
JOHANNESBURG – ccNSO Council Preparatory Meeting
Monday, June 26, 2017 – 12:15 to 13:15 JNB
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KATRINA SATAKI:

Good afternoon dear Councilors, while you're still with your lunch. I think we can start. But before we do that I would like to start with an announcement and I'd like to congratulate our Councilor Hiro. Hiro, as you all should know by now, Hiro has received the community's Ethos Award for his contribution. He's been around for so many years and has really contributed a lot to ICANN community. So I would like to thank you very much and congratulate you. We're proud to have you here.

It's wonderful. With that being said – well, that was the funniest part of the meeting. Now we go to serious business. Unfortunately, Debbie will not be able to join us this meeting – not just prep meeting but the whole meeting. Some business keeps her in New Zealand. She could not come, had to cancel her trip.

Minutes – according to our agenda we start... we'll discuss our meeting that we're going to have on Thursday. First we will identify those items that we include in the Consent Agenda and then go through all other topics. When that's done, we'll have to prepare for our meeting with the GNSO Council and GAC. So as

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you know, this is Policy Forum so we're not having – or maybe not not having – the Board is not having bilateral meetings with other communities so that's why we're meeting only with GNSO Council and GAC. We're not meeting with ALAC either because it's a very short meeting and we could not make it.

Proposed inter-meeting Council decisions – there was only one. Appointment of the team to develop Terms of Reference for the cc charter review. And here we have proposed items for consent part. The first one concerns PDP that we have. Working group members nominated Nigel as the Chair and Eberhard as the Vice Chair.

UNIDENTIFIED MALE: They accepted.

KATRINA SATAKI: And both accepted their nominations so expect some nuclear war or... No?

UNIDENTIFIED FEMALE: [Inaudible].

KATRINA SATAKI: Yeah. Just everything will be fine. You will work together very peacefully, right?

Okay. They're both very experienced and they have worked on FoI Working Group so they know what they're going to do. And now they've started discussions in the working group and will update us tomorrow.

Then Terms of Reference for review of the cc charter – Bart?

BART BOSWINKEL:

Yeah. Maybe just together with Abdalla and Martin... Say Martin and Abdalla are the appointed members. My suggestion is to move this to the Updates section of the agenda. It's not ready for adoption so it should not be part of the Consent Agenda but of the Update and then either in written update or a verbal update at the meeting itself.

KATRINA SATAKI:

Yeah. Thank you. I think that's a good suggestion. Let's move it.

The next one, as you know, Cristian who was the Chair of the TLD Ops Steering Committee now steps down and the members of the Steering Committee unanimously nominated Jacques Latour from CIRA to be their Chair and there's also a proposal to have a new member on the Steering Committee to replace Christian. It's Brett Carr from Nominet. It's .uk.

So any questions/objections regarding that one? I think this one is pretty clear. About the next one, again Bart.

BART BOSWINKEL: As far as I recall, the budget was approved by ICANN so this item has become obsolete, the CWG continues so we just as well [get] not include it at all.

KATRINA SATAKI: The proposal is to strike this item from our agenda. Any objections? No objections so let's move forward.

Next one. As you know, every year we have to appoint a member to the NomCom. Our current appointee, Jörg Schweiger from .de, he was reappointed last year and that's it. A person can be reappointed once so in total can serve two years so he's not eligible for reappointment. We will need to issue a call for volunteers. So if you know somebody who would make a very good NomCom appointee, please encourage them.

Sorry? Giovanni?

GIOVANNI SEPPIA: [Inaudible].

KATRINA SATAKI: Yes. He did that. Apparently that's enough for him not to repeat the experience.

GIOVANNI SEPPIA: [Inaudible].

UNIDENTIFIED MALE: Can you tell the prospective customers what's involved?

KATRINA SATAKI: Okay. Our current appointee Jörg is very active, as you remember. He even gave an update during a members' meeting. He tried to explain what NomCom is about and what they are doing. He also raised some issues and a thing that means that we could step in during... and now there's a review of NomCom going on and probably when there's public comment or when they interview us to know our opinion on NomCom we could provide input on issues raised by Jörg and he said that he feels that ccNSO is underrepresented on the NomCom because apparently there are I know seven people from GNSO, five from ALAC, and one from each other SO/AC. So there's only one person from ccNSO.

Why five from ALAC? Because there are five ICANN geographic regions. But in our case we also have five geographic regions

and so maybe this is something to think about and see how we feel about ccNSO being more proactive on the NomCom.

What is an issue, though – sometimes we struggle with finding one person. See even Giovanni, for example. He doesn't want to [do thing] anymore. And now think if we need to find five people, might be a challenge. So it's an opportunity but it's also a challenge. We need to think about this issue and if we feel strongly about ccNSO being better represented on NomCom, then we should go forward.

Demi, please.

