

GNSO Council Public Meeting

Wednesday, 10 April 2013

ICANN Meeting

Beijing, China

>>JONATHAN ROBINSON: Hello, everyone. This is Jonathan Robinson. Welcome to the GNSO Council public meeting here in Beijing, Wednesday, April 10th. We are going to start the proceedings off with a -- as is customary with a public forum with the presentations from the different stakeholder groups and constituency leaders.

Whereupon, we'll adjourn for a few minutes, take a 10-minute break, and then recommence at approximately 4:15 to begin with the remainder of the formal Council agenda.

So welcome, everyone. Thank you to everyone who has come to join us today. And we will commence proceedings, as I say, with presentations from the stakeholder groups and constituency leaders starting with Keith Drazek from the registries stakeholder group. Good afternoon, Keith.

>>KEITH DRAZEK: Thank you very much, Jonathan.

Hi, everyone. This is Keith Drazek, chair of the registries stakeholder group. I think we will keep the registries and I guess the NTAG brief update this morning -- this afternoon.

We have spent significant amount of time this week already, and we'll continue to do so working with ICANN staff around recent changes -- or proposed changes to the draft new gTLD registry agreement. There was an update posted on April 1st, just prior to all of us departing for Beijing.

We have continued to have conversations with ICANN staff and legal and internal conversations. The registries stakeholder group has formed an ad hoc negotiating team to discuss internally but also with ICANN staff and legal possible language and next steps on the new gTLD registry agreement.

Our negotiating team is not currently empowered to make any final decisions or agree to any particular terms. It will need to go back to the stakeholder group to receive further input and guidance about any terms that have been added or adjusted or amended. But there are good-faith negotiations ongoing. And we look forward to reaching language that's acceptable to all parties and be able to move forward in a timely and responsible manner.

I think that's our primary update. I'm happy to answer any questions. I guess the other note is that the registry stakeholder group yesterday unanimously voted to support Bruce Tonkin for continuing in his role as the contracted parties house board rep for seat Number 13. Happy to answer any questions.

>>JONATHAN ROBINSON: Thank you very much. Are there any questions for Keith or for the registries stakeholder group? Jeff Neuman.

>>JEFF NEUMAN: This is Jeff Neuman. Just a comment that this is going to be the last meeting, hopefully, I will knock on wood, with just 14 registries stakeholder group members. We hope at the next meeting in Durban when Keith is making his presentation that it is multiples larger than the 14 members. So let's all hope. And soon we'll be in the biggest room and not be stuck in one of the smaller rooms.

>>KEITH DRAZEK: Thanks very much, Jeff. Absolutely.

Any other questions? Thanks, Jonathan.

>>JONATHAN ROBINSON: Thank you very much, Keith.

Next up on the list is the report from the registrars stakeholder group, Matt Serlin.

>>MATT SERLIN: Yes, thank you, Jonathan and Jeff. You're right. Actually, I thought this meeting you guys would have the larger room but the registrars are clutching on to that last piece of large roomness.

Thank you for taking time for the update today. It's been a busy week already, and it is only Wednesday.

So similar to Keith, I will keep my comments brief. I think as most of you know by now, we've made significant progress on the Registrar Accreditation Agreement, actually even since we've been in Beijing. We spent a lot of time between the registrar negotiating team and staff over the weekend, four, five, six hours, whatever it was, trying to close the gaps between the last posted draft agreement which was posted last month, trying to finish off the last items on the list. And as we've said before, we have agreement in principle on those last remaining items.

We're still letting the lawyers finalize the language. And then after 18-some months of this process, we hope to have that done. So I'd also like to just take an opportunity to publicly thank the members of the negotiating team who along with myself have spent countless hours in meetings over the phone, in person. You know, if we had printed out all the e-mail traffic that we've had on this, I'm sure the number of pages would be astronomical.

So Volker Greimann, Rob Hall, James Bladel, Jeff Eckhaus, myself, as well as Mason Cole and Tim Ruiz who wisely probably got themselves off the negotiating team, I don't know, a year into it maybe, the rest of us held on. So public thanks to them as well as ICANN staff for continuing the process with us.

Similarly, we -- the registrar stakeholder group has also decided to endorse Bruce for that board 13 seat. So we will be making that official to Glen while we are here in Beijing as well. And that's my update. More than happy to take questions, especially being on the same level as the Council. This is an honor.

>>JONATHAN ROBINSON: Thank you, Matt. We very much appreciate you being on the same level as us as well.

Are there any questions or comments for Matt Serlin from the registrars group, based on his report?

Zahid.

>>ZAHID JAMIL: I just wanted to say on behalf of the BC, we have comments and we had strong views about the RAA. Just wanted to say that it is great to see that the way the registrar group has actually gone through and got this done and the accolade you got yesterday at the GAC board meeting.

We may have comments still. We are waiting for the language to come out. But just wanted to say that was a wonderful thing to see cooperation there. Thanks.

>>MATT SERLIN: Thanks, Zahid. Appreciate it.

>>JONATHAN ROBINSON: Thank you, Zahid.

Any other comments, questions or input?

Thank you very much, Matt. Thank you for coming and giving us your report.

>>MATT SERLIN: Thank you.

>>JONATHAN ROBINSON: Next up we are going to hear from the noncommercial users -- sorry, Noncommercial Stakeholder Group, Robin Gross.

>>ROBIN GROSS: Thank you. I will also be brief. I just want to report back a few of the issues that we've been working on here this week.

Our primary concern here for sure is the growing trend that we're seeing by the senior staff to circumvent the bottom-up community-driven multistakeholder policy development process. So we discussed this problem in our own meeting. We discussed this issue with the board. We discussed this issue with the GNSO Council. And we are exploring various options for redress, including one of the motions you see today.

We also met with some members of the Accountability and Transparency Review Team to learn better how we can contribute to that process. Excuse me.

We spoke with Stephanie Perrin. She is the only data protection expert on the WHOIS Expert Working Group, now called registry directory services. We talked to her about how we can contribute in the process that she's working on. And we've also been working on developing a positive statement of registrant rights and responsibilities. This is in response to the one that staff drafted recently. So we wanted to include more things like privacy and due process protections for residents, no censorship of domain names, more content using the registries and registrars to do that.

So this is just a few of the big issues that we've been focused on this week. Thank you.

>>JONATHAN ROBINSON: Thank you, Robin. Before you head back, in case there are any questions or comments for you, I'll make a comment. As you know, that issue of the respectful use of -- effective use of the multistakeholder model and the bottom-up process has been a key theme throughout our week discussions. And in particular with the board, I felt we had a very thorough conversation on it with the board. And I felt like they listened to and heard what they were saying. I will endorse it has been on our agenda and I think not only from your stakeholder group but from others throughout the Council.

I don't know if anyone else has any comment or questions for Robin.

Milton?

>>MILTON MUELLER: So we just heard from the registrars about the progress that they say they've made on the RAA. And you were talking about the rights and responsibilities. And I know that we had planned to develop some input on to that question.

How will we intersect those two things? I probably should have asked this question of the --

>>ROBIN GROSS: I have no idea.

>>MILTON MUELLER: -- of the registrar. I am just raising that as an issue.

You would, indeed, like to intersect that with what the registrars are doing, right?

>>ROBIN GROSS: Absolutely.

>>MATT SERLIN: It is a good question. I don't mean to punt on it, but I actually think it is a better question for staff, frankly, on what their intentions are in terms of how they take what we have agreed to here and get that feedback that you are looking for. So my recommendation would be to pose that directly to staff.

>>JONATHAN ROBINSON: Thank you, Milton. Thank you, Robin.

Next up we have Bill Drake from the noncommercial users constituency.

Bill?

>>BILL DRAKE: Hello, everybody. This is my first meeting in four years where I'm not sitting where you are. So it's interesting to address you from this angle. Hopefully absence makes the heart grow fonder.

Basically, since our constituency works within NCSG on GNSO policy matters, anything I might say characterizing our policy positions and current activities would be basically replicating what Robin just said. So I'm not going to bother. I think I simply endorse the positions she's simply outlined.

And just add other things that we've been doing at the constituency level, since we had an election in December, there has been a little bit of institutional building to try to strengthen our ability to engage more effectively and on an ongoing basis with Council work and working groups and so on and so forth. So we are doing a lot of mobilizing volunteers to build up our information infrastructure and organize ourselves into teams and do all kinds of really groovy things and have grown our membership substantially. And all of that is to the benefit of hoping to participate more effectively.

And we just organized a nice workshop that just ended a little while ago that was very interesting.

So this is the kind of thing we're doing at the constituency level. Thanks.

>>JONATHAN ROBINSON: Thank you, Bill. Before you return to your seat, can I just ask if there are any questions or comments for Bill?

I will just make one remark, Bill, and that's to let the audience know that all of the participants from the community in the whole here that this is our public meeting and our public forum. And although these are contributions from the groups and constituencies, the questions need not only come from the councillors. It could come from anyone in the room who has a reason to engage with and talk with the stakeholder group and constituency leaders.

And, indeed, throughout the course of this afternoon's proceedings, I mean, the purpose of us having a public meeting is in part to share our work and in part to, if and when appropriate, hear from the broader community.

So thanks very much, Bill. And we'll welcome contributions from anyone within the Council and within the whole as a whole.

Next up we've got Elisa Cooper from the commercial and business users constituency.

>>ELISA COOPER: Thank you, Jonathan. My name is Elisa Cooper, and I'm the chair of the business constituency. And we covered a number of different issues in our meetings this week. We talked about with business how they intend to use the trademark clearinghouse, and we had a very good discussion and heard a number of different perspectives on that.

We also talked about an initiative that some of the dot brand applicants are going to be engaging with. And we heard about some of their unique concerns related to things like the registry agreement and some special requirements they have.

We also decided that as a group, the business constituency would move forward with an interest group within the business constituency to focus on emerging market stakeholder engagement.

But probably the area where we had the liveliest engagement was on the topic of singulars versus plurals in terms of new gTLD applicants. And this was an area that many members felt very, very strongly about. And many of our members have very grave concerns about having both singular and plural versions of the same TLDs in the root.

And so we believe that this may not only result in additional defensive registrations and additional costs associated with policing but most importantly with user confusion. So that is kind of a recap of the areas we focused on in our meetings.

>>JONATHAN ROBINSON: Thank you, Elisa.

Any comments or questions?

Jeff followed by Joy.

>>JEFF NEUMAN: Elisa, welcome. It is good to see new faces. This is Jeff Neuman.

Did the BC discuss what the next steps are? I mean, they discussed their concerns of the singular and plural. Did the BC discuss what the next steps would be? Is there something that they would like to bring to the Council level? Or is this something else?

>>ELISA COOPER: So we actually did discuss three alternatives. And I think at this point, our plan is to bring this to the forum tomorrow. So I think we'll probably be hearing from Steve DelBianco who will express those three different potential options.

>>JONATHAN ROBINSON: Joy.

>>JOY LIDDICOAT: Thanks, Elisa. I also wanted to say welcome and congratulations on your appointment and look forward to working with you on the GNSO. Thanks.

>>ELISA COOPER: Thank you. I also look forward to working with everyone. Everyone has been very welcoming. So I very much appreciate that. Thank you.

>>JONATHAN ROBINSON: Thank you very much.

Next up is the intellectual property constituency, IPC. We will be hearing from Kristina Rosette.

>>KRISTINA ROSETTE: Good afternoon, everyone. During the past few days, the IPC has been having discussions on not only a number of the same issues that were the subject of some of the BC discussions in some cases in the context of the CSG but as well as some of those topics that have been the subject of public comment over the past several weeks.

