison. I do not see Olivier. He is most probably tied up in other meetings. So James, we have a full house. Thank you very much. And over to you.

JAMES BLADEL: Thank you, Glen. So as per our normal order of business, does anyone have any updates or declarations relative to their statement of interest? Heather.

HEATHER FORREST: Thanks, James. I do have an update to my statement of interest which I did via our usual method recently. I have been appointed by counsel for Amazon to act as an expert in their IRP, and that's reflected in my SoI. Thanks.

JAMES BLADEL: Thank you, Heather, for that update. Any other councilors wish to make an update or declaration relative to their statement of interest? Okay. Excellent. Item 1.3 is to take a look at our agenda. Our agenda is

posted both on the meeting room and in the virtual Adobe Connect. Does anyone have any comments or suggested edits for our agenda? Okay. We'll consider that adopted and we'll dive right in.

So just opening remarks, we have a couple of motions that we are moving through, and then, of course, the main event which probably explains why we have such a packed house for consideration of the recommendations associated with the supplemental report of the CCWG on accountability.

So with that said, we can take a look at agenda item number 3, which is our consent agenda. And I don't know if Marika is still in the room, but I believe -- yes. Do we have any items on our consent agenda? Okay. And you'll have to bear with us, for folks in the audience. Because of the room layout we're catching up. We can't see the screens and see you and we had to make a choice.

So the single item on the consent agenda is to approve the leadership team which has been submitted for the new gTLD subsequent procedures PDP and that leadership team consists of co-chairs Stephen Coates, Avri Doria, Jeff Neuman, and Paul McGrady will continue to be the council liaison. So Glen, if there are no objections, we can proceed to a voice vote on the consent agenda.

GLEN de SAINT GÉRY: Thank you, James. All those in favor, please raise your hand. Are there any abstentions? No votes? It passes unanimously. Thank you, James.

JAMES BLADEL: Thank you, Glen. And thank you, councilors, and please communicate the results of that vote to the council liaison and our thanks and congratulations to the leadership team of that PDP.

Moving then to item number 4, we have a motion from Wolf-Ulrich relative to consideration of the proposal from the GNSO review working party, and I understand that we had some discussion on this topic over the weekend and it turned out to be a significant unit of work that has probably -- requires a bit more time. And I don't know if, Wolf, you would like to speak to this a little bit or -- I think that you had indicated on the

mailing list that you were considering a withdrawal. Is that, in fact, the case?

WOLF-ULRICH KNOBEN: Thank you, James. Wolf-Ulrich speaking. That is, in fact, the case due to the reasons you were just explaining here. And I would like to add that in order to save time and not to put it just on a -- on a very long -- long, long timeline so we should immediately start after that meeting to involve our communities with -- communities in that -- in that report to give them information in order to get comments on that so that they should be preferably in a position well to move a motion by the next time of council meeting which takes place I think early April. So we should do our best efforts to do so. Thank you.

JAMES BLADEL: Thank you, Wolf-Ulrich. So that -- that then effectively withdraws this particular motion on this item. And would note that the next scheduled council meeting is April 14, so that would be the earliest possible opportunity for council to reconsider this issue. And the document cutoff for that -- for motions and documents would be April 4, per operating procedures, so that would be the deadline to resubmit the motion which can be resubmitted by any councillor. So anyone have any comments on that item of business or can we consider agenda item 4 closed okay. We're just tearing through our agenda today.

Agenda item number 5 is adoption of the PDP charter for a review of rights protection mechanisms in all gTLDs. Now, for those who follow council closely, and I'm assuming that's everyone here in the room, you'll remember that we adopted the PDP itself at our last meeting but there were some concerns amongst many counselors that the charter was problematic and contained some open questions that needed to be resolved.

Since that time a group, a small group of councilors has gotten together and I think done some amazing work in hammering out those loose ends and getting that charter ready for presentation back to the council.

I do note that the motion itself, which was made by Phil and seconded by Heather, has two items that need to be filled in. One I believe would

be the -- the council liaison. We're still looking for someone to volunteer to be the council liaison for this PDP, and the second one being that when the charter is adopted that then prompts a call for volunteers to join the working group, so we'll have to establish a time frame for that. Phil.

PHILIP CORWIN: Yeah, thank you, James. First time I'm presenting a resolution so I'm not quite sure the exact procedure. On the two items you just mentioned, I am more than willing to serve as the council liaison while this working group is being organized, but we haven't discussed this in council. I don't want to -- if others have a similar desire, I don't want to try to take it for myself. I would propose that for the time we insert 14 calendar days after the council's approval of the motion for the -- for that part of the resolve clause. So I don't know if we need to discuss that before I present the entire resolution for discussion and vote.

JAMES BLADEL: Let's button up those two last open questions. We'll fill them in in the language of the motion and then I'll turn it back over to you to present. So does anyone -- any other councilors have a concern or question regarding Phil's gracious offer to volunteer to be the council liaison for this effort? I don't see any issues there, Phil. I think we're all happy that you stepped up to do that.

The second part was 14 calendar days past the adoption of this motion to call for volunteers. I -- I think procedurally that's fine. I think perhaps we might consider giving a little bit more time since we're all sitting in Morocco and we have a little bit more work to do this week and then travel home. I maybe would even entertain little bit longer.

PHILIP CORWIN: I was going to say that date -- council -- staff suggested that, but I'm fine with 21 days, given that we're in Marrakech and there may be a lot of interest in this working group. So I think 21 days would be fine, so far as I'm concerned, if that's acceptable to other councilors.

JAMES BLADEL: Any concerns? I see thumbs up from Keith. And thumbs up from some other councilors, Amr and Marilia. Looks like we (indiscernible) break

back. Awesome. Thank you, Phil. So if we could ask staff to please make those changes in the language of the motion, which I think is happening if I look at my screen for a couple of seconds there. Then the next order of business would be to turn it over to Phil and have him present the motion, and then we can proceed to a vote.

PHILIP CORWIN: Right. Well, thank you, James. And again, Phil Corwin, for the record, representing the business constituency. I believe the proper procedure is to read the resolve clauses. Is that correct?

JAMES BLADEL: That's correct.

PHILIP CORWIN: Okay. I'll read those, and then I have a very short statement in support of the charter and the motion.

Resolved, the GNSO Council approves the amended charter and appoints Philip S. Corwin as the GNSO Council liaison to the PDP working group for the review of all RPMs and all gTLDs.   Point two, the GNSO Council directs ICANN staff to issue a call for volunteers for the PDP working group after the approval of this motion. The call for volunteers should be circulated as widely as possible in order to ensure broad representation and participation in the working group and initiated no later than 21 calendar days after the Council's approval of this motion.

Three, until such time as the PDP working group selects a chair or chairs for the working group and that chair or chairs is confirmed by the GNSO Council, the GNSO Council liaison to the working group shall serve as the interim chair.

And the fourth and last point, the GNSO Council directs consistent with the charter that the -- that a liaison between this PDP working group and that for the PDP on new gTLD subsequent procedures be appointed as soon as both PDP working groups are convened in order to assure consistent communication and coordination between the two working groups, including ensuring that any issues identified by either working group relating to existing or potential RPMs that are not covered by the

scope of the respective charters are referred to the appropriate working group by the GNSO Council in a timely manner.

So that -- that is the four resolve clauses. In support of this motion, I would note that this motion and the charter that we're approving reflects the weight of public comments on the final issues report on the review of all RPMs and all gTLDs. It assures coordination of the work of this group with the working group on subsequent procedures. And it guarantees review of the UDRP, which is the only ICANN consensus policy that has never previously been subject to any review. So with that, I will end and urge the support of all councilors for this motion.

JAMES BLADEL: Thank you, Phil, for presenting the motion. And I would then open the floor to any councilors who would like to speak to this agenda item. Heather.

HEATHER FORREST: Thanks, James. Heather Forrest. I'd like to echo the comments made by Phil. I, along with my colleague Paul McGrady from the IPC, served on the small drafting team that evaluated the charter in light of the public comments that were received and I appreciate the fact that we had an opportunity to have robust dialogue on that charter. I think it was an opportunity well seized to have the small group formed, and I think we are in a better position than we were, having deferred this from our last council meeting. I think we're more comfortable, have a better awareness of what the charter says and how that will impact the PDP's work. Thank you.

JAMES BLADEL: Thank you, Heather. Any other statements? Ed.

EDWARD MORRIS: Thanks, James. While I very much appreciate the work my fellow councilors did to make this a better charter, we've been waiting a decade for review of the UDRP. So though I realize my vote won't impact the final result, I feel it necessary to vote no on this charter so that folks

understand that at least there were portions of the GNSO that find this continued delay to be unacceptable. Thanks.

JAMES BLADEL: Thank you, Ed. Any other councilors? Phil?

PHILIP CORWIN: Yeah, just in quick response to Ed. I, too, have been waiting a long time to initiate a review of the UDRP. I would have preferred that it had started back in 2011 when the council decided to defer it until we had a review of the performance of the RPMs. But I think given the totality of all the considerations that went into shaping this charter for this working group that the most logical way to proceed is to first address the new TLD RPMs and then proceed to a well-considered review of the UDRP. So I understand your concerns, but I certainly plan to vote yes on this motion.

JAMES BLADEL: Thank you, Phil. Other thoughts? Okay. Thank you. And I believe, then, we can proceed to a vote.

Are there any objections to a voice vote? Since this is an adoption of council or, sorry, an adoption of a charter and not the initiation of a PDP, I believe we are allowed a voice vote. Any concerns with that? Okay. Glen, can we proceed with a voice vote, please.

GLEN de SAINT GERY: Thank you, James.

Anyone who is not in favor of the motion, please raise your hand. Recorded, Ed Morris.