DEMI GETSCHKO:

Just a very short comment. I agree that maybe it's very hard work. I know people that work in the NomCom. It's very hard but eight of the Board members are nominated by the NomCom – basically half of the Board – and we have just one ccNSO representative versus seven of the Generic and five of the At-Large. It's clearly a situation of non-equilibrium and I would like also to struggle to have five representatives.

KATRINA SATAKI:

Thank you, Demi. Any other comments?

Peter.

PETER VERGOTE: If we would choose the option to update the number of representatives for ccNSO in the NomCom, I would assume that we also say if we link this with geographical territories or regions, then I would assume that we also are looking from candidates from that specific so that's going to make the exercise even more difficult to find appropriate level of people. But I still think that if we want to play it like this, that we then have to put our money where our mouth is and make sure that we look for volunteers to represent those areas.

KATRINA SATAKI: Thank you. I can't say it's going to be our decision. I don't know if the composition of NomCom is specifically described in the Bylaws or... it's the Bylaws. It would mean a Bylaws change which is not a fast and easy process so I don't know how it would work. But at least if we feel strongly about it we can try –

Yes, Nigel.

NIGEL ROBERTS: I just want to understand this about the option to increase. We don't have that option, do we? It's something that's been suggested that we might ask for. I just want to make sure that

the NomCom is the way it is and we send our own Board members to the Board.

[PETER VERGOTE]: Just to clarify, Nigel, what you're saying is that actually if we would want to raise the number of ccNSO appointees in the NomCom then you would automatically need a change of Bylaws or something like that? Okay, so it's not something that if we feel that this should be done, this is not something that can happen overnight clearly.

NIGEL ROBERTS: You'd probably want one of these Empowered Community processes and magic and so on.

KATRINA SATAKI: So it's definitely not a done deal. This is just something that we can think about and feed our ideas and our comments into this NomCom review process.

Okay, that's about NomCom so we will need to launch a call for volunteers to find an appointee on time. Actually just after this meeting we could launch a call for volunteers.

Next one is [a] final paper of the Cross Community Working Group on the Use of Country and Territory Names. As you know,

there's a final report out for adoption. We received a request – we, I mean GNSO and ccNSO's Chartering Organizations – received a request to look into this final paper and adopt it.

Annebeth, would you like to share your views and your experience? Thank you.

ANNEBETH LANGE:

Thank you, Katrina. As you know, the final paper is now out for adoption of the both the Councils and it's kind of sad that we had been working for so many years and we haven't actually reached the goal that we would have liked to do. So what we have achieved what we were set out to do was to discuss country and territory names based on ISO 3166 list, first level only, and try to see if we in the cross-community could find a framework that we all could live with.

That's actually what we did also in the last round with it which ended in the Applicant Guidebook we have today. But at that stage it was decided that this was only for the first round and it should be more discussion on it whether we should do something with it in the next round. So that's what we tried to do.

I will say that we reached when we discussed the two-letter codes, even if from the GNSO they are quite eager to say that it is

preliminary, but still I feel that we have a consensus more or less that two-letter codes are for countries only – for ccTLDs. All the two-letter combinations out there, because it's very clear that it's not up to ICANN to decide what is a country and what is not, and it might be in the world we're living in new countries coming up and it would be very sad if we had done something with these letters. That's one thing. And the other thing is that if we give away two letters to the gTLDs then it will confuse the whole system.

Pardon?

BART BOSWINKEL: That's very fundamental. It also means a change of the current policy for allocating ccTLDs.

ANNEBETH LANGE: Absolutely. That will disturb the process or the system completely. So I think we could be pretty sure that this will be the result in the end. But then the country codes three letters that follows, much more complicated. And that's quite natural because it's already three letters out there and from the beginning it was three letters that should be gs and two letters that should be ccs, so now that we have opened up for all different things it complicates matters.

So we discussed it lengthly to try to find some way we could do this together, but it's very conflicting views also inside the different stakeholder groups. So we have ended up in the final report to say that this is a problem. We have to discuss it further. We did not start to discuss country and territory names, short or long form and different languages, since we didn't manage to find a solution on three-letter codes. So we all agree that it should be discussed further but we are not agreeing on in which form.

This is what we are starting with now this week. Tomorrow on the members' meeting Nick Wenban-Smith and I will present the results and some solutions and some different things and try to get some kind of feeling what the ccs at all in the room feel so that under the Policy Forum on Tuesday afternoon when this starts to discuss not only country and territory names but then geo names more generally, we will know for sure what we from the cc side feels and then it will be a new session again on Thursday afternoon.

What has happened is that in between is that Avri and Jeff that is the Chairs of the new Subsequent Procedures Group, they have tried to make a kind of a straw person to find some kind of a compromise and we will be presented for that on Tuesday. I read it and I'm not sure that is the solution. It will not be that. It

will be something. But they have really tried honestly to find something that we all could accept and think outside the box.

So that's the situation just now. So if you have any questions, I will be happy to answer them.