In particular, we've noticed that on a kind of going-forward basis, we anticipate that some of the organizational challenges and structural modifications that have at least been put out for consideration might be those that would have a significant impact on the IPC.

And while we are very pleased to see that there has been an agreement in principle on the RAA, because as I think most of you know, that's an issue that's near and dear to the heart of many in the IPC, we are also anxiously awaiting the opportunity to review some of that language that has not yet been made available.

In terms of briefings, we received briefings on compliance. The status of the trademark clearinghouse and the URS, information from the NomCom, a discussion of the replacement of the WHOIS protocol, and some of the cross-implications that that may have with the expert working group on directory services. We did in our meeting yesterday discuss the motions that are before the Council, but our ability to do so was somewhat limited due to the fact that most IPC members were not able to travel to Beijing. And by virtue of the scheduling of our meeting, the time difference simply made remote participation quite difficult for most of our members.

I'm happy to take any questions.

>>JONATHAN ROBINSON: Thank you, Kristina. Any comments or questions for Kristina and the IPC? Thank you very much. Kristina.

>>KRISTINA ROSETTE: Thank you.

>>JONATHAN ROBINSON: Next up we've got Tony Holmes from the Internet service providers and connectivity providers.

>>TONY HOLMES: Good afternoon, Council. Having spent the early part of yesterday with our colleagues in the Commercial Stakeholder Group, this meeting of the ISPs, it really honed down on some of the key issues for ISPs.

We started off by having a session with the SSAC. And obviously anything that impacts security and stability for ISPs is pretty critical. So we looked at some issues where there was particular relevance to ISP operations. Certainly, a conversation that led us back towards SSAC 45.

Following on from that, we had quite an interactive session with Mike Silber from the ICANN board. And the focus of that was really ICANN's African strategy. And we discussed how the ISPs could actually become more active in that area and how it dovetailed in with our current work that's going on on outreach, but in particular how we can realize some of those goals that we had set for outreach at the Durban meeting. So we have a plan now to take that forward.

And then we turn to the very meeting which you guys are in today and the draft resolutions that are going to come up later in this session. And we had a discussion to formulate the ISP and put back on those things.

We also spent some time looking at some of the meetings that occurred since the last ICANN meeting, that involved ISPs. The intersessional meeting we had was one of those meetings. Obviously, there was a limit on the number of ISPs that could attend that meeting. So we looked at the output from some of that and the discussions that had led on further from there to a meeting that was held with a number of ISP CEOs and Fadi. And it was organized very quickly, very tight timetable. But we have actually now got a plan to repeat that and take that forward that we actually will have been tabling with ICANN.

So those are the key elements of our meeting. And I'm happy to take any questions.

>>JONATHAN ROBINSON: Thank you very much, Tony. I've got John Berard first.

>>JOHN BERARD: Thank you, Tony. This is John Berard with the business constituency. We've been trying, I think, this week to unravel some of the acronyms. I know that the SSAC 45 is meaningful. I was wondering if you could express just a little bit about why it is meaningful. And, also, I note that it was -- it is now 2 1/2 years old. Is there any progress that you were -- that your SSAC briefing suggested had been made or next steps.

>>TONY HOLMES: The key element of that, John, is the fact that there is certainly a need to get some of those messages out to a wider audience. And we're hopeful that we can actually assist through some of the activities that are starting to spawn out and help with that goal. So it was really along those lines. Not questioning for the recommendations themselves but seeing how we can make sure that our engagement with ISPs actually helps run that forward.

>>JONATHAN ROBINSON: Any other comments or questions? Yes, Thomas.

>> THOMAS RICKERT: Thank you, Jonathan. Tony, I have one question for you.

With great interest I have read the ISPCP comment on the RAA which has stated that the ISPs are in favor of including the requirement of RAA 2013 signature for the new registries.

And I have stated earlier during the weekend that I think that this link is inappropriate because the signatories of earlier registrars are not necessarily bad actors. And the requirement that they should -- in order to sell new gTLDs that you are a signatory of the RAA 2013 might give the impression to the outside world that those who don't sign it are not reliable players in the business.

I'm sure it was not your intention to shed such light on the registrars, but maybe you could explain a little bit about why the ISPs took this position.

>>TONY HOLMES: That didn't form any of our dialogue yesterday. I'm happy to have that conversation with you. I think there is a misinterpretation there. I would suggest we take that offline rather than do that here.

>>THOMAS RICKERT: More than happy to do that.

>>TONY HOLMES: Okay.

>>JONATHAN ROBINSON: Thanks, Thomas.

Any other questions or comments for Tony?

Thank you very much, Tony. And, finally, we have from the not-for-profit operational concerns constituency, Alain Berranger.

>>ALAIN BERRANGER: Good afternoon, Council.

NPOC, I wanted to tell you what we have done since the Toronto meeting. One thing we did is produce an annual report. You can find it on our Web site at npoc.org. It is about a 12-page report that covers the essentials of our work in calendar 2012.

What we have done since then is participate in the Internet Governance Forum with the support of ICANN travel support. Three members of NPOC attended the event. And we have a number of colleagues, including colleagues from NCUC. We dealt with the issue of the participation of the social sector in the Internet governance, why is that important for everybody.

One point I wanted to share with you is with some degree of assurance and optimism that the NCSG executive committee meeting in Toronto was an inflection point. And, in fact, intra-stakeholder group issues are now seriously being addressed in both substantive and relational terms.

We have members who are participating in six working groups, by far, in my opinion, the best way for newcomers and NPOC to network and learn outside of their own constituency.

We've also had Poncelet Ileleji selected -- he is from the YMCA Gambia, a new member this year -- was selected as a member of the meeting strategic working group.

The LA meeting, the intersessional meeting at the end of January, was really an important meeting for us because it allowed us to develop further contacts with other constituencies and from the non-contracted side of the GNSO.

We -- Sorry. I lost my page.

We also produced an outreach plan for calendar year 2013 for NGOs and not-for-profits to increase their understanding of ICANN's mission as well as perhaps a broader view of related Internet governance issues to Webinars, workshops, panels, publication and membership recruitment events.

The regional focus in 2013 is Africa. And it will be Latin America in 2013/'14. However, we have about 45% of our funding plan in place and hope to complete our fund-raising over the next few weeks.

A little less than a month ago two of our newest members from Africa participated in the Addis Ababa meeting on the African top-level domain workshop on the DNS industry in Africa and the parallel event on multistakeholderism and Internet governance in Africa event.

Poncelet from the Gambia YMCA and a new member also from NTAG for Durban, Togo, Olévié Kouami represented our constituency.

We want to thank Pierre Dandjinou and Mathieu Weill of AfNIC for sharing the travel cost of our people.

This was a great moment really in a relatively short history in the sense that we have very new NPOC members to represent civil society in Africa at an African event.

We are currently holding our 2013 election. Results will be announced in about a month's time. We are planning two one-day events in Durban and Buenos Aires on the role in civil society in the capacity-building of the DNS sector in Africa and in the Caribbean and Latin America. So please join us if that subject interests you.

We have had four events approved by the WSIS. One event will be led by NPOC on the issue of Internet governance next month in Geneva.

I want to leave the last word on two initiatives that NPOC has been working on. The first one is called the "I Inform Alliance" where we accept the importance of reaching to the 98% plus of Internet users who are not aware of the significance of Internet governance on their lives.

The second initiative we are working on is to create awareness in developing countries of the importance of gTLD registration in the second round. So if you are interested to learn more about this, please come and see me. So thank you for your help.

Since Toronto we feel really, really welcome at ICANN. And I thank you for this.

>>JONATHAN ROBINSON: Thank you, Alain. Thank you for that informative update. And let me turn it over to ask if there are any questions or comments for Alain Berranger and the NPOC. John Berard?

>>JOHN BERARD: Alain, thank you for your presentation. I'm extraordinarily impressed at the way that you have from a standing start gotten to the distance that you have achieved.

Earlier comment about the registries needing a bigger room, I suspect if the registries don't act quickly, they may -- you may be -- they may be looking at you up ahead of them. Significant in the membership and also its internationalization which, as you know, is a key goal of the organizational role. So I congratulate you on your efforts.

Thank you, John.

Wolf-Ulrich.

>> WOLF-ULRICH KNOBEN Wolf-Ulrich speaking. My question is more related to the NCSG, coming back to that because I picked it up right now. It is a question I can draw from the agenda of the board tomorrow, that the NCSG decided to reject -- to accept an application of a new constituency.

I would like if it is possible -- it is called the PIACC application. So I wonder what is behind that and if somebody could give some words about that, what is going on with that application. And is it something -- and what is going on with that community behind this application.

>>ROBIN GROSS: I'm sorry. What's your question about the application the NCSG executive committee just worked on?

>> MILTON MUELLER: It is the new constituency application.

>>ROBIN GROSS: And the question is?

>> MILTON MUELLER: Why was it rejected?

>>ROBIN GROSS: Oh, okay. It was rejected for a number of reasons. One because they were commercial and we're the Noncommercial Stakeholder Group. So you have to be noncommercial organizations. And another is because they were only from one country, and there is a requirement within the board's mandated constituency approval process that you have to show that you've got memberships in a broad range of countries.

So there was a variety of ways that this particular application did not meet the criteria.

>>MILTON MUELLER: Actually, it might be a better question as to why they didn't apply to your constituency, Wolf-Ulrich. They are commercial Internet cafes. And I would maybe steer that in your direction, and you would welcome them I'm sure.

Actually, it might be a better question as to why they did not apply to your constituency, Wolf-Ulrich. They are Internet cafes, commercial Internet cafes. And I would maybe steer that in your direction. And you would welcome that, I'm sure.

>>WOLF-ULRICH KNOBEN: Well, I can't speak for my constituency. Presently, I'm very open when we talk to everybody. If he or with the kind of community likes to apply to our constituency or to our stakeholder group. And we'll be open to talking to them.

>>ROBIN GROSS: Great. Thank you.

>>JONATHAN ROBINSON: Thanks for taking that question, Robin. Are there any other comments or questions? Alain.

>>ALAIN BERRANGER: Yeah, actually, I would add a comment. It's perhaps not so much the application as the way the application was put together. In other words, the proponent of the application, if I may, Chair, was a combination of the commercial and non-commercial group.

So I totally back up the arguments, but I'm not sure the, if the proposal was expressed in a different way with more international support, that it wouldn't be worthy of the cause. There's many, many more multi-sectoral organizations that combine the private sector, public sector and civil society coming together in many different ways. And we have to make sure that we find a place for them in ICANN.

>>JONATHAN ROBINSON: Thank you, Alain. Right. Unless there are any other comments or questions for Alain or on this part of the agenda, I think I'll just make the remark, then, to thank the stakeholder group chairs and constituency leaders for those presentations. I mean, I can certainly say -- and I hope I speak on behalf of the council that we very much appreciate you coming and providing those updates.

In particular, we hear clearly from the councillors representing the groups. But it's always very helpful to get another perspective from the chairs and the leaders of those groups and, specifically, after the Tuesday meetings where many of the groups have held their own group meetings. So we get a timely update on what's been going on either most recently or in the relatively recent past.

So Thank you. Thank you for giving the council your time. Thank you for giving this forum your time. And our schedule sees us taking a brief break now. We finished a little ahead of time, which leaves us in good position to recommence at 4:00. It's only 7 minutes to 4:00 now. So, if I can encourage you to just take a five-minute break and be seated back at the table before at 4:00 so the meeting doesn't lose momentum. Thanks very much.

(Break)

>>JONATHAN ROBINSON: All right. If I can call the councillors to please take your seats at the table now so we can commence the remainder of this this afternoon's meeting.