Anyone who would like to abstain, please raise your hand. No abstentions.

All those in favor of the motion please raise your hand. Thank you.

James, it passes with one "no" vote.

JAMES BLADEL: Thank you. And we'll record that vote. And, first, just to close off this agenda item, I would say thank you to the group of councilors, once again, that took this issue aside and prepared the charter. I understand it didn't meet unanimous approval, but we got a lot further than we were in our last call. And I think that that bears some acknowledgment to your work and your achievement. So thank you. And thanks to Phil, again, for taking on this role as the council liaison.

PHILIP CORWIN: And thank you, James, and thank you fellow councilors and thanks for participating in the subgroup with Heather and along with others. And it was a productive, constructive engagement and showed council work at its best. And I appreciate the work of all the councilors who engaged in that discussion.

JAMES BLADEL: Okay. Thank you.

                         So now we can proceed to item number 6 and, of course, the reason why everyone's probably here. And I imagine all the laptops are closing now as folks are excited for the item.

                         But we can talk a little bit about -- first off, we'd like to present this particular motion. To discuss it would be Thomas Rickert. We would have a brief update from Thomas.   I think we all are very familiar with the structure and contents of the submental report and what we're being asked to do. But I've asked Thomas to come in and give us an update on what's going on in the other communities, some of whom may be further ahead of us and some whom may be a little further behind. And, Thomas, can you give us state of the affairs.

THOMAS RICKERT: Sure, James, thanks. Be more than glad to do that. When the council had its meeting on the weekend, we could already report that SSAC and ASO had expressed their approval for our package. We, as you know, have green light from the CWG with respect to the dependencies. Over the weekend we got ALAC approving our recommendations as well.

And last night, after very, very long deliberations, the GAC has approved -- or, you know, it's slightly more nuanced, but they have given green light to pass on the report.

And, if you look at the wiki page for the CCWG, you can't imagine how I love the beauty of the visualization of the level of approval/non-objection. So that's -- it's really great that we see the blanks filling. And it's only the ccNSO and the GNSO missing on that list.

The ccNSO will have its deliberations on this later this afternoon. And, hopefully, both the GNSO and the ccNSO will then complete the list of those that -- whose feedback we're all waiting for so eagerly.

Maybe, just by way of information, the GAC has chosen to come up with a slightly more nuanced way of responding to this. So they've highlighted that there was no consensus on approval neither rejection of particular recommendation 11. But they are okay with sending on the report to the Board.

And I guess that's the core message. That's sort of equivalent to what we saw the GAC doing with the CWG recommendations. So we're good to go.

And I should say it's been a one-pager. So it's been very brief. That was great to see.

And they were faster than you guys. I guess that's also remarkable, isn't it?

So, with that, unless you have questions, I guess that would do it for me at least for the status update. And I wish you all well for the vote.

JAMES BLADEL: Thank you, Thomas. Appreciate that. And what we were doing was we were deliberately holding back so that we would cast the decisive vote to put this over the top. So we let the GAC go first.

I'm glad that you appreciate their nuanced response. Hold on to that thought.

[Laughter]

Does anyone have any questions for Thomas relative to updates either on the status of approval, perhaps what happens next, anything immediate next steps here in Marrakech? I mean, clearly, we have big picture items like implementation and things. But -- just see if we have any particular comments first. Thomas.

THOMAS RICKERT: Just to say that we have another CCWG session tomorrow starting at 9:00 for three hours. And we're going to have an in-depth discussion on the process to get the bylaws drafted. So I guess that's something that many of you will be interested in. Certainly, the work for Work Stream 2 is important. But the immediate action is in the area of bylaw drafting. And we will shed some light on that tomorrow after having discussed this with ICANN staff and the Board as well. And our two law firms that are working for the CCWG.

JAMES BLADEL: Thank you, Thomas. And, just for the record, we've been joined by our ALAC liaison, Olivier. Good afternoon.

OLIVIER CREPIN-LEBLOND: Yes, good afternoon, James. Apologies. I was right next door with the Board. So apologize for that.

JAMES BLADEL: Understandable. Thank you for making the time. Appreciate it. Okay.

Any other questions for Thomas? Amr. Thanks, James. This is Amr. I didn't have a question for Thomas, but I did want to make a quick comment that I have individual comments on some of the recommendations -- seven of them to be exact -- 2, 5, 7, 8, 10, and 12 that I'd like read into the record along with the votes on each of these recommendations.

But I wanted to take the opportunity now to clarify that the intent of these comments does not in any way imply that we would like to reopen any negotiations on them. It doesn't -- there's no intent at all to direct the implementation of the recommendations. These comments are only

meant to either reflect our understanding of what these recommendations mean or possibly some concerns with them.

But these concerns are being raised in the context of councilors who I'll be naming individually on each of these comments who are voting in favor of the recommendation. So these comments do not in any way reflect a no vote or any such concern. Thanks.

JAMES BLADEL: Thank you, Amr. Just as a thought, we're going to come to that here in just a moment. Because I think you've -- as you've indicated, we are going to be accepting statements from either stakeholder groups or individual councilors. That's part of our voting process, which is going to be a little different than voting processes we've used where you just saw us burn through the first couple of agenda items.

But, before we do that, unfortunately, we still have some unfinished housekeeping in that I have to present the motion. And it is still as of yet unseconded. So I would ask -- yes. Donna and Heather have offered to second the motion as the two vice chairs.

Has that been recorded? Okay. I'm sorry. It was seconded before I came to the room. I apologize for missing that. Ed?

EDWARD MORRIS: I was under the understanding that we had pulled votes out at our meeting last night to actually vote on. Now we're not doing that.

JAMES BLADEL: We are doing that. I just haven't gotten to that point yet.

EDWARD MORRIS: Thanks.

JAMES BLADEL: Yes, Heather and Amr.

HEATHER FORREST: Thanks, James. Heather Forrest, on behalf of the IPC and really in the role of vice chair with Donna. I'm pleased to offer the second as a show of council's general support for what we're doing today. Thank you.

JAMES BLADEL: Thank you, Heather. Okay.

Any other comments? Amr.

AMR ELSADR: This is Amr again. Sorry. I made a mistake in my earlier comment. I have no comment on recommendation 5. I said that I did, but I don't. So apologies.

JAMES BLADEL: Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Yes, thank you. Wolf-Ulrich speaking. I have to file a little bit of a concern with regard to the process.

We had agreed to a process including how we are going to vote on and what is going to be with regard to the additional statements.

So we have expected that those statements should be available sometime before this council meeting in order to give the council members and their related respective communities a time to look at it.

I would like to say that this is not very helpful, especially for all communities of constituencies and maybe also for others, as those comments came in so late. One was just filed five minutes before the council meeting started. And others are still not filed here.

So I really do expect that we do not have some surprises when we see those statements. Thank you

JAMES BLADEL: Thank you, Wolf-Ulrich. So, if I can just respond quickly. The original absolute deadline that we'd established was I believe 1800 UTC for any

comments to be ensured that they would be transmitted along with our report to the CCWG co-chairs.

We had asked, as you correctly stated, for councilors to get those to the list as quickly as possible as quickly as feasible so that we would have time to review.

I would note that, because of the late hour that the GAC approved theirs -- and I'm not trying to pass the baton here a little bit. But I do note that that caused some folks to go back and make some edits to their statements. Or at least that's what was communicated to me.

So I understand that, because of the timing and, you know, this has occurred and this is not helpful. But I would just -- I believe that that is more an artifact of the condensed schedule and time frame and not necessarily an indication of anyone trying to take advantage of the process. I just think that it was more a function of trying to keep up with the events as they were changing.

So we'll go to Keith.

KEITH DRAZEK: Thank you, James. Keith Drazek, for the transcript, registry stakeholder group. I will agree with Wolf-Ulrich that it would have been nice had the statements been submitted as we'd previously discussed.

I agree, though, with James that I think this was more a function of timing rather than anything else. And I'll say for myself that the -- because we have a common understanding that these statements are non-conditional, they are simply statements to be read into the record, they do not in any way influence the indication that we have received prior to the meeting about the intention of voting. I'm less troubled by the fact that they were not submitted on time.

So I think that -- I hope also that there are no surprises. But I'm less concerned because these statements are intended to be fully unconditional or non-conditional. Thank you.

JAMES BLADEL: Thank you, Keith. Would any other councilors like to weigh in on the issue of timing of statements submitted to the list? So I would just

reiterate that the absolute deadline to receive statements is -- I'm looking at staff here to tell me, if I'm wrong -- 1800 UTC today. And I realize that's very short. But we're trying to get this to the Board for their consideration and so on up the food chain.

Also, you know, I would just personally state that, if comments are submitted after that deadline, we will do our best to submit them to the co-chairs. But I just [dropped audio]

... incorporating the affirmation of the commitment into the ICANN bylaws. Recommendation 12, committing to further accountability work in Work Stream 2.

Resolved, 2. The GNSO Council instructs the GNSO Secretariat to share the results of this motion with the Chairs of the CCWG-Accountability as soon as possible. Recommendation -- I'm sorry. Resolved 3. I said "recommendation" too many times.

The GNSO Council wants to express its sincere appreciation to the CCWG-Accountability,the GNSO members and participants in that effort, and especially the GNSO appointed chair, Thomas Rickert, for all their hard work and delivery of supplemental final proposal Work Stream 1 recommendations.

So that is the "resolved" clauses. And now I'll describe the voting process. As you may have noticed, some of the recommendations are missing.

I believe that the goal here is that we initially proposed that all recommendations would be subject to a voice vote unless any councillor wished to remove them from that package of the voice vote and vote on them individually via roll call vote. Those recommendations that you see in item number 1c through 1j -- or was that l -- those recommendations are, in fact, the recommendations that were left in the package after councilors had expressed their list of recommendations they'd like to see individual votes.