KATRINA SATAKI:

Are there any questions? Please also note that this item is for discussion with GNSO Council and the GAC so these items will be discussed –

ANNEBETH LANGE:

One more thing – you also have to take a decision on is whether we should send the letter that was prepared after the study group to ICANN from the Council that unless we agree on the situation where all can live with, we should leave it as it is and leave country and territory names in peace until we can find a common framework. So you have to discuss should we send that letter now?

KATRINA SATAKI:

Okay. Thank you, Annebeth.

Yes, Demi.

DEMI GETSCHKO: Just again a very short caveat. Of course, GAC will likely discuss the two letters and so, but this is our discussion. We cannot conflate the governments with the ccs because we will have other collateral problems in the future. Just throwing that.

ANNEBETH LANGE: Was it a question or just a comment?

KATRINA SATAKI: A statement.

ANNEBETH LANGE: I think actually my feeling is that the majority of the governments in the GAC are on the same line as we are in that question.

DEMI GETSCHKO: Yeah, totally agree on that and we have to use this collaboration to find our goals but we cannot conflate the concept of the ccs with the concept of government. They don't have say in our position.

ANNEBETH LANGE: That's not on the table at all so I think that two-letter codes – ccs – they leave it to us.

KATRINA SATAKI: Bart, please.

BART BOSWINKEL: Annebeth, could you allude to the reasons why most of the cc members on the working group were not supportive of using the subsequent procedures as the way forward because I think looking at the coming days, that will be of importance to the Council.

ANNEBETH LANGE: So we have discussed which way should we do this forward? Where should we do the discussion? Should it be in the new gTLD Subsequent Proceedings? Because they have the mandate as it is today in the Bylaws, it's the GNSO that has the mandate to discuss new gTLDs. But my experience in these years I've been following this is that even if the GNSO say that we can attend and we can be part of the discussion, I still always in these meetings feel a little kind of intruder in their affair. So what have been discussed is they have already established four work tracks where they have specific issues to discuss because the new gTLD or a new Applicant Guidebook it's so wide discussion. It's so many things they are discussing. So when we are sitting in these teleconference and it is two minutes or five minutes that I

discuss country and territory names and geo names and then I have been sitting in two hours to try to listen to all the other stuff and catch when they come to the thing that's interesting for me.

So it has been suggested that we should have, if it should be under the g regime then it should be a new work track five only for geographical issues. So those that are interested in that could really engage in that discussion and I think that will be a better opportunity for us and also for the governmental people to use some time to do this specific working group or the work track instead.

Another alternative is that we have something here, of course. But then we would also...it is as long as it's gTLDs I don't know – Bart, wouldn't that be very difficult? And a new cross-community then they had to have a much wider mandate [and] we could try again but –

BART BOSWINKEL:

May I ask a follow-up question what you just said again for clarification? So the fifth track that you just described would fall under the GNSO PDP Policy Development Process. That means that the outcome would effectively be determined by the GNSO at the end of the day.

ANNEBETH LANGE: Yes. And that's a problem.

BART BOSWINKEL: Yeah. That's why I'm asking. Is there say you could imagine, for example, a situation that a track like track five has proposed that the ccNSO as such and maybe the GAC would have also a kind of a veto on the outcome of that track and that would feed into the PDP. That could be a way forward. That's where you ensure that the role of the ccNSO and the ccTLD broader community. That would be a way to mitigate some of the risks. But still it would be run according to the – if I understand it correctly, please advise – would be run according to the working methods of the GNSO working groups.

ANNEBETH LANGE: Yeah. That's correct. So that is the problem and if it's an overwhelming majority of GNSO people feeding into this work track as well and perhaps two or three ccs or perhaps two or three from the government, I don't know. I'm afraid of the result. I would have preferred to have it in a cross-community but this is still a working group so if we had ended up here with this group that we already has had, it would still be a result that this Cross-

Community Working Group should have delivered into the new gTLD process. So it's not that different.

BART BOSWINKEL: May I ask one more question? What would in your view happen if we kept the current state of affairs? That means that the rules as they are currently included in the Applicant Guidebook would remain in force.

ANNEBETH LANGE: That's my favorite. Actually I think – and I've talked with some of the governments about this as well – and if it's not broken, don't fix it. What created the problems last round? It was nothing to do with what we have but it was those geographical names that's not on the list that's protected today.

One solution or a little extension, if we should give something at all it would be to strengthen the support non-objection, to also, for example, apply on the three letters. But it will still be a gTLD. It couldn't be a ccTLD. Because we still know that it's some ccs that want that three-letter code to be used in their country, and as it is now it's not open for anything. It's also some of these on the ISO list that have a three-letter combination. That's very far from having some connection with a country. So perhaps it could be used as a brand, but closed brand so it's not open for

registrations because that would be a complication for the countries. It's many ways to think about this but I would prefer to go just keep status quo. That's the easiest thing but after discussing with the GNSO people for two years, that's not their favorite. I can tell you that.