Let me take the opportunity to re-welcome those of you in the room and the councillors at the table to this afternoon's meeting here in the GNSO Council's public meeting here in Beijing.

We will kick off as is customary with a roll call under the first item which is the administrative matters.

And, so, Glen, if you could start us off with a roll call, please.

>>GLEN DE SAINT GERY: Certainly, Jonathan.

>>JEFF NEUMAN: Jeff Neuman.

>>JEFF NEUMAN: Present.

>>GLEN DE SAINT GERY: Ching Chao.

>>CHING CHAO: Present.

>>GLEN DE SAINT GERY: Jonathan Robinson.

>>JONATHAN ROBINSON: Present.

>>GLEN DE SAINT GERY: Mason Cole.

>>MASON COLE: Present.

>>GLEN DE SAINT GERY: Yoav Keren.

Volker Greimann.

>>VOLKER GREIMANN: Present.

>>GLEN DE SAINT GERY: Thomas Rickert.

>>THOMAS RICKERT: Present.

>>GLEN DE SAINT GERY: Zahid Jamil.

>>ZAHID JAMIL: Present.

>>GLEN DE SAINT GERY: John Berard.

>>JOHN BERARD: Here.

>>GLEN DE SAINT GERY: Brian Winterfeldt.

>>BRIAN WINTERFELDT: Present.

>>GLEN DE SAINT GERY: Petter Rindforth.

>>PETTER RINDFORTH: Present.

>>GLEN DE SAINT GERY: Osvaldo Novoa.

>>OSVALDO NOVOA: Present.

>>GLEN DE SAINT GERY: Wolf-Ulrich Knoblen.

>>WOLF-ULRICH KNOBEN: Present.

>>GLEN DE SAINT GERY: Maria Farrell is absent and Milton Mueller is the temporary alternate in her place.

Wendy Seltzer.

>>WENDY SELTZER: Present.

>>GLEN DE SAINT GERY: David Cake.

>>DAVID CAKE: Present.

>>GLEN DE SAINT GERY: Magaly Pazello is absent and we have Brenden Kuerbis in her place as temporary alternate.

Brenden?

>>BRENDEN KUERBIS : Present.

>>GLEN DE SAINT GERY: Joy Liddicoat.

>>JOY LIDDICOAT: Present.

>>GLEN DE SAINT GERY: Wolfgang Kleinwachter.

>>WOLFGANG KLEINWACHTER: Present.

>>GLEN DE SAINT GERY: Lanre Ajayi.

>>LANRE AJAYI: Present.

>>GLEN DE SAINT GERY: Jennifer Wolfe.

>>JENNIFER WOLFE: Present.

>>GLEN DE SAINT GERY: Alan Greenberg.

>>ALAN GREENBERG: Present.

>>GLEN DE SAINT GERY: Han Chuan Lee.

>>HAN CHUAN LEE: Present.

>>GLEN DE SAINT GERY: And we probably won't go for staff because they're not around the table, Jonathan.

Thank you.

Over to you, Jonathan.

>>JONATHAN ROBINSON: Thank you, Glen. If I could call briefly, then, under 1.2 for any update to statements of interest from the councillors.

Hearing none, I'll proceed on to the next item, 1.3 to ask if there are any comments to review or amend our existing agenda.

Thank you. And then we note the status of the minutes of the previous council meeting as per our operating procedures.

Under 1.5, we have a project list which, as far as I understand, there are no significant or major updates in the interim.

There any comments or questions on the project list?

I should say that we've had a comprehensive update over the weekend from the working groups, and it's worth noting at this point that that was appreciated the council feels, I'm sure, well informed and we had ample opportunity to engage with working group leaders and others who are performing the very valuable task that they do in those groups.

Since January of this year when the Council met -- I think this is when we set it in place, when the Council leadership took the opportunity to meet in Amsterdam with policy staff that work directly

with the council we instituted an action list which really covers the items of activity on a meeting-to-meeting basis, and we've taken the opportunity of meeting to review the open items on that list.

Casting my eye briefly down that action list, I understand that the Council has appointed a liaison to the IRTP part D working group, and that is you, Volker. Am I correct?

>>VOLKER GREIMANN: Yes, it seems so.

>>JONATHAN ROBINSON: Thank you for being volunteered to that position.

>>VOLKER GREIMANN: No problem.

>>JONATHAN ROBINSON: We had an open item on the issue of policy versus implementation. I think we as a council in our earlier discussion agreed to start thinking about this at least more as a concept of policy and implementation, but we will come to this as a proper item on our main agenda list.

We had the ongoing item of the planning for the Beijing meeting, and it seems that we have made it in one piece and had so far a very effective meeting I think. So this is an opportunity to thank those of you, most notably probably Mason, Glen, but others in the staff as well, for your sterling efforts in getting us to this point and for a well-organized meeting. And we much appreciate the hard work and effort that's gone into it. So thank you from me, thank you on behalf of the council.

[Applause]

>>JONATHAN ROBINSON: I think that item is going to be re-opened, I hate to tell you, as Durban meeting planning since the timetable between now and Durban is pretty tight.

We've had our updates on the trademark clearinghouse and on the item with closed generic TLDs. We've closed the next item on the strategy working group.

On the proxy and privacy services exploratory group, Jeff, I think we're going to roll that over into the wrap-up session tomorrow and cover that at the action on that; that is correct?

>>JEFF NEUMAN: Yes, that's correct.

>>JONATHAN ROBINSON: Thanks. And I believe that closes the action list for now. No doubt it's going to be filled up rather nicely at the end of these few days in Beijing.

I realize our outgoing chair we presented with a megaphone, I think it was, when he left. Jeff is threatening to present me with a waffle iron (laughing) which I think is a bit harsh. But if you will indulge me, item 2 is an opportunity I have taken to produce a few remarks ahead of the session.

So as you know, I have talked on a number of occasions about thinking about some form of strategy for how we work together and concentrated on a couple of -- well, in fact, three key points, really. And one is our effective and efficient functioning which is going to be an ongoing theme and is epitomized by things like the use of an action list and keeping us ticking over from meeting to meeting.

I've concentrated substantially, and I believe it's going to be, again, an ongoing thing, on our internal working relationships as councillors. I think our ability to work effectively and constructively together is vital.

I know we come into this often with significantly differing and sometimes opposing positions from stakeholder groups, but that shouldn't prohibit us from working effectively together. And you know my view is we have done a great job so far, and that is very encouraging.

And finally to emphasize and develop our external relationships as effectively as possible. And I think we've made a great start. When I say "external relationships," I mean clearly within the multistakeholder model and the broader ICANN constituency. So that's with other entities in those structures such as, I mean, arguably, that's with the ICANN staff themselves, whether it be the policy staff or executive staff. It's with the Board. We spent a very constructive -- and I guess this is an opportunity to thank the Board publicly for the, well, hour and a half that the Board spent with us. And if you include the CEO, the full two hours that he spent with us.

And I think that was great from a number of reasons. We were brought by Jeff rather helpfully to have a frank and direct conversation with the board, and many of the board members have spoken to myself and others of you since then and thanked you for the effectiveness and quality of the engagement we had with them.

So I think that was encouraging. We went into the GAC's meeting and talked with them and talked with them about opportunities for how they might engage with the policy development process, something which is a recommendation under the previous ATRT.

And something which is particularly heartfelt from the point of view of the GAC and I think is something which, together with the help of the BGRI, the working group, something which we can do very effectively.

So we've had a series of internal sessions here at the our initial group meeting, our initial council meeting, on policy and implementation, which has clearly been followed up by the public meeting here and something we'll pick up on as a council. Had a series of updates from the working groups, as I said. And so I'm very encouraged by what's gone on at the current meeting.

Now, starting to look ahead, I think we have built, in my view, a platform from which we can do some very good work going forward.

And I think my thought on that is that I've had a couple of reminders over the recent past about our recognition of process and how important and, in a sense, how that binds us together, the value of due process and procedures.

But I think we've at times taken some brick bats for using process to a fault. So I just remind all of us, on one hand, of the value of the processes that we work within but mindful for all of us, that we shouldn't seek to use those as a reason to not make effective progress. So I hope that's something we can all continue to work with. And really, looking forward, it seems to me that we have an opportunity as a council to take some initiatives. And, rather than at times I think, when we emphasize the role of the -- our role, our critical role, and we emphasize this, in fact, in the registry stakeholder group with the board, the fundamental role of the GNSO as the policy development

body within -- for generic domain names within ICANN and, having emphasized that, I think we have a duty of care to not seem defensive and to start to pick up the initiative. And that, for me, is the theme going forward, that we start to pick up our own initiatives and rather assert and reinforce that, than appear to be defending that.

And we've got a couple of items where we can think about that. That's in the policy and implementation issue, in the review of the GNSO, and in thinking about a strategy for how we might do things going forward.

So, really, my thought is that I'll leave you on, as an opening remark, really, is to embrace a forward-looking and, in a sense, to agile culture, which is something we've started to hear to accept appropriate change but, nevertheless, to stick within some very hard work that's been done to produce the right processes that we have as a GNSO in our policy making processes.

So that's enough of that, Jeff. I think we'll move on right into the motions. And our first item is item 4: A motion on the trademark clearinghouse "strawman solution," which was prepared for us and presented to the council by Maria. But, in her absence, I believe Milton will present to us the motion. Thanks. So over to you, Milton.

>>MILTON MUELLER: Yes. Can you hear me okay? I'm not going to read the full motion. I think you all already know fundamentally what it's about. It's about -- expresses our concerns about the circumvention of the policy development process. And it's simply an attempt to get the council to push the staff and the board to follow its policy making process and to live up to its potential as a multistakeholder bottom-up organization.

The original motion called for a reconsideration of the board's adoption of the strawman proposal. We think that the strawman is a series of executive decisions made by ICANN staff that was not supported by public comment and certainly did not enjoy any consensus of the stakeholder groups. And, indeed, the majority of the GNSO passed a statement claiming that the modifications proposed in the trademark clearinghouse constituted a policy issue and, if we were to do them, there should be a normal policy development process.

So, you know, the motion itself, we don't think there's enough support for the specific wording of it to go ahead with it. But we do want to discuss the issue. We do want to raise the issue. And the reconsideration, the NCSG can do that on its own and does not require the support of the council. But we would like to know how much support we have in sentiment, if not in specific wording for this kind of a proposal.

>>JONATHAN ROBINSON: Well, Milton, as you know, we did write a letter on many elements of the specifics of the proposal. And I would welcome any discussion about the principles underlying this motion. Because it's quite clear that there's some heartfelt and strongly-felt views around the table on many elements of following the due process and, in particular, reflection back to the council and all circumstance of policy making issues. So, Lanre, I see your hand is up.

>>LANRE AJAYI: Thank you very much. This motion brings to fore the issue of policy and implementation. And sorry -- okay.

No matter how much we try to distinguish between policy and implementation, there will always be situations where the lines are blurred. And, in that instance, we should take actions. And in my own opinion, if the GNSO Council has a responsibility to manage policies and to give oversight over implementation, then, when situation arises to differentiate between policy and implementation, such issues should be referred back to the council. That is my opinion.

My concern here is not much about the strawman solution. My concern is more about the process. I think the process is a little bit faulty.

In all probability, if this issue was referred back to the council, I believe there's a chance, no matter how slim it is, for the council to consider its -- to consider the strawman solution necessary or expedience. But the fact that the council was bypassed, I think, is cause for a good concern.

So I believe this council should devise a process where or how to address similar situation in the future. Thank you.

>>JONATHAN ROBINSON: Thank you, Lanre. Jeff.