So we will first proceed with a voice vote on these recommendations. We will then go back and individually conduct a roll call vote on those recommendations that you don't see in this list -- specifically, 1, 2, 6, 10, and 11.

If any of those individual roll call votes were to fail, fail to achieve adoption, which is majority of both houses, we would then proceed to a new vote, one subsequent vote which would essentially vote on the entire package as a compromise, which I believe is very similar to what the GAC has done, which is recommending that the report go forward despite less than unanimous adoption of some of the elements of it.

And, finally, as you heard Amr allude to, we are going to entertain statements from any councillor either on behalf of their stakeholder group or on behalf of them individually that can either be spoken, if they're extremely brief, or submitted into the written record. And these statements will be transmitted along with our report to the CCWG co-chairs. Did I leave anything out? I think I'm ready to proceed again.

PAUL McGRADY: James, this is Paul McGrady. I raised my hand, but I have a quick question.

Will the statements be before the vote or after the vote? It would seem to me that it would make sense before the vote.

JAMES BLADEL: I'm fine either way, Paul. I hadn't considered that to be an item of contention. Does anyone have any objections to reading the statements before the vote? It would essentially serve in lieu of a discussion where we would normally discuss a motion. Instead we would hear the statements. Paul, is that --

EDWARD MORRIS: James, if -- if there's an abstention, I believe we have to have the explanation after the vote. It's a point of procedure.

JAMES BLADEL: Is that correct?

BERRY COBB: James, this is Berry. At the conclusion of the entire vote then you'll ask for any abstention statements, and that can either be provided verbally or sent to the list and we'll document it in the motion.

JAMES BLADEL: Okay. Thank you, Berry. And yes, thank you, Ed. So in the event of any abstentions we would then offer an abstention statement, which could be the same as the statement that's given in addition. It could serve both purposes, I suppose.

Okay. So with that, let's begin the queue for statements associated and let's focus now on the package of recommendations that are going to be subject to the voice vote. Let's start with those. I would ask that councilors, please, try to be brief, a few sentences. If we feel like we're going with extensive statements and we have a large number of them, then we may, in the interest of keeping time, ask for statements to be submitted into the written record. Also, I would just note that it's the written statements that will be sent along with the -- with the report, not necessarily the transcripts, although Thomas and his co-chairs are certainly capable of getting that. So, I will begin the queue for statements. Marilia.

MARILIA MACIEL: Thank you, James. Just a clarification. Can we comment now on any of the proposals that we set aside or are you going one by one? Just making sure I understand.

JAMES BLADEL: So if possible, if you have statements associated with this group of recommendations that will go through the voice vote, if we can have statements that are attached to those recommendations and then we'll have the other ones individually. Amr.

AMR ELSADR: Thanks, James. It's Amr. Within this package would it be okay if you just go through just each recommendation? You don't have to read it. Just say any comments on recommendation 2, for example, then we -- whoever needs to submit a comment on that recommendation goes ahead and just go through them one by one? Just the ones within the package for now. Might be easier and clearer for folks in the room and for us as well.

JAMES BLADEL:	Yeah. We'll just say that's a creative way of running the queue. As opposed to councilors, we'll do it by recommendations. Okay. So any comments --
PAUL McGRADY:	James, I'm sorry --
JAMES BLADEL:	Just a moment, Paul. Keith.
KEITH DRAZEK:	Thank you, James. Keith Drazek. Just wanted to note that on the screen in the motion and also in the Adobe Connect the list of recommendations is the entire list. It's not segmented out. So there may be some confusion, for those observing in the room or in the Adobe Connect. In other words, what we've talked about is pulling out some from the package, and it's not clear on the screen which ones those are. So as we go through the list, it's probably worth restating which ones are in the package for the voice vote and which ones have been pulled out for individual comment, just so we're all on the same page. Thanks.
JAMES BLADEL:	Thank you, Keith. The screen is behind me so I did not notice that we had two separate lists, one in the Adobe room and then one behind me. So Paul.
PAUL McGRADY:	Thanks. Paul McGrady, for the record. So to make this even more efficient, and I think speed the process, for example, the IPC have submitted its comments to the GNSO Council list. It is -- would be difficult for us to unpack that recommendation by recommendation. And so can you perhaps first call for any -- any written comments which have already been submitted which we can then acknowledge and then adopt Amr's approach on the recommendation by recommendation so that we aren't recreating our wheel which has already been submitted in its entirety?

JAMES BLADEL: Perfectly reasonable, Paul. You have the floor to introduce the IPC statement.

PAUL McGRADY: Thank you. This is Paul McGrady, IPC. The IPC has already submitted its statement to the GNSO Council list. We ask that it be made part of the written record, and the IPC statement applies to each of the recommendations individually and if necessary to the collective vote on all of the recommendations as a whole. And so my vote -- and Heather Forrest can confirm this -- but my vote and hers, both of which will be yes, should be understood in relationship to that IPC statement. Thank you.

JAMES BLADEL: Thank you, Paul. And for those who are in the audience, you're free to go to the GNSO Council list where the IPC statement has been submitted.

                        Okay. If that's acceptable, then we'll proceed to, as Amr suggested, we'll go through each of the recommendations and I'm still seeing the full list, I believe, on the screen behind me but in the Adobe room is the -- I guess we would call it the remaining list of recommendations that will be part of a package voice vote. So I'll started with recommendation number 3, standard bylaws, fundamental bylaws and articles of incorporation.

OLIVIER CREPIN-LEBLOND: Sorry, point of order.

JAMES BLADEL: Olivier.

OLIVIER CREPIN-LEBLOND: Olivier Crepin-Leblond. The list in the Adobe Connect is the same as the list on the screen. It's the full list.

JAMES BLADEL: There's -- yes. We're going to make an announcement, because I know some people are in the wrong Adobe Connect room and they're seeing a different list.

Yes, for the council members we're using the council AC list that Glen has sent to the list. What is on the screen and in the public room is indeed the full list of recommendations. But as the councilors are voting the motion, the actual motion with the text and the pulled out -- the package is in the AC list for council members. And no, we cannot fix it there. Sorry.

JAMES BLADEL: Okay. Does that help, Olivier? You're forgiven because you came in a little late and we gave up so --

OLIVIER CREPIN-LEBLOND: Yes, very much. Thank you very much, James. I'm starting now.

JAMES BLADEL: No problem. No problem. And thanks for keeping -- and again, for the folks in the room, you're seeing the entire list behind us. That's not what the councilors have in front of them, and I apologize for the discrepancy.

So we're looking now at recommendation number 3, which is standard bylaws, fundamental bylaws and articles of incorporation. Any statements associated with this recommendation?

Okay. Recommendation number 4, ensuring community involvement in ICANN decision-making. Any statements associated with this? I'm looking at one side of the table because I believe all of the statements are coming from my right here, but if something happens over here, maybe Heather or Donna can kick me.

Okay. Recommendation number 5, changing aspects of ICANN's mission, commitments, and core values. No takers.

Recommendation 7, strengthening ICANN's Independent Review Process. Okay. Amr, you're first.

AMR ELSADR: Thanks, James. This is Amr, and like I said, this recommendation reflects some thoughts from councilors who plan to vote yes, and those councilors are myself, David Cake, Stephanie Perrin, Marilia Maciel, and Stefania Milan. We are adopting recommendation 7 with the -- or we are voting in favor of recommendation 7 with the understanding that the revised cooperative engagement procedure of the IRP processes will allow any person, group, or entity materially affected by an ICANN action or inaction in violation of ICANN's articles of incorporation and/or bylaws to have the right to equal participation in CEP and IRP proceedings on par with the original IRP filer to require time to one, require timely notification and filing to all parties known to be materially affected by the process or decision being challenged; two, require ICANN to provide prompted and timely publication to the larger community of the filing so that other interested and materially affected parties can come forward to participate; and three, enable and support the timely, full, and equal participation of all materially affected parties in an IRP proceeding. It is our understanding that reform of the cooperative engagement process is included in the IRP implementation plan. Thank you.

JAMES BLADEL: Thank you, Amr. Any other councilors wishing to speak or reference a written statement on recommendation number 7? Thank you.

                       Recommendation number 8, improving ICANN's request for reconsideration process.

                       Recommendation number 9, incorporating the Affirmation of Commitments into ICANN's bylaws.

                       Recommendation number 12, commitment to further accountability work in Work Stream 2. Amr.

AMR ELSADR: Yeah. I have a comment on recommendation 8 on behalf of myself, David Cake, Stephanie Perrin, Marilia Maciel, Stefania Milan, and again, this comment reflects thoughts of councilors who plan to vote yes on this recommendation. The comment is that we support recommendation 8 but note that the ombudsman may not be the proper office to evaluate a request for reconsideration and make an initial recommendation to the

Board Governance Committee. We encourage Work Stream 2 to consider whether another office or official should be granted this authority instead. We want to emphasize that this responsibility should be independent or at a minimum neutral and insulated from pressure from the ICANN board and staff. Under no circumstances should ICANN's office of the general counsel assume this responsibility. Thank you.

JAMES BLADEL: Thank you, Amr. Any other statements? And we actually finished the list, so any other statements relative to recommendation 8, 9, or 12? Any other statements from the councilors before we proceed to a voice vote on recommendations 3, 4, 5, 7, 8, 9, and 12? Amr.

AMR ELSADR: Apologies, James. I'm trying to keep up with the recommendations here. Yes, I do have a statement on recommendation 12.

JAMES BLADEL: Go ahead.

AMR ELSADR: This recommendation is on behalf of myself, David Cake, Stephanie Perrin, Marilia Maciel, and Stefania Milan, and again, we do plan on voting in favor of this recommendation. We are voting in favor of recommendation 12 with the understanding that Work Stream 2 issues, while not necessary for the transition to occur, remain vitally important and must be budgeted and supported at a level sufficient to ensure their development and implementation. Thank you.