KATRINA SATAKI:

Okay. Thank you very much, Annebeth. How would you propose that we discuss this with the GNSO and the Councilmen and the GAC?

ANNEBETH LANGE:

We are closer to the GAC in this view than we are to the GNSO. But still within the GNSO there are people that think that the support non-objection for the three-letter codes is a good idea. The strawman they have sent out, which are to be discussed, is then they leave country and territory names alone as it is today – the full and short and all these different things – they should not be able to register that. But I'm not sure that the GNSO will like that model or the suggestion even if it comes from Jeff and Avri.

I think that we are saying that we don't want anything to happen. We are happy with how it is today. But it's easy for the other side to say that, "Well, of course you don't want it because it's a competition." So we are kind of some of them say that you

don't want it because it can be difficult for you as a ccTLD, and then they also use those instances of ccTLDs two-letter codes that's used exactly like a gTLD. We have some of those in the world as well. And even if my arguments in that discussion has been that, "Well, it's a local Internet community that had decided which way this shall be used and as long as the money goes into the country again, then it's acceptable for me."

But I think that we in the end have to give something, to be honest. And then the question is, what should we give? The way we have seen it is that the GAC want too much protection and the GNSO want too little protection, and our porridge is exactly right, in a way. But that's our view. So if you're going to get somewhere at all we have at least to discuss it and see what these two Policy Forums ends up with. But one of the things that's also important arguments here is that if they want the new gTLD process to go on without the big problems they had last time after the Applicant Guidebook was presented – that took four and a half years and after that a lot of discussion and problems as well with these controversial things – it would be much easier to leave it as it is for at least the country and territory names, and then they can have their fight with the GAC on the other geographical names.

Yeah?

UNIDENTIFIED FEMALE: Ching is asking, “Are we comfortable with the existing GAC early warning mechanism which is said to protect country names. And if not, what more should we ask?”

ANNEBETH LANGE: What early warning didn’t apply for our country and territory names in the last round, and also that could be quite difficult. But I think that early warning system, for example, for the other geographical names that’s not protected at all today, that could be a solution that they have quite a long time they have to publish it and the government has to be kind of attentive and find out what’s out there. But I don’t really think that that is our problem or our... Should we have very strong views on that? I’m not sure. We have our things that we should try to find a good solution for.

It’s one more thing that I would like to mention is that it’s a lot of talk here in the whole ICANN community about the underserved regions – outreach, taking aboard all these that’s not in here yet – and by opening up for too much of these things, the names that we know even if it’s not legally protected – because that’s an argument as well, of course – the country and territory names and these names that people in the country feel that is part of their identity.

So with all these countries that are not a part of our community, they don't know what's happening here. Should we be in the position that we could just take it and do what we want and then when they wake up and try to get into this, everything's gone? That is, especially in my view for the country and territory names and capitals and that kind of thing. And that's the protection that we managed to get in the last Applicant Guidebook takes care of that.

KATRINA SATAKI: Thank you.

UNIDENTIFIED FEMALE: Ching has one final comment: "GAC early warning did apply on a few TLDs – Amazon, [inaudible] [Shangri-La]. Examples are geo names, not country names."

ANNEBETH LANGE: I know it was geo names but it was not country and territory names.

KATRINA SATAKI: I remember [Peter]. I just wanted to understand because the way I see geographic new TLDs, none of them is commercially successful. Are they really so eager to have even more suffering

geo TLDs? It's just really something that I'm struggling to understand.

Peter.

PETER VERGOTE:

That was almost exactly the point I wanted to make. When we were discussing the first gTLD round six, seven, eight, years ago the fundamental arguments in that discussion on to move forward or not was that it would improve the markets in a way that provided customers, registrants, more choice, more competition on registrar and registry level. We know now that it didn't. We know now that that demand from those studies was highly inflated but we're still discussing, we've spent years on discussing an issue for which I think it would be really healthy to check again after six, seven, eight, years – I can't remember when those studies were drafted – but to see whether there is any point.

And remember that we're not discussing demand on the registrar or registry side. We're not here to keep on supporting creation of wealth within the industry, and the whole point of that discussion is to serve the potential registrants. And if you look indeed, as Katrina points out, to the current demand on some of the geo names it's appalling – cities with millions of people with less than 1,000 names.

The second comment I wanted to make is, in discussions with GAC members, especially the European ones, it always strikes me how unsynchronized GAC and ccTLDs are on some issues. It's on the whole spectrum from geo names to country codes, two-letters, also on the second level discussions that are now taking place in the GNSO. I would encourage that the lack of synchronization is probably one of the topics for discussion with the GAC. We're trying to address it in a European level as well but it's not getting anywhere.

Typically a GAC member for instance doesn't even know that their ccTLD allows two-letter registrations on a second level. At the same time they're advocating fiercely in the GAC that new gs should not be allowed to have those same two-letter codes on the second level. It's just an example but there's quite an impressive mismatch there which I think we can easily solve by keep on talking that and exchanging lists. [Inaudible] we did a survey on exactly that topic and we're happy to share and if other regions could run that survey, too, then finally the GAC would actually get an overview of what's happening in ccTLD worlds without making assumptions that are false. Thank you.

