

**Transcription ICANN London
Discussion of Motions
Saturday 21 June 2014**

Note: The following is the output of transcribing from an audio. 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.

On page: <http://gnso.icann.org/en/calendar/#jun>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

Jonathan Robinson: Please let me know when we're ready to start the recording. All right, we're into the session then on the discussion of motions, a little later than scheduled. The two motions - the first motion is motion for approval of charter for PDP working group for the IGO and ING access to curative rights protections.

It should've been made by (Thomas) but he was sunning himself on a beach and so - (he'd like) to make the motion remotely. (It's a little unsettling) but - so I think on assumption that it would have been made by (Thomas), and as you know, we discussed it at our last meeting. This was deferred. So let me open the discussion.

And (Thomas), I don't know if you would like to make any comments. I mean, this is really a (theme) at the moment, this IGO, INGO, and this is the curative work and this is the charter prepared by staff for which a deferral was requested. Any concerns, comments or issues with the motion?

John Berard: John Berard, business constituency. I'd just like to know if the concerns that led to the deferral have been mitigated.

Man: I think that's a question for Avri. Hello, Avri.

Avri Doria: I believe so. We have had conversations about it and believe so but we will talk some more on Tuesday.

Man: Thank you, Avri. John, does that answer your question? So I would just like to remind everyone of something here. We've got our (compact) constituency and stakeholder group meetings on Tuesday, at which point we will discuss properly these motions within those different groups.

There is a meeting scheduled - I know we're all desperately busy and the schedule is punishing and all the rest of it, but there is a slot set aside on Tuesday evening for groups to come together to discuss group -- GNSO groups -- to come together and discuss any substantive concerns with the motions to try and thrash them out to put us in better position for Wednesday.

Please take advantage of that. If you don't turn up and don't have a drink and don't come to the Tuesday session, no problem. But, you know, it is an opportunity for you to come together, have a meeting point and perhaps even less colleagues in - if something's come up on the Tuesday session, (let) whichever colleagues you think are most appropriate know that you are willing to come to the Tuesday evening session to discuss them and try and modify the motion, get any changes made or even just give a heads up to where you think this is going.

Because at the moment, the way this is done, as you'll recall, I'm - remind me if I'm wrong, but I'm pretty sure this is a staff-prepared charter would have used to getting the work on the go rapidly. So the one thing that could be requested is to form a drafting team for the charter which, of course, will slow things down but may be required.

But if anything like that is, you know, substantive, it would be really great to know about it beforehand. For the moment, my assumption, my working assumption is having aired this, having deferred it, having heard no

significant comment or objection to the contrary, that we're going to vote this through.

So I'm kind of giving you my sense of where I think this is going and if it's not going that way, it would be good to have a discussion about why and what we can do about it.

Great. So let's close that motion and move onto the next one then which is a motion brought to the table by Brett Fausett dealing with the new gTLD subsequent rounds. So Brett, I don't know if you want to introduce it or make any comments or thoughts and get any feedback.

Greg Fausett: Sure. This is a motion that is intended to just be a starting point and intended to formalize discussions around where we go from here in the gTLD process. It's something that we talked about in (passing) in past council meetings and talked about with several members of the council.

As you'll see, there's a series of whereas clauses that talk about the history of this. As you may or may not know, subsequent rounds were baked into the previous policy.

So these are going to happen with or without our involvement. I know that ICANN staff is currently working on some metrics on how to evaluate these. One of the points that John Berard brought up on the list, as you may have noted, was that there is currently the affirmation of commitments process, at least an affirmation of commitment by ICANN to review the new gTLD process and presumably something is going on there.

A lot of the deadlines that were set by the guidebook for review of round one have already passed. It's not clear to me, at this point, what ICANN was doing to think about new rounds and evaluate round one. And it seemed to me and many others, I think, on the council that GNSO had a role to play here.

And if we were going to play a role, it was probably good for us to be proactive and get out in front of it. And I did receive sort of confirmation from (Bruce Tonkin) who saw the motion and suggested that this was a timely motion and it was good of us to get in front of the process if we wanted to be able to influence it.

So that's the purpose of the motion, is really just to get us formally thinking about it. Now one of the things I heard about from Avri earlier was a question about the idea of a committee as a whole which one of the resolutions tries to create and whether that was the right mechanism for us to have the conversation.

I chose that in the motion because that's the way the original new gTLD process was created. It was the GNSO council acting as a committee as a whole. I'll tell you, I'm not (related) to that at all. It's basically just a straw man for us to think about.