>>JEFF NEUMAN: Yes, thank you. This is Jeff Neuman. So can I just ask a procedural question first? Because it sounded like when Milton was -- is there a motion on the table or not?

>>JONATHAN ROBINSON: Milton, would you like to address that?

>>MILTON MUELLER: I want to know what you're going to say before I answer that question.

>>JEFF NEUMAN: Fair enough.

>>JONATHAN ROBINSON: Jeff, let me help you. My understanding is that -- well, go ahead. My understanding is that the motion will be withdrawn but that the intention is to discuss the substance of it and the intent behind it. And that is a matter of concern and an issue for more than simply the group that Milton represents, which is why it's an issue for the council. So I would encourage discussion on it. But my understanding is that that's the intention.

>>JEFF NEUMAN: Okay. Thank you. And so I'm glad we are discussing it.

So the registries did meet yesterday and had a lengthy discussion on this subject. And, although the registries were ultimately not going to vote in favor of the motion, we did have a good discussion on it and do want to make the following points. And I think Jonathan touched a little bit on it in his opening, yet lengthy remarks.

I want to read from the bylaws, because I think that we often forget. And it's not just we, the GNSO Council or the community, but the ICANN board and others forget this very important provision.

It says in section -- article 10 of the Generic Name Supporting Organization, section 1 description says, "There shall be a policy body known as the Generic Name Supporting Organization, which shall be responsible for developing and recommending to the ICANN board substantive policies regarding" -- or sorry -- "relating to generic top-level domains." What it does not say there is that it shall be "a policy development body." It says it shall be "the policy development body."

It shall be the party responsible for developing and recommending to the ICANN board substantive policies.

That's a very important statement.

It does not mean that the ICANN board top down can develop the policies. It does not mean that another supporting organization or advisory committee can make the -- or, sorry, can develop the policies.

So what does that mean? We sent a letter -- at the end of February, we, the GNSO Council, sent a letter at the end of February regarding some issues that I don't even want to discuss right now because I don't want to take us off the ball. But that letter, which was supported by a majority of the council, clearly said that there was an element that was policy. Despite the GNSO Council saying that that was policy, the ICANN board decided to listen to others and act on that without going through the GNSO community, not the GNSO Council, but the GNSO community.

We, the registries, believe that was wrong. And we, the registries, believe that that should not continue.

When the GNSO community believes that something is policy, then, if the ICANN board is going to take an action that is not consistent with that policy, then that must come back to the GNSO. And that the board must, at a very minimum, explain its decision and must allow the GNSO community an opportunity to respond. To do -- to not do that is to go around the multistakeholder process and is to ignore our right under the bylaws of the ICANN structure. Thanks.

>>JONATHAN ROBINSON: Thank you, Jeff. And, whilst there are no shortage of other input from around the council, I'll just take this opportunity to remind others in the hall that you should feel free to come up to the microphone and contribute to the discussion. We welcome input into our deliberations on this. Yoav.

>>YOAV KEREN: So, after this very good statement from the -- from Jeff and the registries, I can say that I strongly support everything you've said. I have a very bad feeling lately that we see different processes. And we've talked about it during the week. Different things happening like teams being -- you know, we talked about the issue with the registrars yesterday with the board on the ATRT team creating groups that are not working groups and are closed, in some sense, not as in other cases in ICANN. This is clearly a case, in my eyes and other people's, in the registrars' circumvention of the process. And, if you can say that. And we, I believe, just like the registries, are strongly against these actions.

I want to say that what we've seen in the past few months is a strive by ICANN to push the new gTLD process forward, which is okay, you know, to be on time with what they've planned. But, when these things are done with shortcuts, and where we are just -- I would say we are ignored. I didn't see -- did we get a reply on our letter? I don't think so, right? We're kind of ignored. So I would stress this thing again to the board. And in some way we should do that, to make clear that we want to -- that the board to be aware that, first of all, maybe they should reply to us. And we don't want this to happen again.

>>JONATHAN ROBINSON: Thanks, Yoav. So can I be very clear that you're suggesting that -- we had a letter from the chief executive. We responded on three substantive points. We formed a -- and, in particular, on one specific point we were very clear that our view was policy. And you're expecting a follow-up letter. That's your suggestion, thank you, Yoav.

I've got Volker, Wolf-Ulrich, Brian in the queue.

>>VOLKER REIMANN: Thank you, Jonathan. I'd like to echo what Yoav and Jeff have said. As the policy-making body, we should send a clear message to staff, not only the board, but also to staff. Because it has been staff that has been unilaterally trying to use the board or through the board and bypassing us -- get policies that either no one has asked for or just a small subset of the community has asked for passed without much justification. And one of these examples is the strawman. And another is -- has been the original unilateral right to amend the contracts that has been proposed to the RAA. And the RAA.

Another is the requirement to use only 2013 registrars for new gTLDs, and the list goes on. This is a recent development that staff has initiated more and more procedures to bypass the GNSO. And we should not let that stand. So, further than requesting a response to our letter, we should also issue a letter or at least a strong statement to the effect that we, as the policy-making body, wish that our role is respected in future policy decisions.

>>JONATHAN ROBINSON: Thanks, Volker. I've got Wolf-Ulrich next followed by Brian, Zahid, and David.

>>WOLF-ULRICH KNOBEN: Thank you. Wolf-Ulrich speaking. We have discussed this in the constituency as well. I must say I'm happy that this motion seems to be very strong, because otherwise we would have objected to that.

And so -- but, in the question of the substance of that, so we have expressed our view also in the discussion with regard to a letter we have sent to the -- the council has sent, we support the letter and we are fully aware of the bottom-up process and the way which it has to be taken into account for the future actions. Thank you.

>>JONATHAN ROBINSON: Thanks, Wolf-Ulrich. Before we go further in the queue, I think it's important that Milton advise for us what the status of the motion is, please.

>>MILTON MUELLER: Yes. So, apparently, withdraw does not mean what I thought it did, which means table or defer. So the discussion is, basically, doing what we thought it might do, which is people come up with alternative ideas that might be better to pursue in the short-term. And we're happy to do that. But we don't want to completely kill the motion until we know what the council is going to do. So I guess we're asking for a deferral, which means exactly that it waits until the next meeting? Is that right?

>>JONATHAN ROBINSON: For the sake of clarity, I would suggest, Milton, that you consider perhaps withdrawing it and then resubmitting it for the next meeting, if the action is not satisfactory. That may be a cleaner way of dealing with the situation.

>>MILTON MUELLER: I've been instructed by my constituency not to do that, not to withdraw it.

>>JONATHAN ROBINSON: All right.

>>ZAHID JAMIL: Jonathan, there is a point of order, if I may ask. We need to understand what's happening. If this has been deferred, let's stop talking about it. If it's not been deferred and it's on the table, is it or is it not withdrawn? We were given an understanding it would be. I would just like to get clarity on that. Because we can't have our cake and eat it.

>>JEFF NEUMAN: Point of order, Zahid. Even if a motion is deferred, you can still have a discussion. You just can't vote on it.

>>ZAHID JAMIL: I have a question. Can the person making the motion defer it?

>>JONATHAN ROBINSON: That's unorthodox, but I don't see why -- it's unusual, but I can't see why that wouldn't be the case. Since we have a practice of allowing for deferral of a motion, it seems, as I say, unorthodox but not impossible to conceive.

>>ZAHID JAMIL: The reason I ask that is we've had, in previous occasions, you'll recall, Jonathan, when somebody just wanted to block for other purposes a motion on a strategic tactical basis, we've said that that is something that shouldn't happen. And I think it went to one of our committees saying that's not our practice. The only reason you should defer motions is because you genuinely haven't had opportunity to discuss with the constituency. It seems to me a little strange that the people who actually moved the motion are now asking for deferral. There has to be a reason why the deferral is taking place. It can't just be a deferral in isolation.

>>JONATHAN ROBINSON: Let me respond. Your recollection is correct. We discussed the deferrals of a motion, discussed the context under in which it might happen. We referred it to the CSI. And my recollection and understanding is that the CSI gave it back to us and left it in the chair's prerogative.

>>JOY LIDDICOAT: Jonathan?

>>JONATHAN ROBINSON: Yes, Joy.

>>JOY LIDDICOAT: Sorry, but If I can try to assist the council.

>>JONATHAN ROBINSON: Yes, you can. I'd like to hear from you. Just to be clear, we have queue. I need to respect the queue. And included in the queue is a remote participant. But on this point of order, by all means, do come on in.

>>JOY LIDDICOAT: Procedurally, my understanding is that the motion is on the table and we're discussing it. What is emerging from the discussion is a number of suggestions by different councillors about how to respond to the motion. Until that discussion is complete, I think the motion sits on the table and we decide as a council what to do with the motion once the discussion has taken place.

>>JONATHAN ROBINSON: I hear you, and I think that that's a reasonable summary of where we're at. So let me respect the queues and respect the fact that we have other items on the agenda. So let me say we have a remote participant through Lars who we'll let into cue.

We then have, I believe -- Volker has spoken. Wolf-Ulrich, Brian, Zahid, David, and John. And I'll cut the queue off at John. Oh dear, we've got Steve del Bianco from the floor. Steve, I'll insert you into queue. Is it on the point of order? Are there any contributions on the point of order? We need to continue the discussion, close the discussion, and then understand the status of the motion after the discussion.

So, Lars, do you have a remote participant, question from a remote participant?

>>LARS HOFFMANN: There are two comments. Do you want me to read them out?

>>JONATHAN ROBINSON: Fire away.

>>LARS HOFFMANN: First one is by Kelly Pike. "The ICANN bylaws state that the GNSO development policy not determine what is policy. Those are two different elements. In fact, the counselette to the board indicated that the council is not structured to provide policy guidance. The letter merely provided the comments of some of the SGs, which were properly considered by the board."

The second comment is from Michael R. Graham. "If addressed, this need not be asked if there is a chance for comment. But Jeff's reading was quite important insofar as the wording is not 'policy' but 'substantive policy.' The use of the word 'substantive' would appear to modify 'policy.' In the discussion of policy, implementation, and responsibilities, the significance of this modifier should perhaps not be overlooked. In the context of the present discussion, do the council members have comments on this?" Thank you.

>>JONATHAN ROBINSON: Thank you. We'll get back into our queue now. I've got Wolf-Ulrich, Brian, Zahid, David, John, and then Steve.

>>WOLF-ULRICH KNOBEN: Thank you, again. Just, briefly, after this point of order, I would like to point also, if it stands the motion, we're going to object it. So thank you.

>>JONATHAN ROBINSON: Thanks, Wolf-Ulrich. Brian.

>>BRIAN WINTERFELDT: Brian Winterfeldt, IPC. I don't know if the motion is on the table, off the table, deferred. I'm a little confused. If there was a motion, is a motion, going to be a motion, I think that we would vote against it. That being said, we would consider a deferral. So I think that's one thing that we do agree with Milton on, because we feel like we didn't really have an opportunity to adequately review the motion with our constituency given the late timing of the submission of it and everyone traveling and not having our full constituency here in China to discuss the motion.

We did have an interesting panel this morning, which some of the folks in the room here were at, about policy versus implementation. It seems to me like that's at the core of a lot of what this disagreement is about, the characterization of parts of the strawman proposal. There was definitely an agreement on the panel from across the ICANN community. It seemed that we needed better tools to determine what is policy and what is implementation. There are a lot of rules around policy development. There are, frankly, not a lot around implementation. I think everybody agreed we need to come up with better processes for implementation, how to define it, and look at that more carefully. So I think, if there is something that we think is important to think about with regard to

this motion, it's sort of what the distinction is for policy versus implementation and how we can come up with better tools and processes. And also looking at the broader ICANN community. The GNSO is part of a larger ICANN organization. You know, how do the other SOs and ACs play into the policy development process, how do they play into the implementation process, and how we respect each other's sort of spheres of influence and expertise?