KATRINA SATAKI:

Thank you very much, Peter. I cannot say that all ccTLDs are on the same page with two-letter domain names being registered.

Demi.

DEMI GETSCHKO:

Very shortly – I will begin with this last point. I think and I think it's very important to keep the distinction between ccs and gs. We are [based] in 3166. I suppose this is also the main argument about the three-letter codes and there is no meaning if I have, for example, .uk under .br because we are original – we don't have .uk under .br but it's totally different if you have .uk .country which is a new gTLD. Of course .uk .country makes some kind of confusion with .uk because both are countries or seems like. But in the regional in this 3166 way to see the things, I don't see any problem with ccs having two letters of other ccs. This is not a problem between the ccs. We allowed in some cases two letters that has no meaning related to other ccs and I know that other ccs also have two letters under their own domain.

From my opinion, it's important not to confuse what we are doing as ccs and what the gs are doing on that because gs [had] what was created by virtue of a contract, and if there is something in the contract we saw all the time they're trying to alleviate the terms of the contract now in a unilateral way.

And a last point what said Annebeth, I don't buy the argument that we don't want competition because all the TLDs competes in the same region. If you have a three-letter that is the same as

the two-letter in the eyes of 3166, you are not competing. You are just using the brand name of the region as an alternative way and this is not competition. This is just stealing the brand.

KATRINA SATAKI: Thank you. Annebeth.

ANNEBETH LANGE: I agree with you, Demi, that it's...I'm not saying that it's competition but if it's used the right way it's an extension but the problem... I get these arguments from the other side that they said you don't want it to be a gTLD used for something completely or someone that you can't control, and then they are competing with you under totally different circumstances than the two-letter code have. Two-letter code has the local law follow everything within the country. If it's a three-letter, it will be a gTLD will follow the global law, U.S. law, ICANN registrars, all these things that you can't really regulate or control unless we open it in that way with a support or non-objection so you in many ways can't say that you can do it under certain conditions.

Peter, I agree with you that it hasn't been any success. There were not a [lot] of success at least the geographical names that's already out there but that's also my problem when I discuss with them because they say, "That's because we didn't get what we

wanted. We wanted the country and country names.” So the country names will be successful. It’s a difficult discussion.

KATRINA SATAKI: Okay. Thank you very much.

Young Eum?

YOUNG EUM LEE: I think this is an issue that we actually need to be more serious about, as Peter has suggested. And so actually during our meeting with the GAC, it’s usually very casual and I’m thinking that all the ccns can – although Demi said that we are not the same, we are very different – but each ccns can cooperate with their GAC and we need to inform or even educate that the GAC members of this issue and try to basically get more interest and more support from the GAC.

KATRINA SATAKI: Okay. Thank you very much. We’ve spent a lot of time on this topic. One thing that we need to understand and decide for ourselves – are we ready to take a decision this meeting or we defer it until the next Council meeting will be on a call?

Okay. Let's move forward. Are we already ready to think about this or at least will answer the question if we're ready to take a decision this meeting or next meeting? What's your feeling?

Byron?

BYRON HOLLAND:

Can I suggest as a topic in the broader members meeting this would be exactly the kind of question that perhaps we can socialize with the broad member community and maybe even take the opportunity to use our cards to really take the temperature of the room and see what the broader community is thinking, at least those in the room.

I think the recommendations are sensible, and personally I would concur with what Annebeth is recommending but that's just my opinion. I think we should bring it to the broader audience, get the cards out, see for ourselves, and assuming there's clarity there, then be in a better, stronger, position to go forward with the decision and if it's mixed then we probably have to want to punt it to the next meeting and have some more time for dialog.

KATRINA SATAKI:

Okay. Thank you. Annebeth, some final, final words?

ANNEBETH LANGE: Just a final comment – a follow-up on Byron. Since we have [this] presentation Tuesday morning in the members meeting then I think we have planned to – we have some questions in our presentation and try to get the temperature of the member sitting there. So I think it’s a good way forward but then we all know before we go to the Policy Forum and I really hope as many as the ccs as possible attend the Policy Forum on the Geographical Names, even if it’s more extended than our primary interest. We should be there.

BART BOSWINKEL: Just to be on the safe side you refer to the meetings on –

ANNEBETH LANGE: Tuesday afternoon and Thursday afternoon.

BART BOSWINKEL: Okay.

ANNEBETH LANGE: Policy Forum for all of us the whole –

KATRINA SATAKI: Cross-community session.

ANNEBETH LANGE: Cross-community sessions, yes.

KATRINA SATAKI: Okay. Thank you. Let's move swiftly forward.