And if a better mechanism is a working group that we can opt into rather than creating maybe a second mailing list to the council as a whole, you know, I think that would be fine.

The mechanism isn't as important as the fact that we identify this as something we care about, that we want to be involved in, and that we start working on that.

I didn't think it was appropriate at this point to recommend any particular issue reports because I didn't think that we could come up with consensus yet on what the issues would be that we wanted to address for subsequent rounds of new TLDs or how to evaluate the first round.

So this is really to get us thinking about what those issue reports would be so that we can refer them to (staff) and that we can start the policy (val) in the

work. I would hope that the point between perhaps passing this motion and getting to a place where we can have issue reports created would be very short.

And some of the things we want to talk about I think will be clear immediately once we start, you know, picking a low hanging fruit from round one. I think there're some issues that everyone would identify as things that needed to be corrected.

So, you know, maybe we don't come up with all the issues and reports at once. Maybe it's a conversation that leads to multiple issue reports, multiple PDPs down the road.

But the idea of the motion is really just to get it started. And I wasn't sure as - still a relative newbie back to the council what the process was of amending this motion because I did talk with (John) and I added some language for mentioning the affirmation of commitments process and asking for a status report on that in the resolve things.

I ran it by (John). He thought it was good language. So I don't know if I can amend my own motion or whether someone has to do that, you know, make a friendly amendment that I then take but I, you know, if it's a motion I can amend to solve (John)'s questions, I'm happy to share that with the list and make the new motion. I wasn't sure if that was going to start the (pin) date, you know, thing running again. I wouldn't think it would but just a process point there.

Man: Avri, is that your hand raised up or - okay, so would you like to respond to the process point as well or are you responding to the substance of the motion?

Avri Doria: I was going to respond to the substance but I can opine on the process point. Opining on the substance point to start off, I think anybody can - the way we have the process at the moment, anyone can offer a friendly amendment so I

see no reason why a person - and we've actually had occasions in the past where someone has actually friendly amended their own, you know, because very few of us are unfriendly to ourselves.

Man: Okay, can I just make a point though? I agree with you. My only counter to that would be providing doesn't materially alter the motion because otherwise - and I don't want to get down - and referring to the STI at this point, but otherwise what I might put in is it kind of goes to motion and then flips the whole thing at the last minute.

So, you know, I think one would have to be sensitive to an objection that this is a material amendment to the motion that providing that something happens, I think I said emotion, but I meant a motion.

Avri Doria: And perhaps the fact that it doesn't have a seconder that can accept it, so you know, that is an issue. The thing I wanted to bring up - I already brought the one up of the committee as a whole. I think that's passed. I happen to chair much of the committee as a whole that came up with the gTLD and I don't think we should do that again.

So I think coming up with one of those drafting teams or, you know, non-PDP working groups is a good enough way to do this. I'd also like to offer a friendly amendment that, instead of evalu- having to fully evaluate the current (GT) to the applica- subs- yes, in the second point and where it says for possible adjustments for subsequent application rounds, I would like to turn the word application into applications and drop the word round.

I don't think we should commit ourselves - I know everything that multiple years ago said there would be multiple rounds but I don't think we should, in this motion, be committing ourselves to the notion of rounds, you know. So I would like to offer that as a friendly amendment to this.

Man: And so just on a process point, by all means I'd (not want to object), but offer it in writing and get Brett to accept it as friendly. And you're right to also highlight. I mean, I don't know if anyone would like to second this motion because then we still need a second (unintelligible).

Avri Doria): (I'd second it if) (unintelligible).

Man: You know, I'm not wedded to the language, Avri. I just - a clarification - I - those weren't my words. Those are the words out of the guidebook. That Section 1.1.6 of the guidebook said that there shall be subsequent application rounds.

So I was not trying to - I actually took great care to make sure that this motion didn't try to advance any particular agenda and it tried to, wherever possible, just copy the words from existing documents. So that's where I got it. And I think we should be open to rounds or just steady state.

Avri Doria: Or something in between.

Man: Yes.

Man: Okay, any other comments, questions or input on the motion or are you all exhausted, or neither? All right, so it sounds like we are, as you might say in the US, good to go with these two motions. Let's take a 15 minute break. Please be prompt when I call you back because, frankly, I'd quite like to get these next three sessions over in relatively short order.

I don't want to do anyone a disservice but I'm not sure we need a full hour and a half for the next sessions. And I'm sure many of you might like to either get on with some other things as well. So let's take a quick 15 minutes and come back and work through the three sessions this afternoon. We can stop the recording now. Thank you.

END