>>JONATHAN ROBINSON: Thanks, Brian. I'm going to move it straight on to Zahid, David, and John.

>> Jeff, do you have a point of order? Jeff.

>>ZAHID JAMIL: Thank you. We, in the BC have a position, obviously, that we wouldn't support the motion. There might have been a situation that some may be well aware of that we've already been supportive of a statement after the vote had gone through. But I think that situation has changed. And I'd like to speak about why it's changed. Just now, with the way in which the motion is tabled and maybe withdrawn and then possibly deferred, then possibly somebody else deferring it, I think did -- you know. This is not what we want to show the audience definitely. There are people watching us. I think this is really not helpful.

Plus, on a trust issue, I remember -- and I recall the same incident. I'm going to make that point. I think some of our side of the constituencies were actually heavily, heavily criticized for using deferral in such a manner. And it seems a little -- it, obviously, does create challenges then tomorrow for people to say, well, you shouldn't be doing this, if the same people who made those oppositions then are going to use it in the same manner. So that's a problem that I see.

As far as the substance of the discussion we're having right now, before I move on to that, if Brian's actually requested a deferral, then, if my understanding is correct, the conversation stops. We move on. Am I correct or not? Okay, I'm not.

I had a question, Jeff, on the substance. When you read out article 10, I think it was, section 1 of the bylaws -- is that you're reading from? And you said it would be -- it will be the policy body, I can't find that. Could you just clarify? Because my reading as it says "there shall be a policy development body." I may be misreading it or reading in the wrong section.

>>JEFF NEUMAN: Right. It says there shall be a policy development body and that body, to go on, basically, says which shall be responsible.

>>ZAHID JAMIL: So the emphasis you placed --

>>JEFF NEUMAN: Was the only policy body in there that's possible for those things. I was paraphrasing.

>>ZAHID JAMIL: And if I recall what you said, it was the policy development body. I think that's what's on the transcript. Is that a direct quote or an interpretation?

>>JEFF NEUMAN: I paraphrased that. I was corrected actually after that, so that's corrected. But I will say it is the only policy development body mentioned in the bylaws.

>>ZAHID JAMIL: So just -- thank you. Thank you for that clarification. My reading of it is that there shall be a policy development body does not mean it is the sole policy development body or the

exclusive policy development body. We don't know. So that interpretation would be something we mean --

>>JONATHAN ROBINSON: Let's take --

>>ZAHID JAMIL: Let me clarify. I'm not saying in principle it shouldn't come back to us, but the way it was transcribed is something we're concerned about.

>>JONATHAN ROBINSON: Let's take it offline. There are form of words in the bylaws that we can't -- that are, you know, we can either interpret or accept as they are.

Let me say this, there is a couple of things. We have a motion. The motion hasn't been withdrawn. There is the possibility to request a deferral. I haven't heard for a formal request to defer it. Let's finish the queue. Let's establish the status of the motion. And then let's decide if it needs to be deferred or if an alternative course of action is required.

We have had a practical suggestion from Yoav that we write a letter asserting the principles underlying the motion. And so let's just bring this to a close and see if we can't establish some order to our conversation.

So thanks, Zahid. I have got David, John, Steve and Jeff and then we really do have to cut the queue at that point.

So David?

>>DAVID CAKE: Right, thank you. Now, my understanding, just to hopefully clarify what I see as the procedural thing we have not deferred but we announce that we are likely to do so and certainly we are not going to object if anyone else wishes to defer this. But we do wish to finish the discussion.

I'm sorry if, Zahid, you feel that is a tactical use of deferral that is not appropriate but in which case you may request exactly the same outcome for a different reason. And we can all -- I don't see what the issue is.

But, anyway, just to clarify, I wanted to reply to -- Brian said that this is a policy-versus-implementation issue. And I really don't -- I think where we are on this particular question, that we mentioned brought up, the strawman, I think we are past that. The majority of the Council said it was policy. ALAC said it was policy that had to be looked at by GNSO. I don't know of anyone -- the only two people who do not believe -- the only two groups that do not believe this to be a policy issue that has to go before the GNSO are the people who proposed the policy and the staff who put it forward.

This is broad agreement. This is something that needs to go before the GNSO Council. There does not appear to be the case being put for it being implementation detail strongly by anyone. Let us move past. We condemn the fact -- or make a response that notes politely that this was not the right procedure.

>>JONATHAN ROBINSON: Thanks, David. I had understood and hoped that we would elevate ourselves above the strawman proposal and go on to the plain of the substantive issue for this Council, which is our role at the heart of the policy-making function within the GNSO and within our

role in the multistakeholder process. So insofar as it is possible, I would encourage people's comments to be at that level rather than the specifics of the strawman because we know that the specifics of the strawman draw us into a form of conversation that is not particularly productive.

So that's not -- I'm not in any way directing that to you personally, David. It just happens that I follow --

>>DAVID CAKE: I apologize for dragging it down. I think it does speak broadly to the policy-versus-implementation issue. And I think the issue we have here is essentially ICANN is quite good on policy-versus-implementation policy but this is a policy-versus-implementation implementation issue that went very badly wrong.

>>JONATHAN ROBINSON: Thanks, David.

I have John, Steve and Jeff.

>>JOHN BERARD: John Berard. Jeff's opening comments were crisp in describing the energy at the origin of the policy-versus-implementation discussion. As did the registries, the business constituency considered this motion at our meetings, and it was clear we were going to vote against it.

The business constituency did have a hand in the discussions that led to the adoption of these new elements. But we weren't alone in having a hand in the discussion that led to the adoption of these elements.

We participated to the extent that we could in the letter that was drafted and sent on February 28th because also a position of the business constituency is that we were opposed to unilateral action.

And if there were a motion that could be presented that would be elevated, it would from my perspective, and I suspect from the constituency's perspective, be very much worth taking a look at.

In the meantime, I think we have moved to a point where -- in an attempt to accelerate the discussion, sending letters signed by you, Jonathan, to the board I think are an effective vehicle.

In fact, when we had the presentation on the weekend about the directory services expert working group, there was concern expressed about the possibility that some suggestion that might be made by the expert working group might be grabbed onto and promoted in advance of, alongside of or perhaps with more energy than the deliberations of the Council.

And so I drafted a letter for us to send that speaks exactly to this issue. It didn't seem to generate the kind of enthusiasm that some of our previous conversations have.

But I do not want my colleagues to misunderstand the business constituency's steadfast commitment to consensus-driven, bottom-up collaborative decision-making. We are opposed to unilateral action.

We can argue about what's policy and what's implementation. And I suspect that we will for a while. But that is where I am.

>>JONATHAN ROBINSON: Thanks, John.

Steve?

>>STEVE DelBIANCO: Steve DelBianco with the business constituency. I'm glad you are not talking about point of order, but I still think we should get our points in order. And the first point as John said is the BC believes policy belongs here in the Council.

The second point is that we suggested these all along for the last year as implementation items. They were written up and posted for public comment. The public comment didn't agree with the Council's letter.

The public comment did not suggest that these are policy. There was a lot of support outside of this room that the community thought these were implementation items. And that's what the staff did in their letter back to Council. Their letter said, "We consider Number 1, Number 2 and Number 4 to be implementation and Number 3 was policy" and that's why it wasn't implemented.

I was on the panel this morning that tried to dig into this distinction between policy and implementation. And it's very difficult. We proposed a test in the BC of material new obligations on contract parties. That may not be the test that the community adopts. But under that test, a reasonable case can be made that these were implementation.

So I will close just by saying this, if this motion is withdrawn or deferred and instead a letter is sent, I think we need to avoid saying that the Council was disregarded or ignored. In fact, the public comments and staff interpretation says that they simply disagree with many of you, that these were all slam-dunk policy questions. They said they're implementation, and a reasonable case can be made for that.

>>JONATHAN ROBINSON: Thanks, Steve. I have Jeff. And I did say I would call it a day at that point, but I see Chuck from the floor. And I think we owe you the respect as a contributor from the floor to give you a last word. Jeff and then Chuck and then have to call it to a close. We have had ample discussion.

Jeff and then Chuck, please.

>>JEFF NEUMAN: So I just actually want to -- Steve gave a good kind of introduction to what I'm going to say. And it's okay for the board to disagree with us. Perfectly all right for the board to disagree with us. Perfectly all right for the board to come back and say, No, I'm sorry, GNSO, you said it was policy but we think it was implementation.

But the board never did that. Nobody came back to the GNSO. The GNSO -- you can argue whether something was policy or implementation in here, but the majority of the Council -- I know there was a minority opinion. The majority said it was policy. And we could be wrong. We absolutely could be wrong.

But you know what? We're owed a response, and they never did that. There was no reply to the letter. And they never came back and said "GNSO, we think you're wrong. We think it's policy" -- "sorry, we think it is implementation and this is why." That's why at the very beginning of this discussion I wanted to go at the high level. I didn't want to talk about the strawman. I didn't want to talk about what is dividing this Council right now or even the public comment.

All I said is that if the GNSO Council believes it's policy, whether we're right or wrong, then the board takes -- or the staff and the board take an action inconsistent with that or inconsistent with the previous policy, they owe us a reply a chance to respond, period.

>>JONATHAN ROBINSON: Thanks, Jeff.

Chuck?

>>CHUCK GOMES: I will be brief Jonathan. Chuck Gomes.

You have heard me say it on the weekend. I said it in the panel this morning. It doesn't matter whether it is policy or implementation. If you think it should come back to the Council, you say that. And quit arguing about whether it's which one. There may be times when we want to look at that more detail and we want to work on the framework that's been developed.

But, you know, we keep arguing whether it is. And I keep hearing people make the distinction. Who cares. It is the GNSO policy that's being implemented.

Whichever side you put it on, if you want it to come back to the GNSO for further review or give us an explanation, it doesn't matter which one it is.

>>JONATHAN ROBINSON: Robin, I'm sorry. I have cut off two other councillors, and I have asked to cut -- then I will have to open up to two other councillors. Let me try to sum up where we are at and see if this is satisfactory because from my perspective, we have got a couple of things here. We have talked long and hard over these issues on the weekend.

And my understanding is as follows: We had an intention -- and it was, in essence, summed up and suggested by Yoav -- to write to the board and the chief executive to, in effect, assert and remind them of our pivotal and central policy-making role and to remind them of our concerns over how that may or -- may have been bypassed in recent events and to reassert in particular should they at any time disagree with us on our view on something that is policy. As Jeff said, at the very least we would expect them to revert to us and indicate why that is the case, if not refer it back to us for further work.

So that's what I would love to capture in a letter. And I think that's the level at which I would like us to operate because if we allow ourselves to be drawn back into the strawman which was the controversy that set this whole thing in motion, we immediately establish our polarized positions. And what was so attractive and so positive about the weekend and where we have come to up until now is that at that higher level, we seem to have a substantial agreement.

So I hope that covers it. I do need to let Milton update us on the status of the motion.

Robin, I'm nervous to cut you off.

>>ROBIN GROSS: I just wanted to clarify that this discussion about was it policy, was it implementation, the most controversial provision that was adopted, the Trademark +50, both the Council and the staff said it was policy. They didn't say it was implementation.

>>JONATHAN ROBINSON: Thank you, Robin. I still think we are -- I'm reluctant to draw us down into that. We really do have to call it -- no, honestly, if I keep opening it up, where are we at? We are at five minutes to the hour and we -- I have got three or four. All right.