JAMES BLADEL: Thank you, Amr. Any other comments or statements on recommendation 12? Berry?

BERRY COBB: James, I just wanted to mention, you mentioned a voice vote and we'd also like to do a show of hands at the same time, please.

JAMES BLADEL: Thank you, Berry. I actually kind of refer to them by the same thing.
                       Probably incorrectly. Any other statements generally, before we proceed
                       to a voice/show of hands vote? Okay. The queue is cleared. Glen, if
                       you don't mind, could you conduct that vote, please?

GLEN de SAINT GÉRY: Certainly, James. Anyone who's not in favor of the recommendations 3,
                       4, 5, 7, 8, 9, and 12 please put up your hand. No hands. Anybody who
                       would like to abstain from voting. No abstentions. Please, raise your
                       hand if you are in favor of these recommendations, and Paul, may we
                       get your vote over the phone, please? Please.

PAUL McGRADY: My hand is raised yes.

GLEN de SAINT GÉRY: Thank you very much, Paul. Please keep your hands raised. Thank you
                       very much. You can put your hands down. It's unanimously in favor,
                       James. Thank you. The recommendations pass.

JAMES BLADEL: Thank you, Glen. And thank you, councilors. We are halfway there.
                       Perhaps a little bit more. Okay. We'd now like to proceed to the first of
                       several recommendations where at least one councillor has asked that it
                       be examined, discussed, and voted on individually.

                       The first recommendation is -- I'm looking for it here and reading as it
                       comes up -- is, in fact, recommendation number 1, which is establishing
                       an empowered community for enforcing community powers. So what I'd
                       like to do first is ask if there are any statements associated with
                       recommendation number 1. Ed.

EDWARD MORRIS: Thanks, James. I will be voting against 1, 10, and 11 for the same
                       reason. Each one of these recommendations, on their own, would
                       probably be acceptable to me. But the combination of the three

empowers the GAC too much for my taste. It's a step too far for me to go.

JAMES BLADEL: Thank you, Ed. And just for clarity, can I get those numbers again? There were three.

EDWARD MORRIS: There are three related to this issue, 1, 10, and 11. So this statement will cover all three.

JAMES BLADEL: Thank you, Ed. I appreciate that. David, you're next.

DAVID CAKE: I will also be voting against recommendation 1, and my statement is simply a number of members of NCSG remain concerned about the impact of changing the traditional role of the GAC from an advisory committee to a decisional participant in the empowered community.

JAMES BLADEL: Thank you, David. Would any other councilors like to speak to recommendation 1? Julf.

JULF HELSINGIUS: I just would like to join in in the comment of David.

JAMES BLADEL: I'm sorry, I didn't --

JULF HELSINGIUS: Yeah, I would like to join in the comment --

JAMES BLADEL: Thank you. Thank you, Julf. Thank you for your comment. Any other statements? Wolf-Ulrich.

WOLF-ULRICH KNOBEN: No statement, but the transcript is wrong. It was not my statement. It was done by Julf Helsingius. Thank you.

JAMES BLADEL: For the scribes, the previous comment was -- of signing on to David's statement was from Julf, not Wolf-Ulrich. Any other comments before we proceed to a roll call vote for recommendation 1. Glen, would you conduct the vote, please.

GLEN de SAINT GÉRY: Certainly, James. Valerie Tan, who is absent. Rubens Kuhl, would you please vote for her?

RUBENS KUHL: Yes.

GLEN de SAINT GÉRY: Thank you. Keith Drazek.

KEITH DRAZEK: Yes.

GLEN de SAINT GÉRY: Volker Greimann.

VOLKER GREIMANN: Aye.

GLEN de SAINT GÉRY: Jennifer Standiford.

JENNIFER STANDIFORD: Yes.

GLEN de SAINT GÉRY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Yes.

GLEN de SAINT GÉRY: Amr Elsadr.

AMR ELSADR: Yes.

GLEN de SAINT GÉRY: Stefania Milan.

STEFANIA MILAN: Yes.

GLEN de SAINT GÉRY: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

GLEN de SAINT GÉRY: Julf Helsingius.

JULF HELSINGIUS: Aye.

GLEN de SAINT GÉRY: Wolf-Ulrich Knoben.

WOLF-ULRICH KNOBEN: Yes.

GLEN de SAINT GÉRY: Paul McGrady.

PAUL McGRADY: Yes.

GLEN de SAINT GÉRY: Heather Forrest.

HEATHER FORREST: Yes.

GLEN de SAINT GÉRY: Have I left out anyone? Marilia Maciel.

MARILIA MACIEL: Yes.

GLEN de SAINT GÉRY: Rubens Kuhl.

RUBENS KUHL: Yes.

GLEN de SAINT GÉRY: Edward Morris.

EDWARD MORRIS: No.

GLEN de SAINT GÉRY: Phil Corwin.

PHIL CORWIN: Yes.

GLEN de SAINT GÉRY: Donna Austin.

DONNA AUSTIN: Yes.

GLEN de SAINT GÉRY: David Cake.

DAVID CAKE: No.

GLEN de SAINT GÉRY: Pardon? No. Thank you. James Bladel.

JAMES BLADEL: Yes.

GLEN de SAINT GÉRY: Tony Harris.

TONY HARRIS: Yes.

GLEN de SAINT GÉRY: Has anyone not voted? It's all clear. Thank you, James. There are two no votes. The rest are positive. So the recommendation passes.

JAMES BLADEL: Thank you, Glen. Thank you, councilors. For those who made statements, I've been asked by staff to clarify that written statements will be sent along with our report, so if you made a brief verbal statement and would like that included as well, please write it into an email and send it to the list by 1800 UTC.

Thank you.

Okay. We can now proceed to the next itemized recommendation, which is recommendation 2. Empowering the community through consensus engagement, escalation, and enforcement.

Are there any councilors who would like to make a statement associated with recommendation 2? I have Stefania, then Ed and Amr.

STEFANIA MILAN: Yes, Stefania Milan, for the record. I would like to echo what David said earlier. Sorry to repeat it, but it's important to have it in writing.

I'm including a concern of a number of the members of the non-commercial stakeholder group about providing governments with the new power contained in the empowered community and the impact of changing the fundamental nature of governments at ICANN by allowing GAC to be a decisional participant. Thank you.

JAMES BLADEL: Thank you, Stefania. Ed.

EDWARD MORRIS: Thanks, James. We'll make this brief. The problem I have with 2 is what happens when the number of decision-makers change? It's going to throw ICANN into chaos, because we don't have a structure in place for easily changing the thresholds. We should. And, hopefully, in the implementation phase we will. Thank you.

JAMES BLADEL: Thank you, Ed. Amr.

AMR ELSADR: Thanks, James. This is Amr. This statement's on behalf of myself, David Cake, Stephanie Perrin, and Marilia Maciel. We are all voting in favor of this recommendation with the understanding that the bylaws will reflect the CCWG's requirement that the exercise of community powers should not require unanimity of participating ACs and SOs and that no single AC or SO could block the exercise of any of these powers. Thank you.

JAMES BLADEL: Thank you, Amr.

                             Do any other councilors have statement on recommendation 2?

                             Glen, can we proceed with the roll call vote in recommendation 2, empowering the community through consensus engagement, escalation, and enforcement.

GLEN de SAINT GERY: Thank you, James.

                             Rubens Kuhl for yourself.

RUBENS KUHL: Yes.

GLEN de SAINT GERY: Philip Corwin.

PHILIP CORWIN: Yes.

GLEN de SAINT GERY: Paul McGrady.

PAUL McGRADY: Yes.

GLEN de SAINT GERY: Amr Elsadr.

AMR ELSADR: Yes.

GLEN de SAINT GERY: Heather Forrest.

HEATHER FORREST: Yes.

GLEN de SAINT GERY: Volker Greimann.

VOLKER GREIMANN: Aye.

GLEN de SAINT GERY: Julf Helsingius.

JULF HELSINGIUS: Aye.

GLEN de SAINT GERY: Wolf-Ulrich Knoben.

WOLF-ULRICH KNOBEN: Yes.

GLEN de SAINT GERY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Yes.

GLEN de SAINT GERY: Keith Drazek.

KEITH DRAZEK: Yes.

GLEN de SAINT GERY: Valerie Tan. Rubens, would you please vote for Valerie Tan.

RUBENS KUHL: Yes.

GLEN de SAINT GERY: David Cake.

DAVID CAKE: Yes.

GLEN de SAINT GERY: Tony Harris.

TONY HARRIS: Yes.

GLEN de SAINT GERY: Marilia Maciel.

MARILIA MACIEL: Yes.

GLEN de SAINT GERY: Has everybody -- Jennifer Standiford.

JENNIFER STANDIFORD: Yes.

GLEN de SAINT GERY: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

GLEN de SAINT GERY: Edward Morris.

EDWARD MORRIS: No.

GLEN de SAINT GERY: Stefania Milan.

STEFANIA MILAN: No.

GLEN de SAINT GERY: James Bladel.

JAMES BLADEL: Yes.

GLEN de SAINT GERY: Everyone has voted.   James, there are two "no" votes. The motion does pass with the rest all positive votes. Thank you.

JAMES BLADEL: Thank you, Glen. Thank you, councilors. The next recommendation set aside for an itemized vote is recommendation 6, reaffirming ICANN's commitment to respect internationally recognize the human rights as it carries out its mission.

Do we have any statements on recommendation number 6?

Does any councillor wish to speak before we move to a roll call vote on recommendation 6?

Glen, can you please proceed with the vote.