Next one is about the guideline on ccNSO procedure for the exercise of the Empowered Community's rights to approve specified actions. Tomorrow during the first day of our ccNSO meetings, we will have a update from GRC, and during that update we will walk communities through the guidelines, through the approval action process, and present three alternatives. The guideline we presented to the Council and to the community we had two alternatives. Now we've come up with another alternative.

So just to summarize – first alternative was that ccNSO Council listens to the community then comes up with a decision and it comes into force immediately. Second is that we shorten time for discussions. We have a ccNSO Council decision and we have seven more days to give opportunity to 10% of our members to request certification vote which, of course, won't happen so basically it means that 10% can veto a Council decision. And now the third option would be that we do not discuss, Council does not decide. We go straight to a members vote. It will be

explained in details tomorrow so please be there and turn your phones off and listen carefully to the community. Thank you very much.

One thing that is very important that we also need to understand, that regardless on the outcome which of the three alternatives community prefers, regardless of that, even if the Council approves the guideline, this guideline, this process of guideline approval, is still governed by the rules of the ccNSO which means that the guideline may come into force seven days after Council decision, which means that there's no way we can make it work this time, which again means that we will have to ask the community to allow ccNSO Council to come up with a decision and unfortunately there will be no way the community to veto or otherwise influence the decision. But luckily in this case the current approval action is not very controversial, to say it mildly.

Okay. So next agenda item it was added, as you may remember, because of a discussion we had on the ccNSO Council e-mail list. As you remember, there's a letter that .cr sent to the GAC and we read in copy and, as you remember, they were threatened by economic specialist of the United States Embassy in Costa Rica and the guy apparently told them that the U.S. government's going to close the registry. So at this point, again as you remember, .cr does not expect us to act or to do anything to

show support or something but this is still an issue for ccTLDs and should be made clear that no one can threaten to shut down a ccTLD, and that's why we included this topic here.

So the idea is to discuss should we or should we not react somehow and move forward with whatever action we decide to take?

Peter, please.

PETER VERGOTE:

Good. Thank you, Katrina. I would like to add something to put it in a slightly bigger context. As some of you might be aware of an initiative called Internet & Jurisdiction. It's a industry-driven think-tank, I would call it, run by Bertrand de la Chapelle. They have annual conferences. They are now preparing the next one in 2018.

In that context there is a sub-group preparing for discussion on cross-border impact of law enforcement instruction and court orders. And in that context they are not just talking about the gTLDs under ICANN contract but also the ccTLDs under their own sets of local rules and policies. And in that context there was something that really struck me, that is that the NTIA spoke out on a call expressing their disbelief that ccs were not aware that they should follow instructions from U.S. law enforcement

agencies because in their view that is a result from the bilateral and multilateral trade agreements that U.S. has.

I think the surprising thing was that the NTIA believes strongly that in particular those countries that have trade agreements with the U.S. the relevant ccs should upon simple request follow instructions from U.S. law enforcement agencies. And she could not believe that European ccs were not aware of that simple fact.

KATRINA SATAKI: Ignorance is bliss, so that's one thing.

PETER VERGOTE: I think it illustrates that this is not just a .cr problem. It doesn't illustrate that there's indeed a lot of misunderstanding on the way that cc policies are formed and the impact of local law. In Europe some countries have explicit laws outlining that a subject of that country should not follow instructions from foreign law enforcement agencies. So that's just a conflict of principles.

KATRINA SATAKI: Okay. Thank you. Any other comments anyone would like to –

PETER VERGOTE: Sorry, Katrina. To make this a bit more concrete what I believe we should do is have a broader debate on this, not just focusing on this particular case which can be a crystal clear illustration but I think it's a broader problem that we should discuss as a global community.

KATRINA SATAKI: Okay. Thank you. Thank you for this proposal. Definitely something for our Meetings Program Working Group to note. Anyone else?

Okay, Bart.

BART BOSWINKEL: Say given the notion either the Council advises the Program Working Group to put this on the agenda of the next meeting and prepare [it], but do you want to take a specific action? Otherwise, my suggestion is to strike this from the agenda because it's already over full.

KATRINA SATAKI: I think let's strike it from the agenda but add it as a topic that definitely needs more discussion at the next meeting.

Okay. Thank you. Let's move forward.

Next one is about participation of the ccNSO in the Abu Dhabi meeting.

UNIDENTIFIED FEMALE: Katrina, apologies. There's one comment.

KATRINA SATAKI: Yes, please.

UNIDENTIFIED FEMALE: Regarding the previous topic – Ching is saying that it's related to Pirate Bay so we should be very careful on this. That was Ching's comment.

KATRINA SATAKI: I think that doesn't matter if that's about Pirate Bay or any other thing. We're not discussing the topic of some copyright infringement. We're discussing the fact that somebody threatened ccTLD basically to close down a ccTLD and it's really irrelevant if that was about Pirate Bay or any other thing.

Okay. So let's move forward.