[Laughter]

I let Robin in. I have one, two, three and the order is Jeff, you have -- Honestly, I can't. I have got Jeff, Zahid and Joy and then Milton's got to give us the status of the motion.

>>JEFF NEUMAN: My only comment real quick, instead of a letter, I would like to see you, Jonathan, make a statement tomorrow at the public forum where you can look at the board members, look directly at them, and make the point.

>>JONATHAN ROBINSON: Alternative suggestion of a way forward.

Zahid or Joy, were you going to say anything along those lines? And then let's call it a day.

>>ZAHID JAMIL: I'm not so sure necessarily about at the public comment to say that. We do agree absolutely if a letter is written, an explanation should come back to at least clarify. This is something Jeff and me discussed earlier. This is the sort of statement we were willing to make from the BC as a result of that. We will continue to abide by that. Yes.

>>JONATHAN ROBINSON: Joy, do you have anything more to add?

>>JOY LIDDICOAT: Just a reflection that I seem to be hearing violent agreement among the council members. And I think perhaps a constructive way to capture that is to propose that the motion lies on the table, to not call a vote on the motion, but rather to pick up the constructive suggestions which have been made to frame the concerns at the appropriate level, have a letter capturing the points that have been made, and that be -- and that be the situation.

Then in the event that the letter is not sent for some reason -- I can't imagine that it wouldn't be -- then the motion simply comes back. In the event it goes, the motion is simply withdrawn.

>>JONATHAN ROBINSON: My concern of that is a matter of process. I mean, I am more than happy to speak at the public forum. I'm more than happy to reiterate that through a letter. And in my opinion, that should satisfy the needs of the violent agreement of the Council.

But, Milton -- and before you speak, Milton, I should emphasize that any motion can be made at any time at any future meeting should councillors feel that there is a need for such a motion.

So over to you, Milton. And then we have to close the conversation.

>>MILTON MUELLER: Okay. So my original intention was to postpone consideration so that we could have a nice, constructive, unifying discussion. And I was informed the word "table" doesn't exist in the GNSO rules, which normally when you postpone consideration, you table something.

So I think, since we can introduce a motion at any time, I will withdraw it.

>>JONATHAN ROBINSON: Thank you, Milton. I think that's a constructive way forward. And as you say, you are more than welcome to introduce it.

I should emphasize that "tabled" in the English version of the English language means to put the motion on the table, not take it off, which is why we don't use that at Council.

[Laughter]

Thank you very much. So I will draw a line under that.

I will speak at the public forum. I will write a letter emphasizing these points, and we will see if any future motions are necessary, should those two courses of action be unsatisfactory.

Look, it is a heartfelt item. We've spent a lot of time on it. Perhaps it was useful to emphasize in this forum as well.

Moving on, Item 5, policy concerns regarding the Registrar Accreditation Agreement. This is a motion being brought and being presented to the Council by Wendy Seltzer.

So, Wendy, if I could have your input on that. I should say so that we don't get drawn into a discussion on procedure here, there was a concern about the timing of the submission of this motion. That concern is noted.

In my view, we have a couple of issues there. We have slipped into, as a matter of practice, accepting motions eight calendar days before meetings when, in fact, our bylaws say we should accept motions, as I understand it, eight "business" days before meetings.

The reason we've been doing calendar days is business days don't have universal, global meaning. And, therefore, on a point of good order and tidiness, I suggest we refer the timing of motions prior to meetings to the SCI to tidy up this little item so that that we know, A, when motions should be submitted in terms of number of days before meetings and, indeed, in terms of a global calendar what time they need to be submitted. I suggest we refrain from discussing this and council accepts a referral to SCI to clarify this point is sufficient. And, therefore, we move simply over to the motion and the substance of the motion.

Thank you.

>>WENDY SELTZER: Thank you, Jonathan.

So this is another motion that has somewhat been overtaken by the events of the current week. So I will -- I will read from the motion to give a flavor of our concerns with the Registrar Accreditation Agreement because -- so: Whereas, the most recently posted draft Registrar Accreditation Agreement -- this was a motion made eight days ago when the most recent draft was mid March. That's still the most recently posted draft -- has raised serious concerns of policy among most of the stakeholder groups in the GNSO at our previous Council meeting.

And Whereas, ICANN negotiators have held the RAA out as a blocker to the implementation of the new gTLD program. Resolved, Council recommends that ICANN permit registrars to extend the rights and obligations in the current RAA and its renewals to new gTLDs until such time as the GNSO adopts a consensus supporting the policy changes in any proposed new RAA.

Now, since the time we made this motion, we understand that the registrars and negotiating team have reached an agreement in principle on terms. And so the pressure is no longer quite the same as it was at the time we introduced this.

Our intention in introducing this motion was to decouple the RAA signature from the new gTLD process so that if more time was needed for negotiations, that wouldn't be holding up the introduction of new gTLDs and the ability of registrars to offer registrations there.

Our concerns with the Registrar Accreditation Agreement will persist until we see the text of the agreement and can be assured that, in fact, the agreement does respect privacy considerations that we've had that there are sufficient registrant rights in that agreement because as representatives of the noncommercial stakeholders, we recognize that the rights of noncommercial registrants, users of the Domain Name System, depend on the rights conveyed in the Registrar Accreditation Agreement.

But we eagerly await the text of that agreement.

>>JONATHAN ROBINSON: Okay. So thanks, Wendy. So we understand the motion and the sentiment behind the motion.

For the sake of not having a similar problem to the previous motion, can you confirm the status of the motion because normally we would proceed to discuss the motion at this stage. So can you just clarify that the motion is still in your view up for voting -- up for discussion and subsequent voting?

>>WENDY SELTZER: If you would like, I would like to have the discussion. But I expect that we will not vote on the motion at the end of that discussion. I expect that we will withdraw the motion.

>>JONATHAN ROBINSON: Thank you, Wendy. Let's have the discussion and see where that leaves you.

Can I open up the motion -- the Item 5, the motion presented by Wendy for discussion, please. Any comments or questions on the motion? Mason Cole.

>>MASON COLE: Thank you, Mason Cole, registrar stakeholder group. I want to say the registrars very much appreciate the impetus of this motion.

We agree that it was not a matter of encouragement but rather a matter of punishment for staff to try to insist that the 2009 RAA was not sufficient for registrars to participate in the new gTLD program.

However, that said, I believe that registrars, if not contracted parties -- I don't want to speak for the registries. But I think that we made clear over the weekend that the GNSO Council's role in contract activity needs to be carefully navigated. And we are extraordinarily careful about where commercial agreement, one that is meant to provide stability, security, predictability for registrars and our customers, I might point out, which often seem to be forgotten in discussions about our contract, those waters need to be very carefully navigated.

So I will leave the discussion at that for now.

>>JONATHAN ROBINSON: Thank you, Mason. I have Zahid and then Jeff.

>>ZAHID JAMIL: Thank you. The position within our constituency, the BC, is that we obviously wouldn't be supporting the motion. Plus I think events have actually transpired.

We are in support of the principles at least that seem to have been drawn out and stated in the GAC/board meeting.

We are sort of waiting. Our own comments will be drafted when we get to see the new document.

I just wanted to say that on one of the points that me and Wendy were discussing earlier which was, you know, one of the subsequent concerns when the law enforcement and the recommendations are looked at, to that extent, I think it is important to protect civil liberties and privacy. Certainly in some of those aspects, there is a distinction between which kind of law enforcement or where the request is coming from. Because if it is coming from developing countries, we can have issues with regard to civil liberty controls and things of that nature. That is an issue.

Otherwise -- to that extent, we appreciate the thought behind the motion. But, obviously, in the form that it is right now and for the reasons I have already explained, we would not be supportive. Thank you.

>>JONATHAN ROBINSON: Thanks, Zahid.

Jeff.

>>JEFF NEUMAN: Like Zahid, the registries discussed this as well. And although they appreciate the sentiment, we're not able to support this motion. Registries also want to point out that we did not like at all the way that this was kind of thrust upon us in the new form of the Registry Agreement on February 5th at the last minute to only use 2,000 accredited registrars.

But all of that said, this particular discussion is actually subject right now to the registry negotiations that are going on. So at this point, we don't feel like it would be appropriate for the registries to vote in favor of this motion while those negotiations are going on.

>>JONATHAN ROBINSON: Thanks, Jeff.

I have Wolf-Ulrich next.

>>WOLF-ULRICH KNOBEN: Thanks, Jonathan. We discussed this as well in the IPC constituency, and we simply offer the opinion that the item is out of scope of the GNSO since we think it's outside the picket fence. We would not support this motion to discuss it. Thanks.

>>JONATHAN ROBINSON: Thanks. Wendy, it is appropriate to finish with you. So let's hear a final word from you in this queue.

>>WENDY SELTZER: Thank you, Jonathan. So as I indicated, I would like to withdraw the motion and I will, when we see the text of the agreement, ask that we bring that before Council for review, not for approval but for review by the GNSO along with the public comment period. I think it is appropriate we hear, discuss the agreement because although it is, in fact, a bilateral contract, it is also the contract that sets the terms by which many other parties can interact and use the Internet resources. So thank you.

>>JONATHAN ROBINSON: Thanks, Wendy. Right. So the motion is withdrawn.

And we move on to the next item in our agenda. Here we have an opportunity for the next -- for an update and discussion on the initiation of a PDP for the translation and transliteration of contact information.

And our update will be presented today by -- is it yourself only, Steve? Or is Julie going to accompany you? Steve Sheng and Julie Hedlund from ICANN policy staff.

>>STEVE SHENG: Thank you, Jonathan. Julie and I are going to provide a quick update again on this. And, also, we presented to the Council over the weekend and also there have been interactions. For example, we heard the WHOIS expert working group presentation as well.

So just to set some context here. In this slide, traditionally the registration data displayed through WHOIS is US-ASCII only. The protocol was designed. This was very fitting at a time of the Internet population.

Today, there are already contact information in other language and scripts. And looking beyond, for example, the next billion Internet users, it raised a legitimate question to whether half localized addresses -- and that was the work of the internationalized registration data working group report. In that report, it says, you know, a resounding yes that these addresses can or should be localized.

So then they raised an interesting policy question. How do you balance the capacity of the local user with an potential global accessibility of this information? So, for example, you know, law enforcement probably will not be able to understand a process of this information in localized scripts. We're not talking about one script. We're talking about many, many scripts.

And that's the issue here regarding the contact information.

There are essentially two ways to Romanize it. One way is through translation, and the other way is through transliteration. And, obviously, as you see here, there will be a set of policy questions to be answered. So, for example, you know, is it desirable to translate or is it desirable to transliterate?

If it is desirable, then who should really bear the burden? Who should decide as well of this translating or transliteration?

So those are the issues in this issues report at the request of the GNSO Council and staff prepared. The issues report has the following recommendations. So it went through the public comment process and the issue was considered within the scope of the GNSO PDP, recommends initiating a PDP with possible delay of next steps.

In the meantime, there's also additional work that needs to be done, for example, to look at the commercial visibility of translation and transliteration systems. So introducing this change will introduce cost. And those costs need to be weighed against a benefit that such changes introduce. So that's the rationale for that study.

And the last point the Council is to consider whether to initiate that PDP. So that's -- and for further information, this is the link that provides the final issues report. That's a quick update.

Julie and I are happy to answer questions.

>>JONATHAN ROBINSON: Thank you, Steve. I'm sure there will be some questions. So just to be clear for Council and others in the audience, we have a final issues report. We have the opportunity to proceed to a PDP. But at this stage, we don't have a motion in front of us so it is likely that motion will come before the Council in short order.