GLEN de SAINT GERY: Recommendation 6. Edward Morris.

EDWARD MORRIS: Glen,   I wish to make a volitional abstention.

GLEN de SAINT GERY: I beg your pardon?

EDWARD MORRIS: Abstain.

GLEN de SAINT GERY: Abstain. Are we going to ask for the reasons for abstention now, James, or afterwards?

JAMES BLADEL: At the end of the vote, please.

GLEN de SAINT GERY: Pardon?

CHAIR SCHNEIDER: At the conclusion of the vote.

GLEN de SAINT GERY: At the conclusion. Sorry. Julf Helsingius.

JULF HELSINGIUS: Aye.

GLEN de SAINT GERY: Marilia Maciel.

MARILIA MACIEL: Yes.

GLEN de SAINT GERY: Keith Drazek.

KEITH DRAZEK: Yes.

GLEN de SAINT GERY: Rubens Kuhl.

RUBENS KUHL: Yes.

GLEN de SAINT GERY: Philip Corwin.

PHILIP CORWIN: Yes.

GLEN de SAINT GERY: Amr Elsadr.

AMR ELSADR: Yes.

GLEN de SAINT GERY: Tony Harris.

TONY HARRIS: Yes.

GLEN de SAINT GERY: Valerie Tan. Rubens, would you please vote for Valerie Tan?

RUBENS KUHL: Yes.

GLEN de SAINT GERY: James Bladel.

JAMES BLADEL: Yes.

GLEN de SAINT GERY: David Cake.

DAVID CAKE: Yes.

GLEN de SAINT GERY: Apologies. Jennifer Standiford.

JENNIFER STANDIFORD: Yes.

GLEN de SAINT GERY: Stefania Milan.

STEFANIA MILAN: Yes.

GLEN de SAINT GERY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Yes.

GLEN de SAINT GERY: Wolf-Ulrich Knoben.

WOLF-ULRICH KNOBEN: Yes.

GLEN de SAINT GERY: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

GLEN de SAINT GERY: Ed Morris. You have voted already with an abstention.

                        Donna Austin.

DONNA AUSTIN: Yes.

GLEN de SAINT GERY: Heather Forrest.

HEATHER FORREST: Yes.

GLEN de SAINT GERY: Volker Greimann.

VOLKER GREIMANN: Yes.

GLEN de SAINT GERY: Paul McGrady.

PAUL McGRADY: Yes.

GLEN de SAINT GERY: The motion passes with one abstention. Would you like to give your reasons for the abstention, please, Ed.

EDWARD MORRIS: Yes, thanks, Glen. This, James, unfortunately, will be a little bit longer.

My own stakeholder group isn't all that happy with me right now, at least many of the members, but some are. Because I can't vote in favor of this because I have no idea what it means. None of us do. We're going to develop a framework of human rights.

Well, folks, I do some volunteer work in the Democratic People's Republic of Korea. You know it as North Korea. Every year I go there to plant trees as a humanitarian gesture. In North Korea human rights are defined, at times, as removing the centers from the community to keep the rest of the community holistically uniform. And that's a human right.

I look at Greg, my friend in the intellectual property community. Well, the IPC considers intellectual property rights to be human rights. Those aren't my human rights.

There are those who believe that offensive speech violates the human dignity. And so offensive speech violates human rights and needs to be regulated.

Folks, those are not my human rights. And I'm scared as heck that voting for this and voting for a framework might include some of those. Perhaps not the North Korean sense of human rights; but, certainly, the IPC sense of human rights. And I can't vote for that.

But it's not only what might be in it, but what we're not saying here today.

Recent case law in the United States of America has applied some components of the U.S. Bill of Rights to American government contractors. Folks, ICANN currently is a U.S. government contractor.

When we break the ties with the NTIA, we will not. We needed in this proposal to guarantee the same First Amendment rights that currently applied to ICANN. And we have not done so yet.

I'm hoping in Work Stream 2 the first thing they'll say is, one, nothing in this bylaw or in this framework shall be construed to allow ICANN to engage in the regulation of content.

Number 2:   I want them to adopt language that Keith Drazek first introduced into this record when we started to talk about human rights, which is that ICANN

protects and respects free speech in the free flow of information. That was great language, Keith. And I wish it was here today.

I want to make a plea to the NTIA that, if First Amendment types of guarantees are not in the final proposal you should not accept it. Further, I want to make a plea to one senator, in particular, Senator Edward Markey of Massachusetts, who is a leading advocate for human rights in the United States. Senator Markey, this transition, by and large, is really good. There's a lot of really good work in here. But under no circumstances can you allow a transition whereby the people of Massachusetts lose their rights to complete free speech as reflected by the First Amendment in exchange for the right to do something really great, that is to give the control of this wonderful communications instrument in the DNS to the global community. That is a wonderful gift of the American people. And I'm damn proud to be an American when I think of what we're about to do. But, as a cost of that gift, we cannot give away as well our right to free speech. Thanks.

JAMES BLADEL: Thank you, Ed. Just as a note -- and I thank you for that, and we discussed over the weekend that we would allow statements. But I would say that, if we expect them to be long and complex -- and I think you've made a number of complex points -- that we would prefer to communicate those as written statements. But you apologized in advance, so I gave you a little latitude. Thanks.

Does anyone else have any statements on recommendation 6 before we move to the next item?

Okay.

The next item is recommendation number 10, enhancing the accountability of supporting organizations and advisory committees.

Do we have any statements associated with recommendation 10? Amr. Ed.

AMR ELSADR: Thanks, James.

The statement is on behalf of myself, David Cake, Stephanie Perrin, and Stefania Milan. We are voting in favor of this recommendation. However, we do have a concern that recommendation 10 will allow the Board too much control over SO and AC reviews that could undermine the bottom-up structure of ICANN. Therefore, implementation of recommendation 10 should ensure that the terms of reference of the review should be developed in a cooperative manner between the Board and the ACs/SOs under review.

The GNSO also believes, as a matter of fairness, that the GAC, if it becomes a decisional participant in ICANN should also be subject to some manner of review as with the other ACs and SOs. Thank you

JAMES BLADEL: Thank you, Amr. Ed.

EDWARD MORRIS: I agree with everything Amr said, which is why I'm voting against recommendation 10.

JAMES BLADEL: Thank you, Ed.

Any additional statements on recommendation 10? Marilia.

MARILIA MACIEL: Thank you, James. I think that recommendation 10 is one that our stakeholder group, at least part of it, is particularly concerned with. And I would like to voice the concerns of -- also echo the concerns of what Amr has just said. In our opinion, it's very concerning that a decisional part of ICANN cannot follow the accountability rules that we are developing for the organization. And this is the reason why I will vote no for this motion, this recommendation. Sorry. Thanks.

JAMES BLADEL: Thank you, Marilia. Other statements on recommendation 10?

Glen, would you proceed with the vote, please.

GLEN de SAINT GERY: I will, James. Philip Corwin.

PHILIP CORWIN: Yes.

GLEN de SAINT GERY: Valerie Tan. Rubens Kuhl for Valerie Tan, please.

RUBENS KUHL: Yes.

GLEN de SAINT GERY: Volker Greimann.

VOLKER GREIMANN: Aye.

GLEN de SAINT GERY: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

GLEN de SAINT GERY: Marilia Maciel.

MARILIA MACIEL: No.

GLEN de SAINT GERY: Tony Harris.

TONY HARRIS: Yes.

GLEN de SAINT GERY: Jennifer Standiford.

JENNIFER STANDIFORD: Yes.

GLEN de SAINT GERY: Keith Drazek.

KEITH DRAZEK: Yes.

GLEN de SAINT GERY: Rubens Kuhl.

RUBENS KUHL: Yes.

GLEN de SAINT GERY: Edward Morris.

EDWARD MORRIS: No.

GLEN de SAINT GERY: Amr Elsadr.

AMR ELSADR: Yes.

GLEN de SAINT GERY: Stefania Milan.

STEFANIA MILAN: Yes.

GLEN de SAINT GERY: James Bladel.

JAMES BLADEL: Yes.

GLEN de SAINT GERY: Donna Austin.

DONNA AUSTIN: Yes.

GLEN de SAINT GERY: Wolf-Ulrich Knoben.

WOLF-ULRICH KNOBEN: Yes.

GLEN de SAINT GERY: Heather Forrest.

HEATHER FORREST: Yes.

GLEN de SAINT GERY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Yes.

GLEN de SAINT GERY: Paul McGrady.

PAUL McGRADY: Yes.

GLEN de SAINT GERY: David Cake.

DAVID CAKE: Yes.

GLEN de SAINT GERY: Julf Helsingius.

JULF HELSINGIUS: Aye.

GLEN de SAINT GERY: Everyone has voted. There are two votes against, and the rest of the votes are in favor. The motion passes, James. Thank you.

JAMES BLADEL: Thank you, Glen.

                          Next is a discussion and vote on recommendation 11, Board obligations with regard to Government Advisory Committee advice, stress test 18. Are there any statements associated with recommendation 11? Amr.

AMR ELSADR: Thank you, James.

                          This is a statement on behalf of myself, David Cake, Stephanie Perrin, and Marilia Maciel.

                          We're voting in favor of the recommendation.

                          We welcome the important accountability reform of locking in the definition of consensus advice for the Governmental Advisory Committee, which triggers the Board's obligation to consider that advice and reach a mutually agreeable solution.

                          Nonetheless, we remain concerned because it raises the threshold by which the Board can refuse to follow GAC advice. Thank you

JAMES BLADEL: Thank you, Amr. Stefania.

STEFANIA MILAN: I also have a statement to make. Stefania Milan, for the record.