As you remember, we raised some concerns with the Board in Hyderabad regarding Abu Dhabi meeting and we also before we did that we discussed the topic with the Council and, as we

discussed in that one of the possible options would be to opt out from the meeting in Abu Dhabi. For this meeting we have prepared a session, and on Wednesday morning after our meeting with our guys on ICANN Board we'll have a session and when we have Nick from ICANN, he kindly agreed to come to our meeting and answer all the questions we might have first about the general how meeting venues are selected. That's one thing. And then particularly he is ready to address all our concerns regarding Abu Dhabi meeting.

So on Wednesday we'll have this session and at the end of the session, again, we will ask the community what they think and how they feel about this Abu Dhabi meeting and then the Council can decide regarding depending on the outcome of this discussion. So prepare your questions first in general about how does ICANN select meeting venues. That's one thing. And another thing is particularly about next meeting venue.

Okay. Any questions about that? Not at the moment.

Next one I think we already agreed to move it to Updates session. And then again it's about approval action. We'll have to – bless you – approve fundamental Bylaws change.

BART BOSWINKEL: One question. As such, do you want – because I think the number 10 and 14, although they’re related – do you want to combine them in one item?

KATRINA SATAKI: Yes. I think that’s the right way to proceed.

And then we have all the updates. All the updates, one more thing I wanted to [raise] I think it’s not on the agenda but still it’s CCWG auction proceeds. Sorry again. I’d like to talk about auction proceeds.

BART BOSWINKEL: Katrina, if you would go to the next paper it’s [inaudible].

KATRINA SATAKI: Okay. Yeah. Okay let’s not talk about it now but let’s move to the next paper we have. This is our joint meeting with the GNSO Council. It’s today from 6:30 to 7:30. It includes cocktails which is the good part about the meeting. We already discussed country and territory names so I think there are no more questions there. And then there are two fundamental issues probably that we need to think about. First is the charter basically, the [revised] charter of the CCWG on Internet Governance.

As you remember, we agreed to send some questions to the group. Yes, they were sent. We haven't received replies yet. I don't know, Young Eum, if you're ready to comment already or you're going to meet with other guys and discuss. Probably we can talk about that later during our Council meeting but if you're ready to comment [now].

YOUNG EUM LEE:

No. I don't have specific content details but we will be meeting tomorrow morning. There's the face-to-face meeting tomorrow morning and I will keep the cc updated after the meeting.

KATRINA SATAKI:

Okay. Thank you very much. I know that the GNSO, they are not very happy with the charter and they still have many tough questions to the group. The ccNSO we believe that we need the group but we still are not sure about our involvement and probably we should increase our participation in the working group – how to do that, how to ensure that we get all the information from the group, how to improve communication and so on. So these are the questions we sent to the group and no answer yet so let's hear out what the GNSO Council is concerned about and how we can address those concerns.

Next thing is CCWG auction proceeds. I'm really unhappy with the way it goes, as you know. In March, 2015 – I think it was March, 2015 – we decided not to participate in this working group. Then at some point some Councilors thought, “No, it's a good idea that we participate and there are ccTLDs that are interested and should participate,” and then we changed our minds. A majority of the Council voted to change Council's mind and decide to participate.

And luckily we found three people to be on the group – Mathieu, Peter, and Ching. Ching very actively participates in the group and is a co-Chair but, as you know, Mathieu has left the registry. He's not with .fr anymore and so he stepped down from the Cross-Community Working Group. We launched a call for volunteers, received none application. And please note that Ching's term on the ccNSO Council expires this autumn so he will also not be a ccNSO representative on this working group.

So if we did not succeed to replace Mathieu, I do not see how we could possibly succeed in replacing Ching. But according to the charter, Chartering Organization is supposed to appoint three members to the working group. So even if Peter is still willing – and I hope he's still willing to do the work – we cannot ask him to do work for three people. So GNSO Council asks us a very legitimate question since we failed to replace Mathieu but we

are supposed to appoint three people so they legitimately ask us, “Is ccNSO still willing to be a Chartering Organization?”

Since we changed our mind once, I really believe we should not do it again. So we’re not a young girl who cannot decide who to marry. We should be more responsible in our actions, which means that we just need to find at least two more people. Three to five members can be appointed by a Chartering Organization so either you find people or those who voted for changing their minds will be the ones appointed to the group.

Yes. Peter, please.

PETER VERGOTE:

Thank you, Katrina. Katrina, have we actually tried to reach out to those ccs that have those CSR and community investment programs? Bart seems to suggest we did.

BART BOSWINKEL:

They told me not to speak while I was eating.

We did initially and it was very clear say especially from some of these registries they were interested in participating but not as members. So they want to participate on the outside because it’s not their world, especially those say with the institutions themselves. These institutions could provide a lot of information

but they want to go in and out and whenever necessary so it was more setting up the link than anything else. That was the result and we informed them individually at the time.

KATRINA SATAKI: So any proposals? Any volunteers?

Stephen, please.