Ching?

>>CHING CHIAO: Thank you, Jonathan and thank you, Steve and Julie, for preparing this. And just allow me to correct that we actually have a draft motion forwarded by Steve to us previously. But there is actually a procedural issue which actually Steve just brought up. So I would just like to -- thanks for sending the report. I'm pretty sure that the constituency will take the report back, and we will have to discuss and digest.

Meanwhile, I fully agree from the -- I mean, I fully agree that you have suggested that some visibility studies need to start, I mean, rather than waiting for the Council or actually for the expert working group, for their results.

Just one point to make here. Actually this is a good time to bring this up.

The registrar here in China, probably some of you in the room, who have actually worked for or are working with the Chinese-based registrar, they actually have implemented the translation or the transliteration of the registration data based on the government requirement.

So probably that's a good lesson -- or already the practice have already started. So that's information to share, but thanks again for the report.

>>JONATHAN ROBINSON: Thanks Ching.

Julie.

>>JULIE HEDLUND: If I might speak to one thing that you just said, Ching, and you talked about the expert working group -- I know we had the update from them this week and I know they are seeking as much information as possible that can help them with their work.

And taking that into consideration, and where they are, it might -- the Council may consider not delaying any of the steps of the PDP, because it's quite possible that the work that is done in the PDP, by the PDP team, could be quite helpful to the working group.

So that may be an argument to perhaps modify the motion to indicate that there would not be a need for a delay. And the Council, if it wishes, could move forward to initiate the PDP and all their steps in the relevant order.

>>JONATHAN ROBINSON: Ching.

>>CHING CHAO: Thanks, Julie for bringing that up. I think one way to work on this draft motion in e-mail or even on the Thursday wrap-up session, we can talk about the physical last step.

>>JONATHAN ROBINSON: Great. Sounds like we have a way forward.

Yes, please.

>> HAN CHUAN LEE: Hi. I am Han Chuan Lee, the ccNSO liaison.

In talking about the issues between the GNSO and ccNSO, I was thinking this is probably one of the issues that the CC and the G have in common. And in the PDP, I wonder if it's possible for the Council to consider whether the ccNSO can be asked to participate as observers or as liaisons.

>>JONATHAN ROBINSON: Thanks. As you know, working groups are open to contributions from all. So you would be more than welcome or anyone from the ccNSO would be more than welcome to contribute to the work of the working group.

I should say one other thing. And we sought some clarification. And it may be that we choose at some point, in the wrap-up session, but we did choose -- we did seek clarification through various means of communication on the role of expert working groups; in particular, this Expert Working Group that's going on on domain name data. And it is the understanding of myself, and I believe the Council, that such working groups are meant to complement the work of the policy development process, and in no way to be a work-around or a replacement for the work of the policy development process and the working group.

So I think we sought the clarification. We may seek it in a more formal means, but we have that understanding at this point.

Thank you.

Any other questions -- Sorry, Wolf-Ulrich. I realize you have a question.

>>WOLF-ULRICH KNOBEN: Yes, thank you.

Just to be clear on that, so the status is that it's different from the recommendation right now; not to put all the work on hold until the Expert Working Group has come up with results. Rather, then, to discuss the next steps with the Council here whether this is something to be done in between.

>>JULIE HEDLUND: The status is that we had submitted a motion for Ching, actually, and the Council to consider that followed the staff recommendation that was in the issue report to initiate the PDP but to wait to start some of the next steps.

But what the Council may consider is perhaps modifying that motion to have the PDP initiated without any delay of any of the steps.

So that would be a -- Since the motion had not been submitted and it had not been seconded, I think a new motion could be drafted along those lines if the Council wishes.

>>JONATHAN ROBINSON: Thanks, Julie. I think we'll close at that point.

Thank you very much again, Julie and Steve.

So just to set Council's expectation, we have a hard stop at 6:30. But I think if we work hard, we should be able to be done by 6:00. So my suggestion is that we simply work our way through the remaining items on the agenda with a target of a -- for the audience and for the participants and the councillors of a hard stop of 6:00 p.m.

So let's move ourselves on to the next item, Item 7, which is an update and discussion item where we hear more on the final issue report on the uniformity reporting from Berry Cobb.

Thanks.

>> BERRY COBB: Thank you, Jonathan. This is Berry Cobb with ICANN staff as well.

I want to provide the Council a review of the final issues report on uniformity of reporting. And we will basically just run through some quick background, hint at some of the current state assessment and the final recommendations from the issue report.

Do note we did not submit a draft motion in time for the Council to consider this at this meeting, but it will probably be reviewed at the May meeting.

So in terms of background, I think most of the Council will recall that this recommendation came from the Registration Abuse Policies Working Group back in the good old days of 2009-2010, and here we are in 2013.

The working group at that time, as you may be aware, was challenging the fact of seeking proper data to help facilitate the review of the issues that were being discussed in that working group. In essence, we were starved for certain -- for certain types of abuse data with respect to the topics that were being discovered, and hence the nature of the original recommendation was just to try to establish a framework for reporting needs to help facilitate the policy development process as well as the council.

The term "uniformity" probably is a misnomer and could probably be discarded, but the original idea was to improve the current state of reporting.

So shortly after that, the working group completed its final report, submitted the recommendations to the Council. And in 2011, it was deliberated by the Council in which one of the first suggestions was to invite the contractual compliance team to brief the Council.

They did that in, I think, it was March of 2012 at the Costa Rica meeting. And we'll get into some of the details about what they provided.

Shortly thereafter, the alumni group from the RAPWG provided some additional information for the Council on reporting. Those deliberations then, in turn, invoked an issue report being created on this topic.

So just briefly going to touch on the current state assessment that was kind of the main elements of the issue report.

I think for the most part, when we reviewed this back in Toronto, had the Contractual Compliance Team -- if they could have presented to the Council at that time, we may not even have initiated an issue report because their presentation is pretty much the meat of what is in this issue report given everything that they have accomplished. But I will quickly walk through these and then we will get into the recommendations.

First and foremost, I think most are aware that the Contractual Compliance Team has put together what they term as their three-year plan. And there are several main elements to that deployment.

The first is what they have done from a process and procedure perspective is known as the one-two-three model and that has essentially set the foundation for how they operate in their contractual compliance mode and function.

In short, it creates an escalation path from initiation and to resolution, divided between preventative and enforcement-type actions. As well as a lot of the nature of that process is mapped to the RAA, which is, of course, the main elements that they operate under.

I think one of the big challenges that everybody is aware of was the complaint intake systems at the time were legacy, and they made some considerable improvements in terms of collating that data, properly categorizing the type of complaints that are submitted to ICANN, and a database has been developed that allows the intake of all of this data. And, therefore, it can also produce a set of metrics that they've deployed that allows the viewing of this data from multiple dimensions.

Another project that they're working on is also the migration of the complaint intake system from the INTERNIC site over into the compliance section on icann.org, as well as, Council is probably aware, that then audit program has also been initiated which is a three-year cycle that's also linked to the RAA.

And then lastly, we've also conducted a review of complaints in terms of what's external to ICANN and make mention of that as well as touch upon some of the elements in our documentation that govern our PDP and working group guidelines.

So, lastly, some of the recommendations. First and foremost, I think that the Council, when you created the motion for the PDP -- I'm sorry, for the initial report, is to look for ways to not -- to navigate a path down a formal PDP process. And that's definitely the recommendation that staff is providing to the Council; that any future efforts will most likely not require the PDP.

Secondly, we're also looking at awaiting -- or we advised that the Council wait for the Contractual Compliance Team to complete its three-year plan.

As you can read in the initial report, they've made great strides in what they've deployed to date, certainly -- especially for those that recall what the compliance function was like three years ago compared to where it's at today. They've implemented a fair -- or fairly significant amount of improvements that helped improve the compliance function. And at this time, I think it's relevant to just await until they complete that plan and then move forward from there.

Lastly, there's another recommendation that is kind of keyed off of some gaps that are identified. Certainly we -- you know, we don't want to deploy death by a thousand graphs. But, certainly, there's always a need for more data to help not only facilitate the policy process but, as well, to inform the Council on the current state of what's going on in the domain industry and specifically in the generic space.

So one of the things that we'd like the Council to consider, or are recommending to consider, is forming a drafting team. And there's a set of bullets at very high level of something this drafting

team could review, such as complaint data that's submitted external to ICANN. Certainly, any complaints that are submitted to ICANN is very limited in scope compared to what the contracted parties see on a daily basis and certainly that fall within our purview such as transfers, explorations, and those elements. And certainly that would align with other future topics that PDPs may try to address.

But it would be good for this working group, if it were to be formed, to review other abuse metrics that may exist out there and how it could benefit the Council as well as other service provider data and other metrics with the new gTLD program as that gets rolled out, et cetera.

And we can provide more information to the council if they were to consider forming this working group.

So the last thing that I'll mention is basically some recent accomplishments or developments. I do welcome the council members to review through several of the contractual compliance sessions that were conducted this week. They most recently have begun their transition of the complaint intake system to icann.org -- and that's the screen shot over on the left -- as well as the presentation layer, which is the nexus for the reporting element of this recommendation and the first phase of dashboards that are on myicann.org for some of the complaint data that the Compliance Team works with.

As I understand, this is just a first step of several to make those dashboards more real-time, et cetera.

That's all I have for now. I can answer any questions and we can move on from there.

>>JONATHAN ROBINSON: Thanks, berry. Zahid.

>>ZAHID JAMIL: Thanks for that, and I just want to commend staff for the good work on this report. And thank you for guiding us on what the options are. So really appreciate that.

My question is actually on the working group, or drafting team because I'm a little confused one which it might be because both terms are used. I'm thinking how do you anticipate or what's the thinking about how do you interact with contracted parties? If you can draw that out a little more.

And does the Council have to sort of maybe pass a motion or something? Or how would it work? Thanks.

>> BERRY COBB: The second part of your question, for sure that would be part of the draft motion we will be submitting next week so the Council can start to review that. But what we envision is it's really kind of more of a collaborative effort with all parties, not just contracted parties, certainly other members in ICANN and maybe some other representatives from other data providers. And it's really to just sit around the table and understand what deficiencies in reporting or what other aspects could help improve in how we operate today and get a better understanding of some of the problems and issues that we see out there.

>>JONATHAN ROBINSON: Thanks.

Any other questions or comments for berry or the way forward or the work presented?

Okay. Great.

Thanks very much, berry. Appreciate your work.

>> BERRY COBB: Thank you.

>>JONATHAN ROBINSON: Now, our next item on the agenda is Item 8. It's an update and discussion item on the policy-versus-implementation question, as if we haven't heard enough of that already. But I think there was an important session this morning that was really an opportunity for the community to respond to the staff paper on this issue. The Council has obviously occupied a significant amount of its time on this both over the weekend and, indeed, in fact as part of this meeting.

So I think it will be useful to get a brief update from Marika. And then we may want to take elements of this into the wrap-up session. But let's hear from you first, Marika.

>>MARIKA KONINGS: Thanks, Jonathan. So this is Marika Konings from ICANN staff.

As you said, we had a very interesting panel discussion session this morning. Several of you participated in that session either from the panel or from the audience.

The panel itself was basically inspired or followed a discussion paper put out by staff addressing some of the issues that have come to the fore in recent discussions, some of which we heard earlier today and is a basic attempt to move this discussion to a higher-level debate on whether we can move in such a way to develop a framework or overarching set of principles and processes that would guide these discussions to basically look at more transparency, predictability, when it comes to policy as well as implementation-related issues.