                          I'm interpreting the concern from many NCSG members about providing the GAC enhanced power over the ICANN board of directors and the Board's ability to refuse to follow GAC advice, particularly when advice contradicts policy development through the bottom-up policy -- sorry --

policy developed through the bottom-up policy development process by the ICANN community. End of statement.

JAMES BLADEL: Thank you, Stefania. Additional statements on recommendation 11.

Glen, would you please proceed with the roll call vote.

GLEN de SAINT GERY: Thank you, James. Keith Drazek.

KEITH DRAZEK: Yes.

GLEN de SAINT GERY: Heather Forrest.

HEATHER FORREST: Yes.

GLEN de SAINT GERY: Stefania Milan.

STEFANIA MILAN: No.

GLEN de SAINT GERY: David Cake.

DAVID CAKE: Yes.

GLEN de SAINT GERY: Stephanie Perrin.

STEPHANIE PERRIN: Yes.

GLEN de SAINT GERY: Jennifer Standiford.

JENNIFER STANDIFORD: Yes.

GLEN de SAINT GERY: Edward Morris.

EDWARD MORRIS: No.

GLEN de SAINT GERY: Volker Greimann.

VOLKER GREIMANN: Aye.

GLEN de SAINT GERY: Julf Helsingius.

JULF HELSINGIUS: Aye.

GLEN de SAINT GERY: Wolf-Ulrich Knoben.

WOLF-ULRICH KNOBEN: Yes.

GLEN de SAINT GERY: James Bladel.

JAMES BLADEL: Yes.

GLEN de SAINT GERY: Paul McGrady.

PAUL McGRADY: Yes.

GLEN de SAINT GERY: Tony Harris.

TONY HARRIS: Yes.

GLEN de SAINT GERY: Donna Austin.

DONNA AUSTIN: Yes.

GLEN de SAINT GERY: Valerie Tan. Rubens Kuhl, would you please vote for Valerie Tan?

RUBENS KUHL: Yes.

GLEN de SAINT GERY: Susan Kawaguchi.

SUSAN KAWAGUCHI: Yes.

GLEN de SAINT GERY: Marilia Maciel.

MARILIA MACIEL: Yes.

GLEN de SAINT GERY: Amr Elsadr.

AMR ELSADR: Yes.

GLEN de SAINT GERY: Rubens Kuhl for yourself.

RUBENS KUHL: Yes.

GLEN de SAINT GERY: Philip Corwin.

PHILIP CORWIN: Yes.

GLEN de SAINT GERY: Everybody has voted. There are two votes, "no" votes from the non-contracted party house. And all the rest of the votes are positive. Thank you, James. The motion passes.

JAMES BLADEL: Thank you, Glen.

And if I could ask staff to verify my count that that was the last of the itemized motions. So, per the procedure that we discussed and adopted over the weekend and just implemented now and, to the patience of the audience, we can, I think, state affirmatively to Thomas and the other CCWG co-chairs the GNSO Council has adopted the CCWG supplemental report and its 12 recommendations.

 [Applause]

THOMAS SCHNEIDER: Can I say the last time I heard a "yes" with so much joy was when I married my wife.

 [Laughter]

JAMES BLADEL: I would like the record to reflect that Thomas made that comparison, not any of us. Thank you, Thomas.

 I would also like to thank -- again, everyone here in the room following remotely, the webcast, our absent councilors, and the councilors here,

this was a -- perhaps, maybe a tedious process, but I think an important one and one that we discussed at length over the weekend as a way of addressing, as you heard, very strong concerns or passionate positions of various stakeholders and constituencies and members of the GNSO community. This is a large, complex, and diverse community. There are a number of passionate and engaged participants both on the CCWG and just generally.

I expect that we will continue that passion and engagement into implementation of Work Stream 2. So heads up, Thomas.

And -- but I think that, ultimately, while it is sometimes slow, while it is sometimes tedious, while it is sometimes messy, the multi stakeholder process will get you the right result and will reinforce the legitimacy of that result, if it is conducted in an open and transparent manner like this.

So thank you to everyone for your patience and your hard work, not only today but generally.

Are there any other comments before we close on agenda item number 6 and move to agenda item number 7, which is a discussion point? Phil.

PHILIP CORWIN: I just want to note that we've just approved the blueprint, but we have yet to build a house. And there's a great deal of work ahead. And, hopefully, we all continue with the same hard work and commitment and cooperation as we've seen throughout this process. Thank you.

JAMES BLADEL: Thank you, Phil. Additional statements from the table?

Okay. Thank you. Let's move then to agenda item number 7. This is a discussion point on RDAP implementation. And I notice a couple of folks -- I'm wondering, do we want to take five minutes or just push on through? We're very near the end here.

(Off microphone).

JAMES BLADEL: Okay. We're just going to go. All right. No? I -- I'm sorry, Jennifer, I've got a number of councilors wanting bio breaks. Okay. It is 14:57 by my

clock. We have 30 minutes left in our allotted time for this -- for this particular session, so let's take very quickly 5 minutes max, please, and try to reconvene as quickly as possible after the top of the hour. Thank you.

[Break]

JAMES BLADEL: Okay, if we could please ask the councilors to return to their seats at the table and for guests to please find their seats in the audience.

Thank you. This was the -- this was the deal we had, in exchange for a break. If we could have councilors please return to the table and guests please return to the audience, to their chairs in the audience or to take their conversations outside, that would be great. Thank you.

Okay. Yeah. Councilors, please return to the table. We have just a couple more items of business on our agenda, and because this is an open meeting at an ICANN event, we are also going to also conduct an open mic for as long as reasonable. So please, take your seats. And we'll begin.

The next item of business -- I'm sorry, could I ask for quiet in the room? Thank you. The next item of business will be a discussion of the RDAP implementation. And for this we have an update. It has my name on it there, but you probably don't want to hear from me so we have an update from Francisco from staff. Francisco, perhaps you can give us a few minutes here. I know we had an update over the weekend as well, and we had some open questions that we wanted to put on the table for discussion here on our Wednesday session. Francisco, the floor is yours.

FRANCISCO ARIAS: Thank you, James. So as you said, we provided a written paper on where we are with the RDAP implementation, and we provide a briefing on Sunday. So at this point we have a couple of open issues that we're trying to close in order to get to final RDAP implement -- profile which is the last step before we request implementation from contracted parties. And so at this point I think the next steps for us on staff is to work with the community to finalize this profile, and as I said, close these remaining

open issues before we can get to implementation. And if -- if there is interest in keeping the council updated or otherwise I'm, of course, open to provide any information that is required. And if you have any other questions, I'm here.

JAMES BLADEL: Thank you, Francisco. And just to be clear, you're asking -- or presenting to the council for discussions the next steps, possible next steps in the implementation?

FRANCISCO ARIAS: I believe that at this point the next steps are for us to continue working with the community to try to close the open issues.

JAMES BLADEL: Thank you, Francisco. And those open issues were the ones that were discussed over the weekend sessions as well. Okay. I'd like to then start a queue for anyone who would like to ask any questions of Francisco or make any statements relative to the RDAP implementation. Rubens.

RUBENS KUHL: Rubens Kuhl, registries stakeholder group. I'd just like to support the idea of continuing the talks with ICANN staff regarding implementation before further discussion, just to support what Francisco has proposed.

JAMES BLADEL: Thank you, Rubens. Any other statements? Susan.

SUSAN KAWAGUCHI: A couple of questions. And I may have missed this -- Susan Kawaguchi, for the record. I may have missed this on Saturday, so on the localization and internationalization of data, the IDNs, there isn't capacity to -- in the RDAP, as I'm understanding it right now, for -- for that information. Is -- how close are we to getting the specifications so that that can be developed?

JAMES BLADEL: Francisco.

FRANCISCO ARIAS: Thank you, James. So on the RDAP protocol already supports internationalization, so that's already there.

SUSAN KAWAGUCHI: And then a follow-up on the authenticated access. Is there any other source in the community for the specifications or policy for the authenticated access other than, you know, GNSO working groups?

FRANCISCO ARIAS: This is Francisco. I'm not sure I understand the question. Was that a question for me or --

SUSAN KAWAGUCHI: I think so, yes. So for -- the RDAP does not support authenticated access, correct? At this point?

FRANCISCO ARIAS: No. RDAP, the protocol supports authentication. What the issue with the differentiated access is the profile, which is the document that will specify to registries and registrars, what to implement from RDAP because RDAP, it's like a menu of things to implement, the profile, as it is now, says only those registries or contracted parties in general that have a provision that allows them to offer differentiated access. Or if there is a policy that allows for that, they can offer. And our reading of the contracts is that only three gTLDs have that ability in their contracts.

SUSAN KAWAGUCHI: I -- I'm confused. So it does support authenticated access but the issue is with the contract?

FRANCISCO ARIAS: Yes, the final -- I'm sorry, the protocol does support authentication, and in order to enable that, we believe there has to be either a contract amendment or a policy that says that that can be used, except for three gTLDs that already have that.

DAVID CAKE: Sorry. David. Can I just -- just to further clarify, so my understanding is that the RDAP protocol allows for authenticated access and differential access to data, but there is nothing in the current implementation that currently requires it -- is that -- though later, you know, GNSO PDP work may end up requiring it; is that what you were saying?

FRANCISCO ARIAS: I think it's more or less what I'm saying except -- with exception of those three gTLDs that have already the permission in the contracts. They will be allowed by the RDAP profile to offer authenticated access, according to the contracts.

DAVID CAKE: So they may offer authenticated access, but you are not -- but ICANN is not requiring it.

FRANCISCO ARIAS: Correct. It's not requiring that all the gTLDs offer differentiated access.

DAVID CAKE: Thank you. That clarifies it.

SUSAN KAWAGUCHI: Okay --

JAMES BLADEL: I have a queue, but if you can make a quick follow-up, we'll go to Volker.