STEPHEN DEERHAKE: Katrina, in an interest of saving face with the GNSO, I'll volunteer to fill it out so we're full strength for our meeting this evening.

KATRINA SATAKI: Excellent. Thank you, Stephen.

Peter.

PETER VERGOTE: I may be wrong but I have a recollection that when we changed our minds concerning to participate in this particular working group that we said, "Well, we want to participate because there is a clear interest of at least some of our ccNSO members on the matter at hand." But I think that at that point even then we had some reserve whether that participation should actually take the form as being a Chartering Organization. I remember that we

provisionally said, “Okay, Ching is willing to take upon his shoulders the role as a Vice Chair but we will re-evaluate,” so if that re-evaluation would now be that we still longer want to participate in the group but not necessarily as a Chartering Organization that that is not exactly changing our mind like we did last time. It’s simply taking one of the options that we considered at the time when we did change our minds.

KATRINA SATAKI:

Bart, please.

BART BOSWINKEL:

If I recall correctly but I’ll check it say before you have the meeting this evening. Chartering Organization is something else and appointing a co-Chair. It is one of your powers as a co-Chair or as a Chartering Organization to appoint a co-Chair. That was a separate discussion. As a Chartering Organization, the second power which was relevant is that ultimately you are going to approve the say the final deliverable of the working group. That is the second one, and that’s what we’ve done at the time and the ccNSO took it upon it to become a Chartering Organization because then you have members with more influence. Otherwise, it wouldn’t make any difference if you step out as a Chartering Organization individuals can always participate as participants. The charter allows this.

But there was this extra mile the ccNSO Council at the time decided they wanted to be a Chartering Organization to appoint members and then the second power, what you refer to the co-Chair, that's something else that came up and in principle Ching is appointed on an interim basis to be re-evaluated.

KATRINA SATAKI: Thank you. Yeah, that was the case and I understand that there's a comment from Ching.

UNIDENTIFIED FEMALE: Indeed. So Ching says, "It seems that the declaration of interest could be an issue because those who are in the designing role should be clearly separated from those applying or receiving the funds and this should not be taken as an obstacle."

KATRINA SATAKI: Okay. Thank you. Bart.

BART BOSWINKEL: To be clear, at the time of the first call for volunteers this declaration of interest was not applicable, and in the second call even in the second call, it wasn't. So maybe now it could be an obstacle but at the time we sent out the calls for volunteers it didn't exist so it wasn't an obstacle.

KATRINA SATAKI: Thank you very much. Basically that means that having a co-Chair is not an obligation. That's a choice. But since we're a Chartering Organization, we need to appoint at least three members.

Ching.

UNIDENTIFIED FEMALE: Ching has a comment saying that he would be happy to accept any evaluation questions by e-mail.

KATRINA SATAKI: Thank you very much. Please use these three – okay, two and a half days – to talk to our fellow ccTLDs and find out who is interested to serve on this working group. We need to find at least – yeah.

UNIDENTIFIED MALE: [Inaudible].

KATRINA SATAKI: Yes. If we want to save our face, please find. I agree. I absolutely agree with you.

UNIDENTIFIED MALE: [Inaudible].

KATRINA SATAKI: Okay. Thank you. Then we'll talk about Empowered Community, the processes –

Yes?

UNIDENTIFIED MALE: Given the dire situation in which we are at this moment with this concern, I would like to volunteer to make sure that we have that problem over with.

KATRINA SATAKI: Thank you very much. Excellent. It's so easy to solve. I'm surprised we were not able to find two volunteers earlier. So thank you very much. Yes, that's great. So we will happily inform the GNSO Council –

BART BOSWINKEL: [Inaudible] at the end of the meeting.

KATRINA SATAKI: Yes. We will appoint you at the [end of it]. Please include the agenda item.

Thank you. What wonderful Councilors we've got.

Okay, but please change your mind really responsibly next time.
Thank you.

[Easy] administration Empowered Community processes –
apparently Stephen will take the lead there.

Charter review – GNSO proposed to include this one even
though technically a CSC review is carried out by the ccNSO
Council and RISG so there's no need for GNSO to actively step in
but the charter, should we decide to update charter then we
need to adopt it by the ccNSO and GNSO.

And PTI Budget – anything we'd like to say about PTI Budget
included planning for Fiscal Year 2019 PTI Budget status update.

Bart?

BART BOSWINKEL: Maybe just for them as well, I think this is part of the Operating
Plan Cross-Community session on Wednesday afternoon from
3:00 to something or 3:15. This is one of the topics.

KATRINA SATAKI: Thank you very much. No time for questions. We've been kicked
out out of this room so thank you very much for being active on
this prep meeting and see you soon. Thank you very much.

UNIDENTIFIED MALE: Can I just remind everyone that we do have the approval action community forum tomorrow morning at 8:00 in the GAC room. Chris Disspain will be making the Board's case.

[END OF TRANSCRIPTION]