So the panel itself consists of eight members, and several -- or I think almost all of the GNSO constituencies and stakeholder groups were represented in the panel.

The panel was asked to look at four different questions. The first one looking at what, from your community, the main priority with regards to this discussion. A second question related to whether panelists believed whether there should be an overall framework that would apply to all the different SOs or whether specific frameworks would need to be developed for each specific Supporting Organization.

A third question delved into the issue of would there be specific new processes to be developed or mechanisms to be considered to force collaboration in cases where there would be different advice, for example, to the Board from different SOs, ACs. And the fourth question related to what should be the next steps.

I actually would be very interested to hear the perspective from those who were in the audience. I won't go into much detail of what was discussed on these items. I think one of the main points at the stage we are at now is what should be the next step in these discussions.

I think a lot of very good suggestions were made and comments were made from the panel as well as from the audience.

When it comes to next steps, several suggested that maybe we need to look at a cross-community working group. Some have suggested it actually should be a GNSO working group, possibly inviting others specifically in, because I think as you all know, GNSO working groups are typically open.

So I think that's basically the status where we are now. So I think it's for the Council to consider what your view is on this and where you think this should go as a next step. And we here as staff and will support you in the direction you would like to go.

>>JONATHAN ROBINSON: Thank you very much, Marika, for that.

My suggestion is that we confine ourselves at this stage to -- notwithstanding the fact that we can consider next steps, by all means, but in essence it would be very useful to hear, other than Marika, anyone from the Council or, indeed, who is participating as a whole who was in the session this morning who felt there was either a substantial item that's worth raising here or bringing to our attention; in particular, looking forward as to what the next steps might be.

Are there any comments or input from either participants in the panel or those that were at the meeting this morning?

I see Chuck coming to the microphone.

Chuck, over to you.

>>CHUCK GOMES: Chuck Gomes. Thanks, Jonathan.

I made a suggestion at the end of the session this morning that it might be useful if the chairman of the GNSO Council, whoever that is -- I think you had stepped out of the room at that time, Jonathan; I looked for you -- would reach out to other SOs and ACs to see if they would be interested and willing to participate in a community-wide working group to take the framework and begin to add some more meat to it.

Now, I don't know if Avri is in the room. I didn't look around real carefully. She suggested that it might be better if staff did that reach out, or outreach. I really don't care who does it, but rather than just letting it hang, and because it is an especially important issue in the GNSO, I thought it was better to at least take that step so that we know whether there are any SOs, other SOs or ACs who would like to participate in that.

If so, then I think the community working group approach is a good way to go.

If not, then it could be just the GNSO.

>>JONATHAN ROBINSON: Thanks, Chuck.

I've got Alan in the queue, but I will remind councillors that it was a feeling in the Council at our weekend sessions that this is an opportunity -- this topic is an opportunity for the Council to, as I said, get on the front foot, to take the initiative and do something.

So if we are to take up that suggestion of Chuck's I'd be more than happy to do so, but let's have a little more discussion or input on that first.

So I've got Alan. Have I got anyone else in the queue? Brian.

>>ALAN GREENBERG: I would certainly support such an activity and recommend it to the ALAC on the provision that we don't spend the first four months of it haggling over the charter.

>>JONATHAN ROBINSON: Thank you, Alan.

Brian.

>>BRIAN WINTERFELDT: Brian Winterfeldt, IPC.

I just wanted to also voice support. The panel, I thought, was really interesting this morning and I think we did have a lot of common ground and I think that would be a great next step in potentially constituting a cross-community working group.

>>JONATHAN ROBINSON: Thank you, Brian. And for the record, I was in that conversation, in that meeting for the majority of the time apart from the last five minutes when I sensed something might be coming my way (laughing) and decided to leave the --

>>BRIAN WINTERFELDT: Well done.

>>JONATHAN ROBINSON: No. I had to talk with Glen about this meeting.

My very, very brief take-aways from that were there was some talk, there was a theme in there of some form of -- And for those of you who are at all familiar, and I have sufficiently little familiarity for it to be a dangerous thing, with agile software development, it's an iterative process where one is neither one thing or the other. It follows on from the classical waterfall development of software development where one does a whole lot of work and then finds out maybe you lost sight of your original objectives. So I think the word agile was used on a number of occasions.

And when one thinks about our concept of policy and implementation and links that in with the thought of agile methodology where one repeatedly cycles back and forth, that was certainly one of the themes that I picked on that was particularly interesting.

So there were a number of others, but I won't go on.

I'll just say I am very happy to pick up that suggestion of Chuck's. I'm not seeing a lot of opposition to that. In fact, I'm hearing some support.

So I'm happy to take some more input here, and we'll probably pick up on this a little in the working session wrap-up tomorrow.

Any other comments or input on this topic?

I can see you all want to get to the gala dinner as soon as possible.

Thanks very much.

So we'll close item 8 on our agenda.

And I think we can deal with item 9 in the wrap-up session on the template to request an issues report. It's a piece of work that I think we can readily pick up next.

So that leaves us with the opportunity to move on to any other business.

I know, Mason, you have something.

I must remind everyone about the wrap-up session tomorrow. And in fact, I'll be more than happy to hear any topics for the wrap-up session. We've clearly got a few that have come through already, which I don't have documented in a nice, neat list at this stage, but I will work with Marika to try and pull that together.

Are there any other suggestions for the wrap-up session to make sure, even if they are duplicates of things that we may already have, please fire away. Zahid.

>>ZAHID JAMIL: I was just reminding that there were certain things that came out of the GAC meeting with us, and there may be suggestions we might want to consider and see where we go with them.

Thanks.

>>JONATHAN ROBINSON: .

>>JONATHAN ROBINSON: Wendy.

>>WENDY SELTZER: I'd like to suggest that we talk about information channels for information on the updated agreements, both the registry agreement and the registrar accreditation agreement association that we can start our review of those documents as quickly as possible when terms are agreed to, and to voice the community concerns about things like unilateral amendment as soon as they pop up.

>>JONATHAN ROBINSON: Thanks, Wendy.

Any other comments or suggestions in relation to the wrap-up session tomorrow?

Zahid.

>>ZAHID JAMIL: Sorry. I don't know if this is within our mandate and I'd like you to clarify, Chair. The issue of this plural and singular, is this something we want to talk about? Not talk about? You know.

>>JONATHAN ROBINSON: Any views on that around the table?

Jeff.

>>JEFF NEUMAN: I think without getting into the substance, I do think that -- and this came up at the NTAG meeting today. Well, not plural versus singular but the lack of information about how the string similarity panels came to their decisions, and the fact that nothing has come out from that panel as to any rationale as to why they did what they did, how they did what they did, why there was a delay. None of that stuff.

And I think not that it's necessarily an issue for the Council but it's certainly an issue that was discussed at the NTAG.

>>JONATHAN ROBINSON: Thanks. Any other comments or points about the wrap-up session?

Do some work to try to pull an agenda together for that so we've got something reasonable.

Please, I know it's starting to come towards the end of the week so I just make sure I encourage -- I'll come to you in a moment, Ching. I encourage councillors to make sure they are there. It's an important session to capture what's happened over the course of the week and to set us on course for the path ahead.

Ching.

>>CHING CHAO: Thank you, Jonathan. And you and I spoke briefly about the -- just let me put it in a straightforward way, is the lack of interest in the GNSO Council or the community -- I mean potentially lack of interest, let me take a step backwards, on the IDN issues.

I actually tried to have a discussion with Keith, the registry stakeholder -- the chair of the registry stakeholder, our constituency, and to potentially to explore a way to kind of crystallize what's going to happen in the next three to six months which will be seeing the first 100 IDN TLDs to be approved and then to be delegated into the roots. What is going to happen and how the GNSO community and the council can be more -- I mean, I would like to use the word engaged with the overall process, which is part of the implementation, I mean, issues.

How do we form, for example, a working group or a liaison to the new gTLD, I mean, program committee at the Board level? How do we basically crystallize this whole thing?

Thank you.

>>JONATHAN ROBINSON: Ching, I understand and hear your concerns, and I know we've spoken about this privately as well. Just to make sure I'm understanding correctly, are you just raising this as sort of a red flag for the council as a whole and just making sure we remain aware of it. Thanks for raising that. And I'm just wondering what action, if any, you expect the council to take, if this is for a wrapup session or where you think they might take this forward?

>>CHING CHIAO: As you just said, Jonathan, I would like to raise the flag. And I would love to hear everybody's feedback on -- I mean, during the -- I mean, the wrapup session about the action which may be required.

>>JONATHAN ROBINSON: I'll take a leaf out of someone else's book and perhaps recommend that you raise this at public forum tomorrow. But I suspect it might well be on one of your colleague's agendas anyway. Zahid.

>>ZAHID JAMIL: Just quickly. One thing we could do is ask staff to keep us apprised of this without us sort of having to keep on asking them to come back to us as a matter of special needs for the council.

>>JONATHAN ROBINSON: I see no problem with that and no problem with making that request.

I am conscious that we have an open microphone. So, before we wrap things up, I would like to make sure that we've given the opportunity for anyone who's diligently stayed with us through the course of the proceedings, including our slightly fractious and long-winded conversation over our first motion. So thank you all for coming along and being here and for some of you who have participated already. Can I make sure that if anyone else has anything they'd like to add or bring before the council, they have the opportunity to do so? Seeing that everyone's very keen to either get on to the next thing or get prepared to go to the gala dinner.

Mason, I know you had one other item, just before we finally wrap things up then.

>>MASON COLE: I do. Thank you. It will be very brief. Mason Cole, vice chair representing the registrars.

I had no idea what I was getting into when I became vice chair and the fact that the vice chairs trade back and forth responsibilities of preparing for the council meeting and all the council activities this week. But I have learned. And I want -- there are some people that I specifically want to thank. Wolf provided some good guidance on how to organize our activity, which I very much appreciate. Jonathan and I talk frequently. He's very active and interested and hands-on chair, who I think we can all appreciate that he takes on this role. But I also want to reserve very special thanks for staff and particularly for Glen. Because I have no idea how this council would operate without Glen.

[Applause]

She not only helped organize every bit of time for this week, but she -- she tracked down every staff member, every executive, every working group chair, every -- whoever we needed to be here to help us conduct council business and made sure that they were all here. I know we've thanked Glen in the past, but she certainly deserves our thanks again. So thank you, Glen.

>>JONATHAN ROBINSON: I'll echo that. And then, looking forward, just encourage us all to continue the good work we've done together and to do our level best to elevate ourselves above some of the smaller issues, however heartfelt they are, and concentrate on the critical points for all of us as a council together. So thanks very much. All of you. Thomas, last word.

>>THOMAS RICKERT: No, this is not about the last word. I just wanted to clarify, at least for my part, it's not that I want to get out of this room and have the meeting finished. But I guess that other fellow councillors may share the observation that at this point and for the subjects that we're discussing, there was not much more to add. And I'm sure that we will pick up some of the discussions during the breakout session. So it's not about us getting out of this room but actually having exhaustively discussed the things that we have on the agenda.

And I'd also like to thank our leadership. You've done an excellent job in preparing this and guiding us through the ICANN meeting so far and also to ICANN staff for an excellent preparation of the support.

>>JONATHAN ROBINSON: Thank you, Thomas. My comments shouldn't be taken out of hand in terms of getting out of this room. But I am conscious that the buses are coming to take people to the gala dinner not too long from now. But yes, you're right. We've certainly spent enough time with one another thrashing through the issues.

Thanks again to you all. Have a great evening this evening and look forward to seeing you at the wrapup session tomorrow. Good evening.