SUSAN KAWAGUCHI: What three TLDs have that in their contract?

FRANCISCO ARIAS: Name, cat, and tel.

JAMES BLADEL: Name, cat, and tel, correct? Name, cat, and tel. Name, N-A-M-E. Sorry.
                      I can't see the transcript behind me. I was wondering why you guys were
                      correcting me. All right. Volker.

VOLKER GREIMANN: Yes, Volker Greimann speaking from the registrars stakeholder group.
                      We have certain concerns with this planned implementation of RDAP for
                      registrars. While it's true that registrars are under the contracts required
                      to implement successive protocol for the WHOIS, which this obviously is,
                      this implementation makes no economic or logical sense as we are only
                      required to provide for 43 WHOIS services for thin registries. Thin
                      registries are on the way out. There is a process already on the way, an
                      implementation process already on the way, that will take care of thin
                      registries and make them -- turn them into thick registries. Which means
                      that registrars will not -- no longer be required to provide port 43. We will
                      still be required to provide, of course, an interactive Web page with
                      access to WHOIS, but I foresee that this will only query the registry for
                      WHOIS. Therefore, make registrars implement something that will at
                      worst be superseded by actual, currently ongoing policy work within the
                      next year after the implementation is done is, in my view -- in my view,
                      ridiculous and should be reconsidered. Thank you.

JAMES BLADEL: Thank you, Volker. So Francisco, I think that, you know, Volker's
                      comments are nothing new. We heard them -- I'm not dismissing them.
                      I'm saying they are the same comments and concerns that we heard
                      expressed during the weekend sessions. I'm hearing, you know, that
                      there's also some additional questions from non-contracted parties
                      regarding RDAP implementation and how it affects them. I think that
                      your proposal to continue to involve the community and engage the
                      community on these open questions is the right approach. This does not
                      appear to be just a cut-and-dry implementation project. It does appear to
                      have at least potential for policy implications, and we should get those
                      resolved. I think Volker's point -- I think Susan and David made some
                      policy -- raised some policy concerns. I think Volker's point is more of an
                      operational and economic concern. And I think all of those points need
                      to be considered as you continue this work. So thank you for addressing

that. Do we have any other questions for Francisco on the RDAP implementation?

Okay. Thank you, Francisco.

FRANCISCO ARIAS: Thank you.

forum, open mic, improv here in Marrakech.

And it is an opportunity for anyone in the room who has a question, comment, statement.

I see we already have our first guest. Marilyn.

MARILYN CADE: Thank you. I'm going to speak very quickly on two topics. One, as I missed my first ICANN meeting ever in Dublin because I needed to go to the United Nations and speak before the U.N. general assembly and I thought -- I was sure that all of you could handle ICANN, I'm glad to know that the withdrawal of Marilyn Cade at the microphone was survivable.

JAMES BLADEL: We made it. We kind of huddled together for warmth, but we got through it.

MARILYN CADE: So here's my real point: I've been at, except for that meeting, every council meeting. I've never been prouder of the work of this council.

[Applause]

JAMES BLADEL: Thank you, Marilyn. That, actually, means a lot, really. Because we're all kind of new on the job here. Thank you.

Other statements from the floor, please. There's a microphone here. If you have any questions or comments on any of the work that we've completed, any of the work you'd like to see us take up.

Ed. Go ahead.

EDWARD MORRIS: Yeah. Hi, James. This is more of a request, for the folks in the audience, but particularly my fellow councilors to think about a problem that we've been experiencing with some of our members here in the NCSG.

Yesterday at our session with the Board, one of our younger members, her second ICANN conference, came up and talked about being sexually harassed by a fellow conference attendee here at the ICANN meeting.

And we've discovered that, although ICANN has a really, really good policy against sexual harassment on the workplace for employees, we really don't have one for sexual harassment at a conference. Now, this is not GNSO -- this is not the stuff we do here in the GNSO. But, if anybody has ideas of how we can prompt ICANN as a corporation to actually create a conference policy on sexual harassment so the female members here, in particular, are protected against such conduct, I'd be grateful. Please talk to me and give me some ideas, if you have any. Thank you.

JAMES BLADEL: Thank you, Ed.   I also had read about this statement or this incident, and I think it was concerning to everyone.

I don't know that we have any particular concrete proposals coming from the council at this time, but I think it is something that we, as a community and staff, should be cognizant of and we should be aware of and we should be working to address. That sort of behavior is unwelcome in any professional circumstances, particularly at ICANN. I think that, perhaps, you know, it's worth noting that we do have a -- I'm going to mess up the name. It's not a code of conduct, but it's like a standard of participation. And I think that that not only applies to mailing lists and telephone calls and virtual meeting rooms. But that applies to how we interact with one another, I think, one-on-one, face-to-face.

I don't see any particular limitation on that. And I think that, you know, that level of professionalism and courtesy is kind of required universally.

I don't know if other councilors want to weigh in on this, but I don't think we have a hard and fast answer here. Just a note that this is an important issue, and we should all do better in this regard. Wolf-Ulrich.

WOLF-ULRICH KNOBEN: Thanks, James. Thanks very much to make us aware of that. I wonder whether other SOs, ACs are also aware of that or how we could make some aware about that. So this is a topic for all of us, for the whole ICANN community.

So I wonder how you or we could file that to the appropriate body here so making aware through our connections to board members or other executives at ICANN executive level so that it may be public. Thanks

JAMES BLADEL: Keith.

KEITH DRAZEK: Thank you, James. Keith Drazek, for the transcript.

Yeah, I think -- thank you, Ed. I think this is a really important topic and one that, unfortunately, needs to be addressed because, apparently, it hasn't before.

I think it's -- the code of conduct is one thing. You know, the standards for participation is one thing.

But I think there needs to be avenues for individuals who feel like they've been harassed in any way to report it and to ensure that there are mechanisms in place and procedures in place where there is a predictable way of ensuring that that type of thing is not tolerated and dealt with.

Thank you.

JAMES BLADEL: Thanks, Keith. And, if I may, just to confirm that I wasn't holding up the code of conduct as a substitute for anything you said. I agree completely. Thank you.

Would any other councilors like to speak on this topic? Marilia.

MARILIA MACIEL: Thank you very much, James. This is Marilia Maciel speaking for the transcript. And thank you, Ed, for raising this topic. It is very important. I think that it is important to emphasize that it happened with a young member of our community. Because I think that there is an element of power involved there. It's not only an issue that is relevant to women that are part of this community, but relevant to all of us. It's not only a gender issue. It's a power issue. So I think it is very important to address that.

And if occurred to me that this could happen to any of us. And I personally do not know the avenues that I should pursue and what kind of framework of response that ICANN would have if a matter like this is taken before ICANN.

What I have heard so far -- and I have only heard, so I cannot corroborate -- is that the channels that were sought by the person in question did not know how to deal with the matter in a very sensitive manner. And, apparently, it was the first issue that came to mind with regards to concerns from the part of ICANN. The organization was -- there are many issues involved here? Is there any kind of compensation you're looking for for what happened?

And I think this is really unfortunate. This is not the kind of response that anyone should have. And I think it's really, really inappropriate. So I would really want us to address this in a serious manner. Maybe I was thinking that, if we can request if there is -- Okay. There's no policy available for that. But maybe there is an informal procedure that has been agreed to be followed. So, if we can ask questions, I mean, inquire what is the process in place? What is the avenues? What is the response the organization plans to give in this case, it would be a first step for us to understand where we are and what we need. Thank you.

JAMES BLADEL: Thank you, Marilia. I have Julf. And then I'd like to move on to the next topic. Julf.

JULF HELSINGIUS: Yes. This is Julf speaking. I just would like to say I discussed this extensively with a board member last night. And this is definitely on the radar of the Board, and they're taking it extremely seriously.

JAMES BLADEL: Thank you, Julf. That's also my understanding. So, again, just noting that this is a critical issue. This is not something for the council to solve at this moment. I don't think that that's either possible or appropriate.

                       I would, however, propose, as a way of closing off this item of business, that if we have any volunteers that would like to draft a letter or statement that we can circulate on this council list after Marrakech and submit that to the Board, as Julf indicated, that is exploring ways to examine and possibly address this issue, that we could contribute our thoughts to that process by developing a letter and circulating it and perhaps submitting it on behalf of council.

                       Do I have any volunteers for that effort? Ed? Marilia? Stefania? If the three of you don't mind, we'll take that offline. And, if possible, we can possibly come back to the April meeting with a draft that we can circulate and consider. Stephanie.

STEPHANIE PERRIN: Stephanie Perrin, for the record.

                       I just think that, since there are a number of corporate people around here who might have very good harassment policies to offer, particularly that deal with conference participation, might be useful if they were to volunteer their skills in helping come up with a model. Thanks.

JAMES BLADEL: Thanks, Stephanie. Jen.

JENNIFER STANDIFORD: I'll be happy to assist with that.

JAMES BLADEL: Thank you, Jen.

                                 So we have four volunteers.

                                 David? Oh, volunteering. Okay. We have five volunteers.

                                 Okay. And, of course, this isn't like a last call or anything. If other folks
                                 want to volunteer later, reach out to one of the other fellow councilors
                                 and we can get involved in that work. Thank you for taking that on.

                                 And, Ed, thank you for raising it. I know it is something that's being
                                 addressed or at least discussed throughout the community.

                                 The queue is clear. At least -- let me check the Adobe room. Yes, the
                                 queue is indeed clear.

                                 So we'll take -- I'm sorry. Olivier. Phil. This is for a new topic. Yes.
                                 Olivier. Phil. Rubens. Olivier.

OLIVIER CREPIN-LEBLOND: Thank you very much, James. Olivier Crepin-Leblond.

                                 I just wanted to comment very quickly on the ratification of forwarding
                                 the report of the CCWG accountability to the Board.

                                 The ALAC, of course, has announced it over on our lists. And there's
                                 been some very positive results, responses.

                                 And I think that the whole process has pretty much brought the whole
                                 community closer together, even though we had some very tough and
                                 tense times during the work that's taken place.

                                 And we look forward to working with you all in the implementation phase
                                 and in Work Stream 2, of course. Thank you.

                                 JAMES BLADEL: Thank you, Olivier.

                                 Phil.

PHILIP CORWIN: Thank you, James. And Phil Corwin, for the record.

I just -- I just wanted to amplify a bit on what's just occurred here and the statement I made earlier about the blueprint and the house. It's a very historic day for ICANN and the ICANN community.

And I'd like to echo Marilyn Cade's remarks. I'm extremely proud to be a member of this council and able to participate in a very important decision.

Reflecting a bit further, we've approved the blueprint. We have to build the house through implementation. And then we have to live in the house and make the whole process work.

And, if those in the room not from the U.S. will indulge me for just one minute, after the American Revolution, the original design of the U.S. government was something called the Article of Confederation. And it didn't work very well.

And, in the late 1780s, they came together in a convention in Philadelphia and approved the United States Constitution, which has now endured for well over 200 years.

But what I wanted to allude to is that, at the end of that convention, Benjamin Franklin came out of the hall where the Constitution had just been approved in a vote.

And one of the people in the crowd asked him, "What do we have, Mr. Franklin? A monarchy or a republic?"

And his response was: "A republic, if you can keep it."

At the end of this process, assuming we complete it successfully, we'll have accountability, if we can keep it.

And so we're creating a form of self-government for the ICANN community. And it's -- to endure, it's going to take a lot of continuing responsibility. And we're to make it living and real and effective.

But, again, it's a very good day for the ICANN community. And I commend all my councilors and everyone that -- dozens and dozens of people throughout the community who have contributed to this effort and will continue to contribute as we continue the journey to accountability. Thank you.

JAMES BLADEL: Thank you, Phil. Rubens.

RUBENS KUHL: Rubens Kuhl. I'm introducing a topic on behalf of Valerie Tan, which couldn't be here.

JAMES BLADEL: I'm sorry, Rubens. This is the open mic session. Did you want to save that for AOB, or introduce it now? Either one is fine. I want to be sure we're on agenda item 7.

RUBENS KUHL: If it could be now, I don't think we'll manage to get to AOB.

JAMES BLADEL: The floor is yours.

RUBENS KUHL: In one recent PDP, recently approved PDP, we went into discussion where each phase should go first. It was a PDP with two deliverables. It doesn't matter which one it was. And we need to deliver this one first; you need to deliver that one first.

And the question that intrigued Valerie and started intriguing me as well is why we had that dichotomy. Why we couldn't simply say this workgroup will have two deliverables. This is one is priority. The other one is not.

So, if resources are constrained, the priority deliverable should go forward. But, if that deliverable is somewhat stuck by some dependence, maybe we could work on the other.

So is there a procedural requirement to phase things that made us make that decision, obligated us to make that decision? Or could we have in future PDPs established, even if there are two deliverables, establish priorities so that we don't have to phase PDPs? That was the question that we wanted to discuss in the council.

JAMES BLADEL: Thank you, Rubens. So I would mention -- and, if any other councilors would like to respond, I see that the queue is clear.

We can probably ask staff for confirmation. I'm not exactly sure the genesis of the two-phased approach for this particular PDP or its charter. I know that a number of PDPs recently have had multiple phases. I don't know that this is a good thing or a bad thing. I think that sometimes just the subject matter of the PDP makes that determination.

But Marika, I think, will enlighten us here.

MARIKA KONINGS: Yes, this is Marika. Just to note that, from a procedural perspective, that there's no requirement to up front state in which order or how things are managed. But we have seen with recent PDPs becoming more complex and larger, that it is helpful to think up front what may be the best way to do certain activities.

I think in this case as well it was something where staff writing the preliminary issue report proposed some options, got community feedback on -- and on the basis of that, it seemed appropriate to, you know, follow along with that as a way as well for the councilors, the manager of the process, to provide some guidance to a PDP working group on how to best manage its work.

I think, similarly, for example, for the RDS PDP, similar approach was taken where there was actually a process working group between the Board and the GNSO Council that kind of worked through what would be the appropriate steps to take to manage this PDP to set it up for success, basically.

So I think it's something what the council has experimented with and directing -- providing more direction to PDP working groups. But the council could also have said no, indeed, these are the two topics. You work out how to manage that.

But I said, I think it's where the council has taken a bit more of a hands-on approach also through pre work that's being done in discussions that

are being held with the community to provide more guidance to working groups.

JAMES BLADEL: Rubens.

RUBENS KUHL: Rubens Kuhl, for the record.

From a project-managed perspective, what is defined in a sequence of phases is known as waterfall project management, which was a somewhat standard and somewhat old discipline, where newer program managing disciplines like agile and scrum and other proposed -- other methods that are now known as being more efficient and much used in organizations.

So the question is not that we shouldn't guide. I think we should guide work groups towards more efficient management of policy development. But in this case we might have prevented efficiencies. So that's my point.

JAMES BLADEL: Thank you, Rubens.   I think your point -- and I'm sorry, Valerie's point -- your points are noted. And I think that that is food for thought for the next time we encounter a PDP that has multiple stages and something that we should perhaps consider and discuss.

Amr.

AMR ELSADR: Thanks, James. And thanks, Rubens and Valerie. I'm personally of the opinion that I would prefer to leave some of the decision making in this to the PDP working group itself.

But I will note that in this case, the decision to have this two-phased approach was based on public comment periods, the comments produced in the public comment period on the preliminary issues reports. And, of course, there is the interplay between this PDP and the other, the new gTLD subsequent procedures.

I take your point definitely in the efficiencies of the waterfall techniques, particularly made in system development and that sort of thing. And an iterative approach may be better to some of this stuff. But, in the absence -- in the future, in the absence of interdependencies between two policies being developed simultaneously, I would certain encourage this decision to be taken by a PDP working group as opposed to the GNSO Council. I think the council can maybe focus more on directing a PDP's work in terms of scoping it but not how to do it. I think it's best to have that discussion at the working group level. Thank you.

JAMES BLADEL: Thank you, Amr.

Any other folks want to speak to this particular issue that was raised by Valerie and Rubens?

David. If this is AOB, we have Carlos ahead of you. But -- this is -- okay. David.

DAVID CAKE: Thank you, Rubens, for bringing up the analogy to the waterfall model. I think this was made a few times in the policy and implementation working group discussions that we should not consider policy to be -- it is like we build a specification, then we -- it gets built. And we should not expect that -- the waterfall model is sometimes characterized as a solemn agreement by everybody not to learn anything during implementation. Let's hope that we do. And it does require us to think more seriously about -- to reconsider when we have multiple phased approaches, to always be open to changing the later phases in light of what we have learned earlier, even though that has not historically been the ICANN way.

JAMES BLADEL: Thanks, David.

Any other comments on Rubens' topic? Rubens' and Valerie's topic?

We'll then move to item number 9, and we're just a few minutes past which, given what we had in front of us when we got here, is pretty astonishing. Item number 9, any additional orders of business? Carlos.

CARLOS RAUL GUITIERREZ: Yes. Thank you, James. This is Carlos, for the record. For all of you that think that we have finished, I want to recall that in this room at 17:15 the CCT review team will hold its open consultation, open forum, and tomorrow morning, also at 8:30 or 9:00, we will have a similar exercise together with the PDP on subsequent procedures. So I ask the fellow councilors to support the volunteers of the GNSO and both meetings before we reconvene tomorrow at noontime. Thank you very much.

JAMES BLADEL: Thank you, Carlos. We have a hand remotely from Paul. Paul, go ahead.

PAUL McGRADY: Paul McGrady. Just a quick thank you to staff who have been so terrific in allowing me to participate remotely this week. I'm sorry that I was not able to be with you in person, but the staff have been excellent and have made this as seamless as possible. So thank you very much.

JAMES BLADEL: Thank you, Paul. Glad to hear that you were able to participate effectively via the remote bridge. Thanks to staff, and you were missed here in Marrakech. I think we all would have loved to have you not only today but especially over the weekend and dinner.

Any other items of business? I just have a couple of announcements, but I want to make sure --

Okay. So just a couple of announcements. The -- there is, as usual, a GNSO Council wrap-up session tomorrow from 12:00 until 1:30 in the Diamant room, which is the room we spent Saturday and Sunday in, the little basement thing with the windows. The Diamant room is -- I'm sorry, that will be over lunch. Lunch will be provided. We have a number of topics to discuss for our wrap-up. So try to be on time, get a plate of food and get situated because we have -- as you might imagine, we pushed off a number of small items to make room for CCWG and now time to pay that bill. So just a heads up on that. A reminder that statements that are either written or if they were read they need to be

copy and pasted from the transcript, need to be submitted to the mailing list by 1800 UTC which local time is 1800, yeah. We're on UTC. So make sure you get those done. I don't want -- I know that there were some impassioned and important statements, either on behalf of individuals or groups of councilors, that we want to get those in with our report.

Marika and I will work to -- basically, I think it has been constructed as we went along, but we'll work to finalize the letter that you saw. There was a couple of typos in there, even though I said no edits, so sorry. We'll attach the vote report and we will transmit that to Thomas, Leon, and Mathieu, although I believe once it was approved Thomas ran out of the room to go tell them himself. But we will transmit that letter nevertheless, and so that's why we need those -- those voting statements as soon as you can.

Any other comments before we adjourn? Thank you very much. This meeting is adjourned. Thanks.

[Applause]

[END OF TRANSCRIPT]